



# 2010

CSA 2010

What to Expect from FMCSA

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# What Are You Hearing?

2010

**Execs Warn on CSA 2010  
Safety Rating System Seen as 'Game Changer'**  
*By Dan Leone, Staff Reporter*

*This story appeared in the Feb. 8 print edition of Transport Topics.*

**SAN DIEGO — CSA 2010, the new federal safety monitoring and rating system for motor carriers, is likely to be the most important and potentially disruptive federal policy development for trucking to come out of Washington this year, fleet executives and industry watchers said last week.**

**American Trucking Association - President Bill Graves said CSA 2010 — or the Comprehensive Safety Analysis program — which is set to supplant the Federal Motor Carrier Safety Administration's SafeStat system, is "at the top of the list" of federal policy issues that will affect the trucking industry in 2010.**

**"Many of you are going to have to become experts about CSA 2010 in a way that you never in your wildest dreams imagined," Graves told an audience of trucking and technology executives gathered here Feb. 1.**

**Robert Lowe, president of refrigerated carrier and flatbed carrier Prime Inc., Springfield, Mo., said that CSA 2010 will be a "game-changer" for trucking companies. The initiative will push more technology into trucks and push cash-strapped truckers who cannot afford the technology out of the market entirely, Lowe said.**

# CSA 2010 – Agenda

2010

- **What is CSA 2010?**
- **CSA 2010 – How it began**
- **The Primary Differences: BASICs, Interventions, Safestat vs. SMS and Safety Management Cycle**
- **When to Expect Implementation**
- **Field Test: Design, Status, Results**
- **Impact on Industry**

# CSA 2010 - Agenda

2010

- **Pre-employment Screening Program**
- **Data Quality Issues**
- **What you Need to Know about the Data**
- **How are the BASICS Calculated?**
- **How Will the BASICS Affect You?**
- **What You can do to Prepare**
- **Closing/Questions**

# CSA 2010 – What Is It?

2010

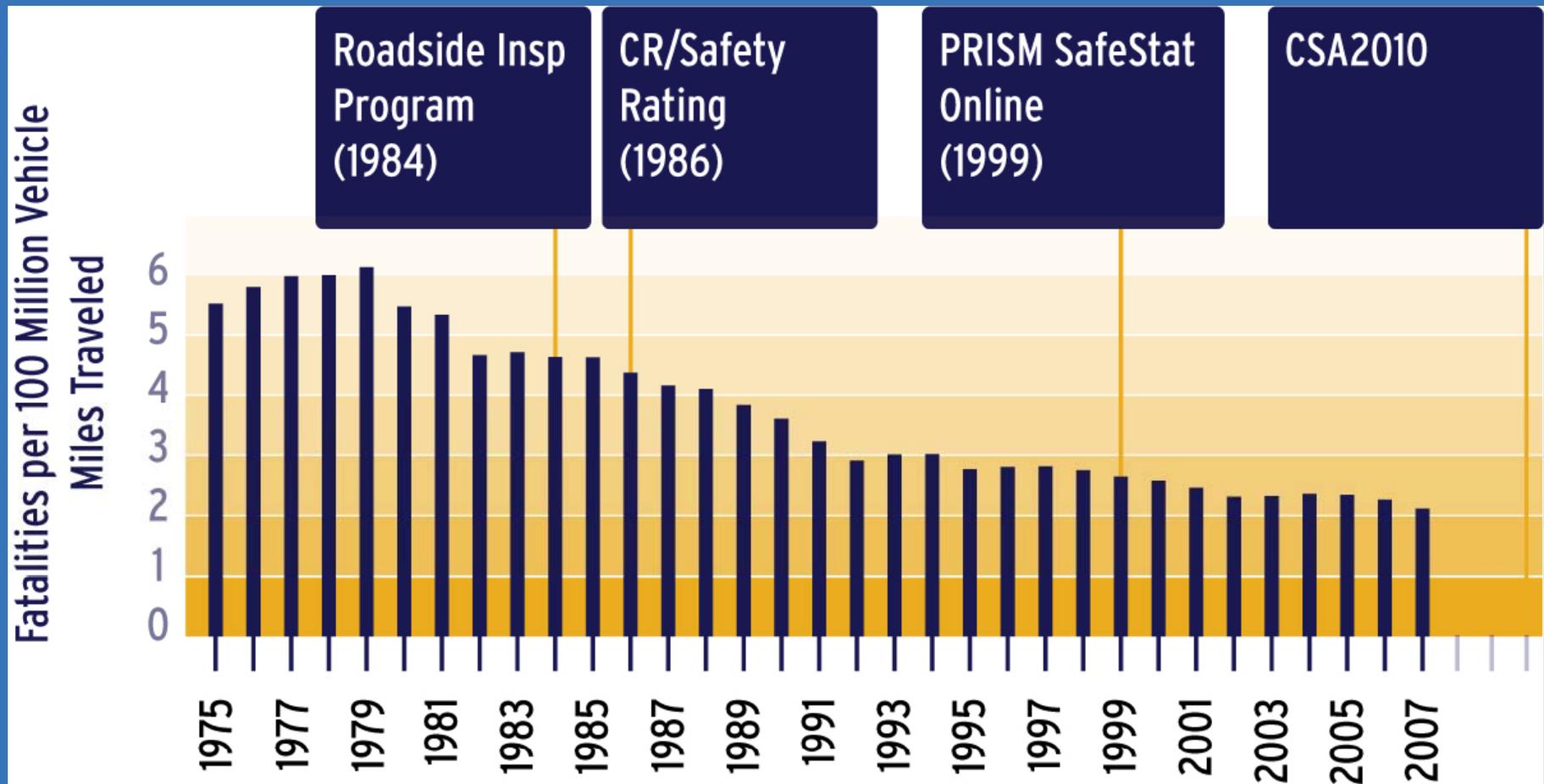
## What is CSA 2010?

CSA 2010 is designed to be a pro-active initiative resulting in:

Improved efficiency and effectiveness of FMCSA's enforcement and compliance program and thus reduce commercial motor vehicle (CMV) crashes, fatalities, and injuries.

