



# **Comprehensive Safety Analysis 2010 2008 Public Listening Session**

## **Final Report**

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**Prepared for**



**U.S. Department of Transportation  
Federal Motor Carrier Safety Administration**

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# Comprehensive Safety Analysis 2010 2008 Public Listening Session

## Executive Summary

The Federal Motor Carrier Safety Administration (FMCSA) held its ninth Comprehensive Safety Analysis 2010 (CSA 2010) public listening session on October 16, 2008 in Arlington, Virginia. The purpose of the October 2008 listening session was for FMCSA to brief its stakeholders on the progress made with CSA 2010 since the listening session in 2007 and collect stakeholders' feedback.

The listening session began with a plenary session on the status of CSA 2010. This year's plenary session also featured a panel presentation by four CSA 2010 Operational Model test participants on their experiences implementing the operational model. Audience members were provided the opportunity to pose questions for response by panelists. Following this overview presentation and panel discussion, two breakout sessions were held on the topics listed below:

- Data Quality and Roadside Uniformity
- Safety Measurement System (SMS) and Safety Fitness Determination (SFD)

A total of 71 participants representing Federal and State governments, industry, associations, and other private sector firms attended the listening session and each participant had the opportunity to attend both breakout sessions. A total of 139 comments and questions concerning CSA 2010, including the panel discussion and two breakout sessions, were received and documented during the listening session. Each breakout session topic was led by a facilitator and two to three CSA 2010 Team Leads. As a result, participants were able to have their comments or questions immediately addressed by a CSA 2010 Team Lead during the breakout sessions.

Similar to the format of the breakout sessions in 2007, each 2008 breakout session featured a presentation on the topics mentioned above and participants were allowed to ask questions or make comments throughout the presentation. As a result, the breakout sessions were guided by participant comments and questions and served as a forum for CSA 2010 Team Leaders to directly address stakeholders and their specific comments or questions.

### Key Findings

Of the 139 questions and comments documented during the 2008 listening session, 105 were brought up during the breakout sessions, 33 questions were submitted to the panel, and one docket comment was submitted. Given the difference in process by which the data was collected, the questions submitted to the panel were analyzed and categorized into themes independent of the breakout session questions and comments; however, findings from both the analyses are factored into the overall conclusions and next steps.

Analysis of the panel discussion questions and the combined breakout session data resulted in eleven principal theme categories listed below. The first four themes listed represent nearly two-thirds (66 of 105 comments/questions) of participants' comments/questions when the data from the two breakout sessions on Data Quality/Roadside Uniformity and Safety Measurement System/Safety Fitness Determination were combined.

1. **Safety Measurement Algorithm (SMA):** This theme covered specific questions on the safety measurement methodology and BASIC thresholds as well as the impact of Interstate and Intrastate operations on SMS scores. (23 percent of comments/questions.)
2. **Data Sufficiency and Accuracy:** This theme related to finding ways to maintain the accuracy and quality of roadside data and increasing the flow of performance data to the roadside. (14 percent of comments/questions.)
3. **Uniformity:** This theme focused on improving the consistency of forms, processes, and policies across states and the impact on the CSA 2010 interventions process. (13 percent of comments/questions.)
4. **Due Process and DataQs:** This theme reflected questions relating to details behind the process for challenging Roadside Inspections and BASICs data. (12 percent of comments/questions.)
5. **Access to Data:** This theme focused on the level and timing of carrier and public access to interventions data.
6. **Interventions Process and Selection Business Rules:** This theme covered a range of questions related to the interventions selection criteria, process, timeline, and roadside access to data.
7. **Access to Roadside Inspections to Improve Data:** This theme focused on carriers obtaining good inspections to improve data and the potential barrier of screening systems.
8. **Safety Fitness Determination (SFD):** This theme focused on the new process and criteria for determining safety ratings and how the current rating system will transition to the new system.
9. **Crash Preventability/Accountability:** This theme focused on clarifying the definition and consideration of preventability in crash investigations and determining the initial threshold for accountable crashes.
10. **Productivity:** This theme related to comparing the rate of productivity of the current versus new intervention process and the resulting resource requirements.

11. **Miscellaneous:** This theme included a diverse range of questions that did not fit into the other themes, including results of comparing the Operational Model test and control groups, relationship with CVSA, and terminology recommendations.

Based on participant comments/questions, it appears that this listening session audience has significant concerns about data and how the CSA 2010 program uses this data. Within all of the themes, many of the participants' comments or questions pertained to topics about data, such as how ratings are determined, how to improve ratings, the safety measurement system algorithm, how to access data, how it is measured, how to make sure roadside data is uniform, and concerns about FMCSA using accurate data. This information as well as other findings presented in this report suggests a need to provide more specific CSA 2010 information to the motor carrier industry through targeted communication efforts and during the next listening session in 2009.