# CSA 2010 – How It Began

2010



# CSA 2010 – How It Began

2010

## **Current Limitations**

- Limited intervention options for safety investigators (SIs)
- Safety fitness determination tied to compliance review
- Focus almost exclusively on carriers

## **Limited number of federal/state investigators compared to large number of carriers**

- FMCSA regulates ~725,000 interstate and foreign-based truck and bus companies

## **U.S. DOT/FMCSA audit Compliance Review (CR) is labor intensive**

- Only able to reach < 2% (~12,000) of total carrier population annually

# CSA 2010 – What Is Changing

2010

## The way FMCSA assesses carrier safety

- Identifies unsafe carrier and driver **behaviors** that lead to crashes
- Uses **all** safety-based roadside inspection violations
- Evaluates/tracks driver performance individually

## How FMCSA addresses carrier safety issues

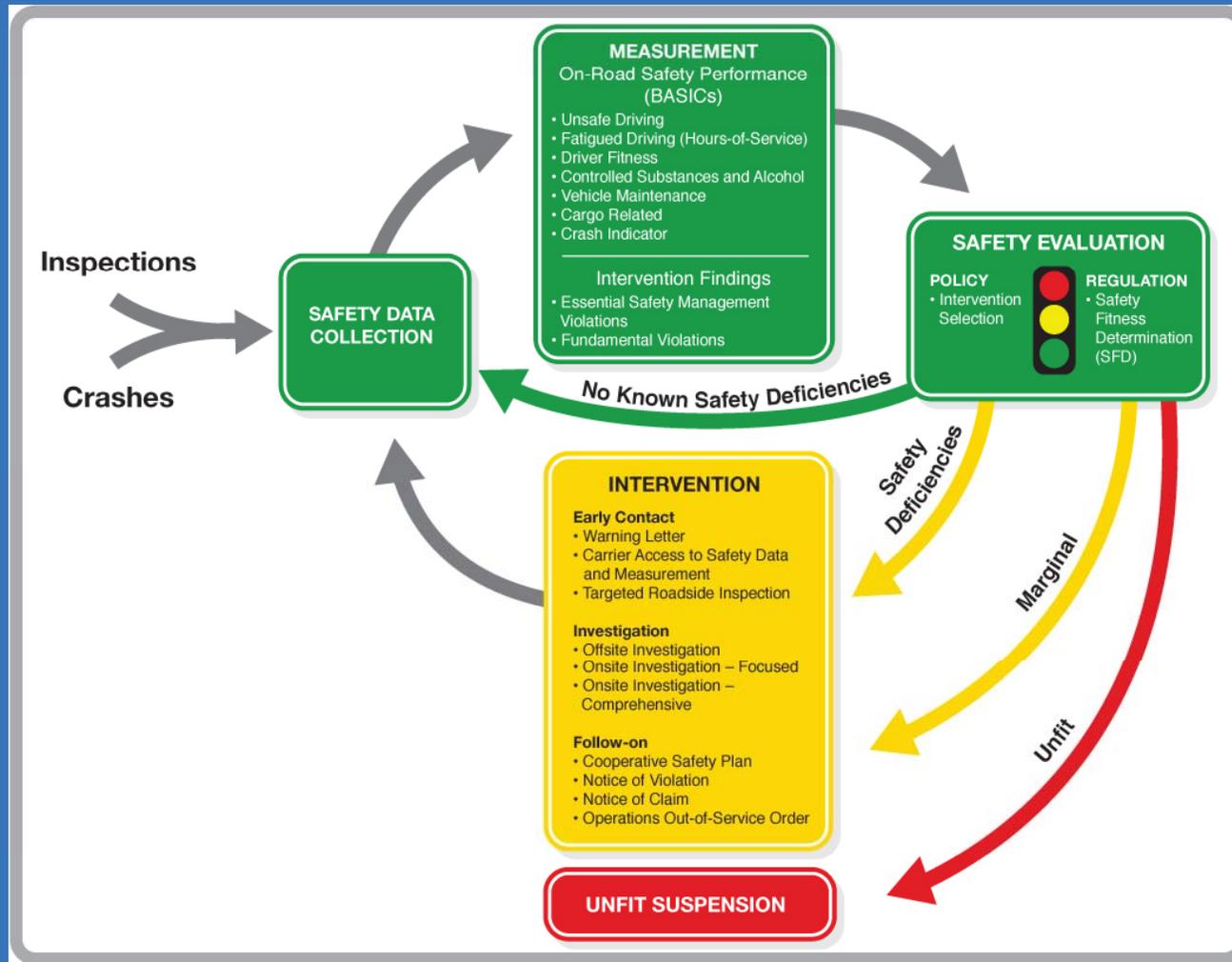
- Reaches more carriers earlier and more frequently
- Improves efficiency of investigations
  - Focuses on specific unsafe behaviors
  - Identifies root causes
  - Defines and requires corrective actions

## How FMCSA promotes safety

- Forces carriers/drivers to be accountable for their safety performance
  - Demands and enforces safe on-road performance
- Makes more complete safety performance assessments publicly available

# CSA 2010 – What Is Changing

2010



# CSA 2010 – What is Changing

2010

New in CSA 2010 Op-Model:  
(the primary differences)

- Measurement – Earlier identification of demonstrated safety problems
- Interventions - Employs several interventions instead of the single option - labor-intensive compliance review
- Safety Fitness Determination - SFD tied to current safety performance; not limited to acute/critical violations from a CR

# CSA 2010 - Measurement

2010

- Uses crash records and ALL roadside inspection safety-based violations to determine carrier/driver safety
- Weights time and severity of violations based on relationship to crash risk
- Triggers the intervention process and calculates safety performance based on 7 **B**ehavior **A**nalysis and **S**afety **I**mprovement **C**ategories (BASICs)
- Driver Safety Measurement System (DSMS) will be used to directly address commercial motor vehicle (CMV) driver performance in terms of BASICs, using available roadside performance data

# CSA 2010 - BASICS

2010

SMS BASICS focus on behaviors linked to crashes

1. Unsafe Driving (Parts 392 & 397)
2. Fatigued Driving (Hours of Service; Parts 392 & 395)
3. Driver Fitness (Parts 383 & 391)
4. Controlled Substances/Alcohol (Parts 382 & 392)
5. Vehicle Maintenance (Parts 393 & 396)
6. Cargo Related (Parts 392, 393, 397 & HM)
7. Crash Indicator

# Are BASICs Associated with Crash Involvement?

2010

FMCSA compared CMV drivers' BASIC violation rates from inspections for different levels of crash involvement using Driver Information Resource

- Population – Drivers with substantial inspection history (7+ inspections excluding post-crash inspections)
- Crash involvement – Place each driver into 1 of 3 levels

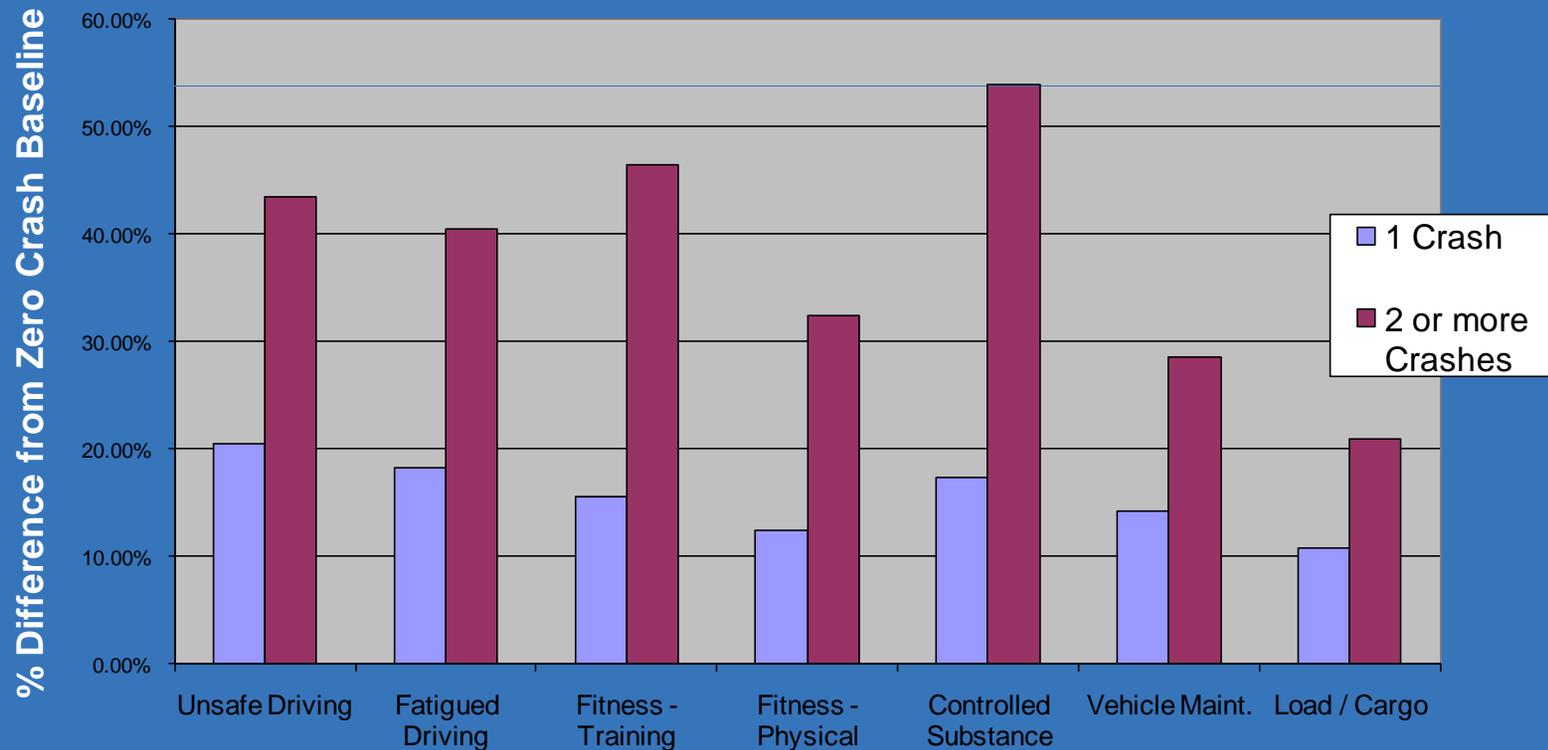
<u>Crash Level</u>	<u>Total Drivers</u>
0 crashes	197,762
1 crash	40,893
2+ crashes	7,119

- BASIC violation rate
  - Mapped each driver's violations to BASIC and derived a rate
  - Calculated average violation rate by BASIC for drivers in each crash level

# Are BASICs Associated with Crash Involvement?

2010

## Difference in Violation Rates By Crash Level



# Are BASICs Associated with Crash Involvement?

2010

- Demonstrates the association between poor driver performance in a BASIC and increase in crash involvement.
- Strongest associations occur in BASICs directly related to driver behavior behind the wheel rather than vehicle or cargo-related BASICs (confirms Large Truck Crash Causation Study results).