The CSA 2010 Listening Session Final Report that follows provides additional information about the 2008 listening session, including further details on the data collection, analysis, key findings and conclusions.

## **Comprehensive Safety Analysis 2010 2008 Listening Session Final Report**

The Comprehensive Safety Analysis 2010 (CSA 2010) Listening Session Final Report presents the findings from the 2008 Federal Motor Carrier Safety Administration's listening session in Arlington, Virginia on October 16, 2008.

### **1.0 Background**

The Federal Motor Carrier Safety Administration (FMCSA) was established as a separate administration within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999. FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA is headquartered in Washington, DC and employs more than 1,000 individuals, from all 50 States and the District of Columbia, dedicated to improving bus and truck safety and saving lives.

In August 2004, FMCSA embarked on the CSA 2010 initiative - a comprehensive review and analysis of FMCSA's current commercial motor vehicle safety compliance and enforcement programs. The goal of CSA 2010 is the development and deployment of a new operational model -- a new approach to using FMCSA resources to identify drivers and operators that pose safety problems and to intervene to address those problems.

FMCSA recognizes the importance of stakeholder involvement in developing CSA 2010. In September and October 2004, the Agency held its first series of public listening sessions about CSA 2010. These six sessions were designed to collect public input regarding ways FMCSA could improve its process of monitoring and assessing the safety performance of the commercial motor carrier industry. Participants represented a diverse community of professionals, including industry executives, truck and bus drivers, insurance and safety advocacy groups, state and local government officials, and enforcement professionals. FMCSA was encouraged that the majority of participants supported the Agency's goal of improving the current safety analysis process through the CSA 2010 initiative.

During the 2004 listening sessions, the stakeholder community expressed many different opinions regarding the various entities, activities, and environmental factors that contribute to safety. The sessions highlighted that safety indicators can be difficult to identify and measure. Participants also commented on the effectiveness of current processes and offered creative ideas for FMCSA to consider when developing new policies and processes. For example, in almost every listening session, participants expressed a strong interest in comprehensive, consistent, relevant, and accurate data that are easily accessible to all. Some participants expressed a willingness to self-disclose data and to help keep safety data current.

In November 2006, FMCSA held its seventh public listening session. The purpose of the 2006 listening session was to inform the public on the conceptual direction and progress of CSA 2010, and to obtain feedback from its partners and stakeholders. Participants came from Federal agencies, state governments, associations, and the motor carrier industry to discuss five main

areas: Measurement, Safety Fitness Determination, Intervention Selection and Entity Characteristics, Safety Data and Validation, and the Operational Model. Participants were asked specific questions about each of these five main areas. Their feedback focused on:

- Emphasizing the importance of data quality
- Understanding the differences between carrier and driver Behavior Analysis Safety Improvement Categories (BASICS)
- Favoring two-tiered rating system with gradation for “Continue to Operate”
- Wanting a clearly defined “Unfit” rating and how to leave this category
- Knowing the impact the new interventions will have on compliance.

In December 2007, FMCSA held its eighth listening session in Arlington, Texas. The purpose of the 2007 listening session was to brief FMCSA stakeholders and partners on the progress that had been made since the listening session in 2006 and collect feedback. Breakout sessions focused on the Operational Model Test, the Safety Measurement System, and Safety Fitness Determination. Recurring themes from participants in the 2007 session included comments or questions about data concerns, CSA 2010 interventions, and safety fitness determination.

Following the 2007 listening session, in February 2008 FMCSA launched a 30-month field test of the new operational model with its state partners Colorado, Georgia, Missouri, and New Jersey. The purpose of the Operational Model test is to determine both the feasibility and effectiveness of the new CSA 2010 interventions and safety measurement systems.

Eight months following the launch of the CSA 2010 Operational Model test, FMCSA held its ninth CSA 2010 listening session in October 2008. The purpose of this most recent listening session was to give stakeholders an update on the development progress made since the 2007 listening session, an update from Operational Model test participants, and an opportunity to provide feedback. Exhibit 1 below gives a brief comparison of the past three listening sessions and the section that follows provides additional details about the 2008 listening session.