# Data and Analysis used in Carrier Effectiveness Testing **2010**

- Data-driven empirical evaluation (modeled after SafeStat effectiveness test) used to:
  - Identify BASICS most closely related to future crash risk
  - Identify absolute BASIC failure thresholds
- Approach:
  1. Performed a simulated CSMS run that calculates carrier measure and percentile ranks from 0 (lowest) to 100 (highest) for each BASIC using historical data
  2. Observed each carrier's crash involvement over the immediate 12 months after the simulated CSMS timeframe
  3. Observed the relationship between percentile ranks in each BASIC and the subsequent post-CSMS carrier crash rates

# Effectiveness Test Timeline

2010

Identification  
Run Date

Jan '04

Jan '06

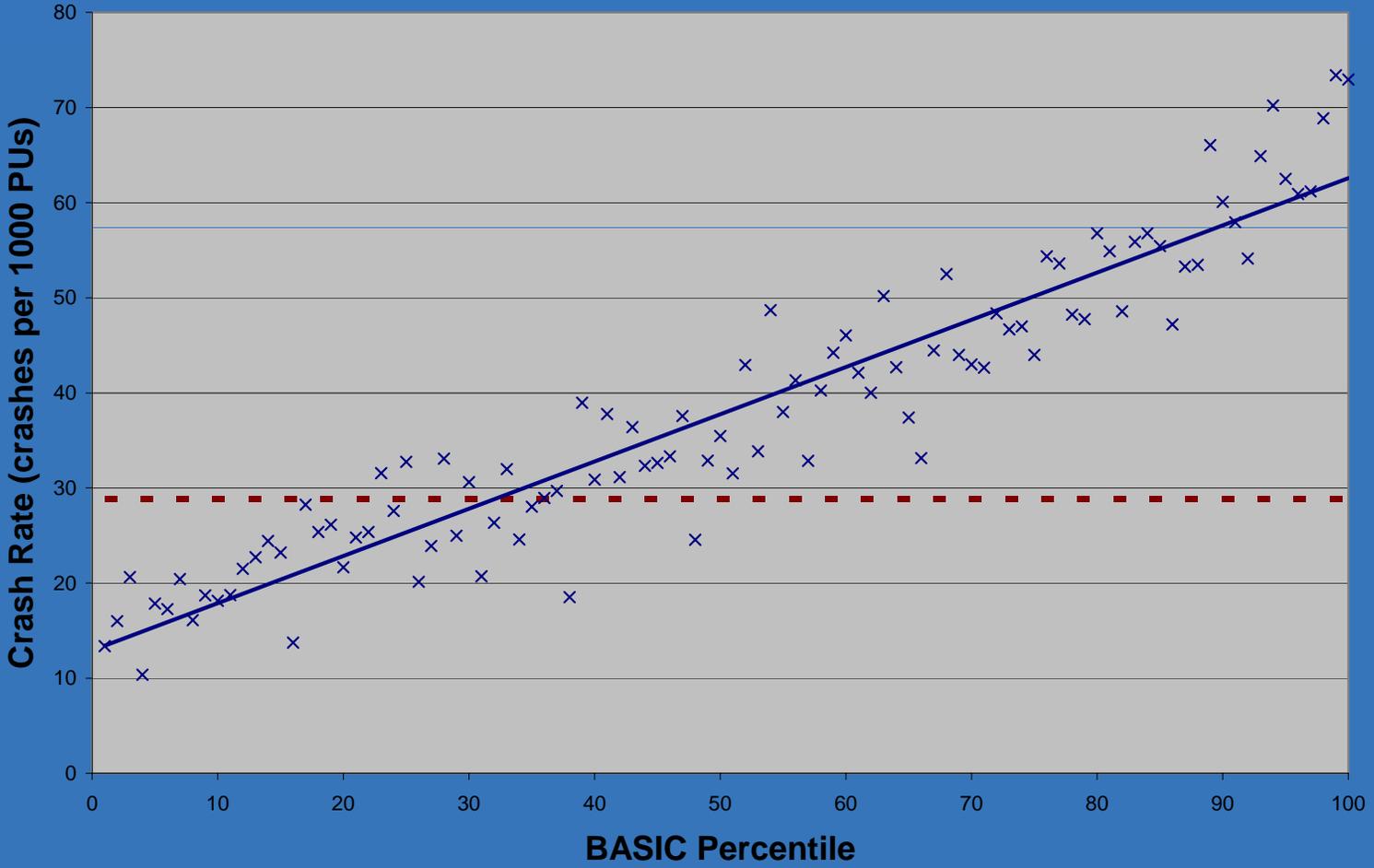
Jul '07

24 months of data for  
SMS Run

Post-identification  
crash period

# Unsafe Driving BASIC Effectiveness Results

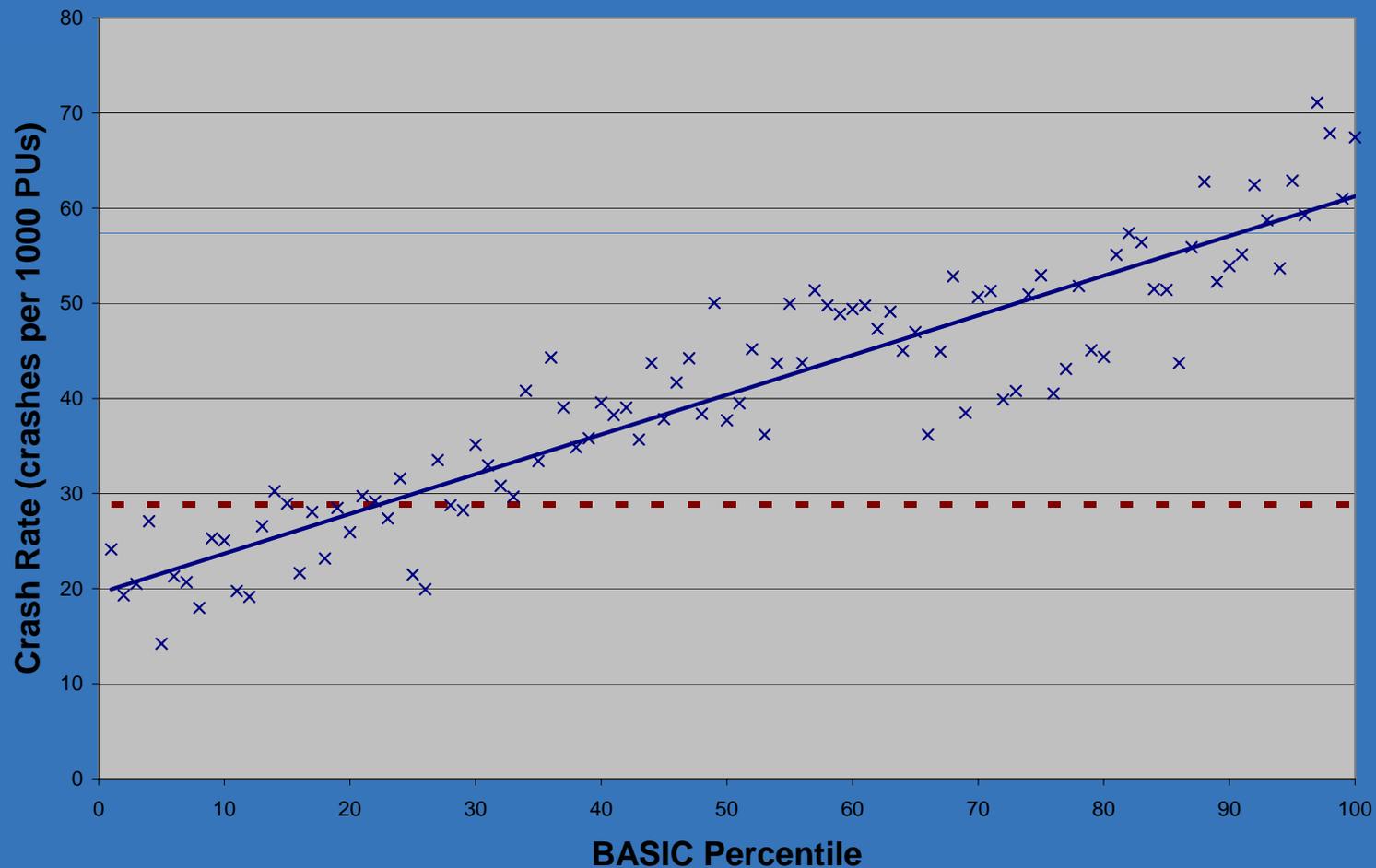
2010



x Unsafe Driving - - National Average — Linear Trendline (Unsafe Driving)

# Fatigued Driving (HOS) BASIC Effectiveness Results

2010



× Fatigued Driving - - National Average — Linear Trendline (Fatigued Driving)

# SafeStat vs SMS

2010

## Today's Measurement System: SafeStat

## CSA 2010 SMS

Organized by four broad categories - Safety Evaluation Areas (SEAs): Accident, Driver, Vehicle, and Safety Management

Organized by seven specific Behavior Analysis Safety Improvement Categories (BASICs)

Identifies carrier for a compliance review (CR)

Identifies safety problems to determine who to investigate and where to focus the investigation

From roadside inspections, uses only out-of-service (OOS) and moving violations

Emphasizes on-road safety performance, using *all* safety-based road-side inspection violations

No impact on safety rating

Used to propose adverse safety fitness determination based on carriers' current on-road safety performance (future)

Violations are not weighted based on relationship to crash risk

Violations are weighted based on relationship to crash risk

Assesses carriers only

Two distinct safety measurement systems-one for individual carriers and one for individual commercial motor vehicle (CMV) drivers

# CSA 2010 - Interventions

2010

## The New Interventions Process addresses the...

- **WHAT**

Discovering violations and defining the problem (similar to current model), but expanding to include the *why and how*

- **WHY**

Identifying the cause or where the processes broke down

- **HOW**

Determining how to fix it/prevent it through use of **Safety Management Cycle** and **Safety Improvement Resources**

# CSA 2010 - Interventions

2010

New intervention tools reach more carriers and influence safety compliance earlier

- **Warning Letters**
- **Investigations**
  - Offsite Investigations
  - Onsite Investigations - Focused
  - Onsite Investigations – Comprehensive
- **Follow-on corrective actions**
  - Cooperative Safety Plan (CSP)
  - Notice of Violation (NOV)
  - Notice of Claim (NOC)
  - Operations Out-of-Service Order (OOS)

# CSA 2010's Intervention vs CR

2010

<b>Current CR Process</b>	<b>CSA 2010 Intervention Process</b>
Broad one-size fits-all investigation regardless of extent or scope of safety deficiencies	Array of interventions can be tailored to address extent and scope of specific safety deficiencies
Resource intensive for agency and time consuming for carrier/fewer carriers contacted	Less resource intensive for agency and less time consuming for carrier/more carriers contacted
Focuses on broad compliance based on rigid set of acute/critical violations	Focuses on improving behaviors that are linked to crash risk
Focuses on carrier	Expands focus to include investigating individual drivers
Major safety problems result in fines (NOCs)	When problems found, major focus on carrier proving corrective action
Discover what violations exist	Discover what safety violations exist and why they exist, to facilitate corrective action

# Moving From What To Why In The Safety Management Cycle

2010

*What safety management processes are breaking down?*

*Why are these safety management processes breaking down?*



# Current Safety Fitness Determination Limitations

2010

## FMCSA believes the current safety rating/SFD process has limitations

- Only issued with on-site Compliance Review (one size fits all approach)
- Only a snapshot of carrier compliance taken at the time of most recent CR
  - Safety ratings (Sat, Conditional or Unsatisfactory) can change quickly – not reflecting current safety posture
- Heavily based on “critical” or “acute” violations

# CSA 2010's SFD Process (Proposed)

2010

## Today's Safety Fitness Rating

Only uses vehicle OOS violations found during roadside and acute/critical violations found during compliance review

Adverse rating generally only issued with multiple deficiencies

Issues 3 labels: Unsatisfactory, Conditional, Satisfactory

Updated only with a compliance review conducted

## CSA 2010 SFD Process (Under Consideration)

Uses all safety based violations found on the roadside and continues to include certain violations found during investigations

Adverse rating can be issued based on 1 deficient area (stand alone BASICs and fundamental violations)

Issues 3 labels: Unfit, Marginal, Continue to Operate. Gets away from "seal of approval"

Updated monthly

# CSA 2010 – Safety Fitness Determination

2010

- **Incorporate on-road safety performance** via new SMS on a monthly basis
  - Data Retained for 24 months instead of current 30 months for SafeStat
  - Produce a **Safety Fitness Determination** of
    - Unfit *or*
    - Marginal *or*
    - Continue Operation
- FMCSA must issue a rulemaking to change the current safety fitness determination

# Implementation Schedule

2010

## April 12, 2010

- The Carrier Safety Management System (CSMS) was made available for individual motor carriers to view their own safety data.

## April 12 – August 31, 2010

- Motor carriers will see their safety performance history through the 7 BASICs. After the refinements to the CSMS occur in the summer of 2010, carriers from September through November 30, 2010 will see their safety performance through the CSA 2010 model.

## June 2010

- CSA 2010 field test concludes with the nine pilot states. Thereafter, the nine states involved in the pilot program (Colorado, Delaware, Georgia, Kansas, Maryland, Minnesota, Missouri, Montana and New Jersey) will use the full array of interventions.

# Implementation Schedule

2010

## September 30, 2010

- Deadline for any comments on this implementation schedule for CSA 2010's revised schedule.

## November 30, 2010

- Three important things will occur:
  1. Replace SafeStat with CSMS (the crash data will remain visible only to the motor carrier – not the public). This was previously to occur on July 1, 2010. The public will be able to view your profile.
  2. Warning letters sent nationwide to carriers with deficient BASICs.
  3. Implementation of a nationwide Inspector Selection System (ISS) for roadside inspections in lieu of SafeStat as the basis.

## Later in 2010

- FMCSA said in the federal register notice they plan to issue a NPRM concerning the Safety Fitness Determination. Until the Final Rule is in place, FMCSA will continue to issue safety ratings based on Part 385.

# CSA 2010 Field Test

2010

## Op-Model Field Test Design:

- Design completed January 2008
  - Divides representative carriers into comparable test and control groups

## Op-Model Field Test:

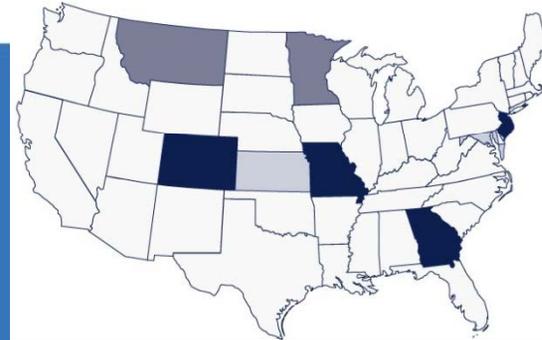
- February 2008 – June 2010
- Designed to test validity, efficiency and effectiveness of new model
- Independent evaluation by University of Michigan Transportation Research Institute (UMTRI)
- Initial test states: Colorado, Georgia, Missouri, New Jersey

# States In The Field Test

2010

## Additional states

- Spring 2009: MT, MN
- Fall 2009: KS, MD



## 100% of the State participates in CSA 2010

- Offers a more accurate picture of efficiencies, capabilities and benefits
- Tests integration with national program goals and Congressional mandates
- Provides more data to evaluate test including workload and workforce analyses

# Preliminary Field Test Results

2010

“...the new model has had a positive reaction from most carriers. Many are trying to do well but sometimes do not realize they have deficiencies or problems in one area or another. Carriers also like that CSA 2010 allows us to do a focused investigation on the specific area that have violation problems and to identify the process breakdowns in their safety management systems to help them correct the deficiency.”

- *Steff Copeland, State Enforcement Investigator, MoDOT*

# Preliminary Field Test Results

2010

## So far, FMCSA says CSA 2010 is:

- Reaching its goal of contacting more carriers
- Resulting in strong enforcement
- Employing the full array of investigations to achieve efficiency and effectiveness

“...carrier officials thanked us for notifying them of their safety problems... once carrier officials understand that the new system enables them to identify their problem drivers, a light goes on. They see CSA 2010 as a tool that they can use to stress the importance of roadside inspections with their drivers, to hold their drivers accountable for their on-road safety performance, and to thereby improve their companies' overall safety performance.”

*Daniel Drexler, Division Administrator in Minnesota*

# Preliminary Field Test Results

2010

Investigations in test states have been done in the following proportions:

- Onsite Investigations – Comprehensive (~25%)
- Onsite Investigations – Focused (~45%)
- Offsite Investigations (~30%)

Following up with carriers: 50% of investigations result in one of the following:

- Notice of Claim or Violation
- Cooperative Safety Plan
- Driver-Specific follow-on activities
  - Notice of Violation
  - Notice of Claim

# Pilot Test Preliminary Results

2010

## New Elements

- **Warning letters – a positive impact?**
  - Over 5,500 sent to carriers
  - 50% of recipients logged in to view safety scores
  - Feedback from test states indicates that carriers appreciate the early alert
- **Carriers are using CSMS results**
  - Carriers routinely accessing the safety management site to view performance history
  - Data being used to drive safety improvements

# Impact on Industry

2010

## Carrier Impacts

- More carriers will hear from FMCSA
- Specific safety performance information in CSMS will be available
- All violations will count
- Warning letters will alert carriers of poor safety performance
- More carriers will be exposed to compliance and enforcement efforts

# Impact on Industry

2010

## Driver Impacts

- Drivers will be able to examine their employers' safety performance
- Deficient BASICs will be available to roadside inspectors
- Investigators will know an individual driver's record across companies
- Investigators will pursue and penalize driver "red flag" violations

# Carrier Access to Data

**2010**

## When will the Carrier SMS data be made available?

Currently, **only test state carriers have access to Carrier SMS data**, by using the Comprehensive Safety Information (CSI) system

The Carrier SMS data will be accessible beyond the test states when CSA 2010 begins full implementation after **November 30, 2010**.

# What is the Pre-employment Screening Program?

2010

- What is the Pre-employment Screening Program (PSP)?
- New FMCSA Program became operational on May 11, 2010
- Provides motor carrier employers with crash and inspection information on potential new hires
- Voluntary for both carriers and drivers
- Driver must provide written consent

# PSP Website Now Available

2010

[WWW.PSP.FMCSA.DOT.GOV](http://WWW.PSP.FMCSA.DOT.GOV)

- Motor Carriers can now enroll through new PSP Website
- Drivers do not need to enroll
- Frequently Asked Questions
  - <http://www.psp.fmcsa.dot.gov/Pages/FAQ.aspx>

# What Will PSP Provide You?

2010

- Motor Carrier Management Information System (MCMIS) 5 years of crash data
- 3 years of inspection data
- Does not include conviction data – MVR still required
- Same as FMCSA Driver Information Resource (DIR)

# How Will PSP Work?

2010

- Secure Electronic, Web-based System
- Fee For Service by Contractor
- Motor Carrier enrolls, collects signatures from applicant drivers (FMCSA audits to assure signature collection)
- Driver can bring own PSP record or motor carrier can obtain through PSP system

# How will FMCSA protect the Data?

2010

- Data handling must adhere to:
  - Non-Disclosure Statements
  - Fair Credit Reporting Act
  - All Other Applicable Federal Laws
  - Privacy Act
- Protections against theft, manipulation, etc.
- FMCSA audits
- Process confirms driver & company identity
- Contractor cannot change data

# Fee Structure for PSP

2010

What is the fee structure?

- Less than 100 power units - \$25 annually limited to 10 users
  - \$10 per record
- More than 100 power units - \$100 annually limited to 10 users
  - \$10 per record

# FMCSA Data Quality

2010

- **Quality data is key to CSA 2010 Operational Model**
- **Comprehensive data quality program initiated over 5 years ago**
- **DataQs provides the public (including carriers and drivers) the opportunity to challenge the accuracy of federal and state reported data**

# Challenging Data

2010

- **Examples of Improper Challenges:**
  - Driver fired, please remove all these violations
  - Crash not our fault, please remove
  - Driver caused the violation, please remove
  - Owner operator (leased to company), please remove
- **Suggestions for Successful Challenges:**
  - Attach document(s) that support the challenge
  - Be specific and detailed in your narrative
  - Owner operator (leased to company): attach lease agreement
  - Ensure contact information is accurate and updated
  - Check the status frequently (additional information may be requested)

# How Will Data Be Used In CSA 2010

2010

- Rankings and weighting of data will apply to individual BASICs
- To be based on number of power units or inspections
- All BASICs will have a weighting applied based on recency of occurrence
- Let's examine some examples

# Safety Events (Data)

2010

- Carrier Safety Measurement System (CSMS)
  - Includes 24 months of carrier on road safety performance
- Driver Safety Measurement System (DSMS)
  - Includes 36 months of driver on road performance

# Number of Power Units Determine Peer Group Designation

2010

For Drug & Alcohol and Unsafe Driving BASIC  
the Peer Group Category Average Number of  
Power Units (PUs)

- 1       $0 < \text{PU} \leq 5$
- 2       $5 < \text{PU} \leq 15$
- 3       $15 < \text{PU} \leq 50$
- 4       $50 < \text{PU} \leq 500$
- 5       $500 < \text{PU}$

# Number of Relevant Inspections Determine Peer Group Designation

2010

**For Fatigued Driving & Driver Fitness Basic the  
Peer Group Category is based on Number of  
Relevant Inspections**

- 1            3-10 (Fatigue); 5-10 (Fitness)
- 2            11-20
- 3            21-100
- 4            101-500
- 5            501+

# Number of Relevant Inspections Determine Peer Group Designation

2010

**For Vehicle Maintenance and Cargo-Related  
Basic the Peer Group Category is based on  
Number of Relevant Inspections**

- 1            5-10
- 2            11-20
- 3            21-100
- 4            101-500
- 5            501+

# Crash BASIC Ranking

2010

## Crash Type Crash Severity Weight

- If crash involves a tow-away but no injury or fatality it has a weighting of 1
- If crash involves injury or fatality it has a weighting of 2
- If crash involves a hazmat release it has, in addition to the above weights, an addition of 1

# Number of Power Units Determine Peer Group Designation

2010

**For the Crash Indicator the Peer Group Category is based on the Average Number of Power Units (PUs)**

- 1       $0 < \text{PU} \leq 5$
- 2       $5 < \text{PU} \leq 15$
- 3       $15 < \text{PU} \leq 50$
- 4       $50 < \text{PU} \leq 500$
- 5       $500 < \text{PU}$

# BASICs – How are They Calculated?

2010

- **Time Weighting / Time Frame**
  - More recent events more relevant
- **Severity Weightings**
  - Increase weighting of violations that have been shown to create a greater risk of crash involvement
- **Normalizing Based on exposure**
  - use of number of inspections and power units
- **Single Inspection Cap**
  - limit violation weight of single poor inspection
- **Violation Cap**
  - Cited section number only counts once per inspection

# BASICS Calculation Time Weighting

2010

In addition to the specific violations and crashes discovered in the previous slides, all BASICS are time weighted as follows:

- A Time Weight of 1, 2 or 3 is assigned to each applicable violation or crash based on recency:
- Weight of 3 < 6 months
- Weight of 2 >6 months < 12 months
- Weight of 1 >12 months < 24 months

# Severity Weightings

2010

## Review the SMS Methodology Appendix A

- <http://csa2010.fmcsa.dot.gov/Documents/SMSMethodology.pdf>
- The appendix lists every violation within each BASIC and assigns a severity weighting value

# Data Sufficiency

2010

- Minimum number of inspections with applicable violations required for percentile to be assigned
- Assists in identification of patterns of carrier behavior- note safety problems across multiple inspections

BASIC	Number of Inspections
Unsafe Driving	3
Fatigued Driving (Hours-of-Service)	3
Driver Fitness	5
Controlled Substances / Alcohol	1
Vehicle Maintenance	5
Cargo Related	5
Crash Indicator	2 Crashes

# BASIC Thresholds

2010

Carriers' BASIC percentile results are used to trigger carriers for interventions in Op-Model Test

<b>BASIC</b>	<b>Passenger</b>	<b>HM</b>	<b>Other</b>
<ul style="list-style-type: none"><li>■ Unsafe Driving,</li><li>■ Fatigued Driving (HOS)</li><li>■ Crash Indicator</li></ul>	50%	67%	72%
<ul style="list-style-type: none"><li>■ Driver Fitness</li><li>■ Drugs / Alcohol</li><li>■ Vehicle Maintenance</li><li>■ Cargo Related</li></ul>	55%	72%	77%

# What Can Carriers Do To Prepare?

2010

- **Learn more about CSA: <http://csa2010.fmcsa.dot.gov>**
  - Understand the BASICS and how you are performing
  - Check the site for implementation schedule and listening session notice
  - Sign up for latest news: RSS/listserv
- **Check and update records**
  - Motor Carrier Census (Form MCS -150)
  - Inspection and crash reports <https://dataqs.fmcsa.dot.gov/login.asp>
- **Ensure compliance**
  - Review inspections and violation history over the past 2 years
  - Address safety problems now
  - Establish a safety management plan or revise your current one
  - Educate drivers about how their performance impacts their own driving record and the safety assessment of the carrier

# How To Improve Scores

2010

- “Good” Inspections
- “Get Well” Rules
  - Violation time weight diminishes
  - Unsafe Driving and Controlled Substances /Alcohol BASICs
    - No percentile assigned if no inspections with a violation in these BASICs in the last year
  - Crash Indicator
    - No percentile assigned if no crashes in last year
  - Fatigued Driving (HOS), Driver Fitness, Vehicle Maintenance and Cargo Related BASICs
    - No percentile assigned if:
      - No inspections with a violation in that BASIC within the past year; **and**
      - Most recent relevant inspection does not have a violation of that BASIC

# Driver Safety Management System

2010

DSMS quantifies commercial motor vehicle (CMV) driver performance in terms of BASICS, using available roadside performance data

## During the Operational Model Test:

- SIs examine drivers who have been cited for severe driver violations, in conjunction with carrier interventions
- May result in driver Notice of Violation or Notice of Claim based on driver violation history across current and previous employers

## Beyond the Operational Model Test:

- DSMS may be used to identify the “worst of the worst” drivers so that interventions may be done directly with drivers, independent of carrier interventions

# Conclusion – CSA 2010

2010

- Every CEO must take necessary time to understand the potential impact of CSA 2010 on their operation
- Have your safety official brief you on any developments
- Distribute materials at your company meetings
- Require safety official to become conversant in CSA 2010 Safety Measurement System (SMS) Methodology at FMCSA's website:

<http://csa2010.fmcsa.dot.gov/Documents/SMSMethodology.pdf>

# What to Expect from FMCSA in 2010

2010

- Hours of Service
- Electronic Onboard Recorders
- Pre-employment Screening Program
- Continued Emphasis – Motorcoach Safety
- Medical Regulations
- Surface Transportation Authorization Act
- Questions and Answers

# What to Expect - Hours of Service

2010

## Hours of Service

- Listening Sessions Completed
- Watch for NPRM – must be issued in October 2010  
– scope of the rule will be set
- Comment to the NPRM – it is essential you do this
- Two elements of the current rule are being targeted  
– 34 hour restart and 11 hours driving

# What to Expect - Hours of Service

2010

## Hours of Service

- FMCSA had an oversight hearing in April 2010
- The Senate Sub-committee Chairman said, “The Obama administration has made the right move by initiating a new rulemaking on driver hours,” Lautenberg said as he opened the hearing. “But let’s be clear: When this process is over, we cannot wind up with the same flawed regulations that the last administration designed.”

# What to Expect - EOBR

2010

## Electronic Onboard Recorders (EOBRs)

- **Rule is effective June 4, 2012 and will apply to the following motor carriers:**
  - Those which have voluntarily adopted EOBRs and desire incentives
  - Those with non-compliance to the Hours of Service regulations at a rate of 10% or more during a compliance review
- **Non-Hazmat motor carriers required to install EOBRs must do so within 60 days and retain them for two years**
- **Hazmat and passenger motor carriers must do so within 45 days**
- **What are the incentives?**
  - Lessened supporting documentation requirements
  - Random rate of driver log records for the compliance review rating versus the targeted sampling process
- **Published in the Final Rule was a signal to the industry about FMCSA's intent to publish an additional NPRM later this year.**

# What to Expect - PSP

2010

## Pre-employment Screening Program (PSP)

- PSP was mandated by Congress and is separate from CSA 2010
- “Driver Profiles” from FMCSA’s Driver Information Resource (DIR) will be available to carriers through PSP
- Driver Profiles will only be released with driver authorization
- This could significantly alter driver retention and hiring in the industry

# What to Expect - Motorcoach Safety

2010

## Motorcoach Safety

- Motorcoach safety will remain a focus area
- Pending bill in the Senate to radically affect motorcoach safety – bill will move quickly in the event of another incident
- FMCSA's goal is to visit every passenger carrier within 5 years of most recent audit
- Watch for occupant restraint and other advanced technology to be required

# What to Expect - Medical Regulations

2010

## Medical Regulations

- The agency is reviewing and will be issuing new medical standards for drivers
- New Medical Examiner Registry
- Full implementation of CDL process with medical fitness
- NTSB is pushing for sleep disorder testing
  - This issue is emerging rapidly – WATCH IT!

# What to Expect - Surface Transportation Authorization Act

2010

## Surface Transportation Authorization Act

- Current bill already extended through December 2010
- Proposed Act increases highway spending from 286 billion to 500 billion
- Likely no congressional action till a funding resolution can be applied
- Trucking safety will be a key portion of the new legislation once it moves

# What to Expect - Surface Transportation Authorization Act

2010

## What is in the draft House bill?

- EOBR mandate – 4 years after bill's passage; performance specifications
- Drug & Alcohol Clearinghouse
- Motorcoach safety improvements
- Enhanced penalties for non-compliant carriers
- Agency mandates for new rules

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# Questions and Answers

Thank You!

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