**Exhibit 1**  
**Comparison of 2006 - 2008 Listening Sessions**

	Listening Session Year		
	2006	2007	2008
<b>Date</b>	November 16, 2006	December 4, 2007	October 16, 2008
<b>Location</b>	Washington D.C.	Arlington, TX	Arlington, VA
<b>Number of Participants</b>	92	48	71
<b>Topics</b>	5 Topics (aligned with Operational Model): <ul style="list-style-type: none"> <li>• Measurement</li> <li>• Safety Fitness Determination</li> <li>• Intervention Selection and Entity Characteristics</li> <li>• Safety Data and Validation</li> <li>• Operational Model</li> </ul>	3 Topics: <ul style="list-style-type: none"> <li>• Operational Model Test</li> <li>• Safety Measurement System</li> <li>• Safety Fitness Determination</li> </ul>	4 Topics: <ul style="list-style-type: none"> <li>• Safety Measurement System</li> <li>• Safety Fitness Determination</li> <li>• Data Quality</li> <li>• Roadside Uniformity</li> </ul>
<b>Format</b>	1) CSA 2010 Team Members <u>asked</u> pre-determined questions for each topic. 2) Participants <u>answered</u> with comments or suggestions.	1) CSA 2010 Team Members delivered presentation for each topic. 2) Participants <u>asked</u> questions (while providing comments/suggestions). 3) CSA 2010 Team Members <u>answered</u> participant questions.	1) CSA 2010 Safety Investigators and Intervention Managers participated in a Q&A panel discussion with participants 2) CSA 2010 Team Leaders delivered presentations for each topic. 3) Participants <u>asked</u> questions (while providing comments/suggestions.) 4) CSA 2010 Team Members <u>answered</u> participant questions.
<b>Data</b>	611 Participant Answers/Comments	282 Participant Questions/Comments	139 Participant Questions/Comments (105 Breakout Session, 33 Panelist Questions, 1 Docket Comment)
<b>Popular Themes</b>	16 Themes	8 Themes	11 Themes

FMCSA plans to hold additional CSA 2010 listening sessions to continue the process of updating its partners and stakeholders and receive feedback.

## 2.0 Listening Session Overview

The 2008 Listening Session in Arlington, Virginia was attended by 71 participants who submitted a total of 139 questions or comments. [See Appendix A for the listening session participant list.] Exhibit 2 shows the number of participants in each of the following participant categories: associations, Federal/state government, and motor carrier industry/private sector.

**Exhibit 2**  
**Number of Participants by Category**

Category	Number of Participants
Associations	15
Federal / State Government	16
Industry / Private Sector	40
<b>TOTAL</b>	<b>71</b>

Presentations were made by the FMCSA Administrator, the CSA 2010 Program Manager, and the CSA 2010 Assistant Program Manager describing the design of the CSA 2010 operational model test and progress to date. [See Appendix B for the Listening Session Presentations.]

Given that the Operational Model Test had launched and been in operation for eight months since the last Listening Session, the plenary session featured a panel of four representatives from each of the test states who provided insight into their experiences implementing the new model. An overview of the panel discussion is presented in Section 3.0.

The plenary session presentation was followed by facilitated breakout sessions attended by all participants on the following aspects of the initiative:

- Data Quality and Roadside Uniformity
- Safety Measurement System (SMS) and Safety Fitness Determination (SFD)

During each of these breakout sessions, a CSA 2010 Team Leader presented on a specific topic and fielded questions or comments about the topic from the participants throughout the session.

All participants were able to attend all breakout sessions and were provided the opportunity to post comments to the docket according to the instructions in the Federal Register notice. As of the date of this report, only one public docket comment has been received. [See Appendix C for the Federal Register notice and Appendix D for the docket comment.] The Agency appreciates all input received from the listening sessions, which will feed into the continued development of the CSA 2010 initiative.

## Data Collection and Development of Themes

Throughout the Listening Session, participant questions and comments were recorded. After the 2008 listening session concluded, all of these questions, comments, and responses were aggregated into one database and numerically coded based on the topic of the breakout session and the order of the response. This coding allowed the facilitators to sort and analyze the comments, as well as to trace a specific question back to a specific topic/breakout session and in the order in which participants made the comments.

To begin, a list of the most common similarities or themes was developed based on a robust analysis of the breakout session topics – both *within each topic* (SMS/SFD, and Data Quality/Roadside Uniformity) and *across both topics*. The facilitators and note-takers then validated these themes to ensure key ideas were captured. The questions submitted to the panel were analyzed and categorized into themes separately from the breakout session questions/comments given the different process by which the data were collected. Nonetheless, findings from both the panel and breakout sessions were factored into the overall conclusions and next steps (see Section 4.0).

Next, a description was developed for each theme. These descriptions were developed as a way to illustrate the many responses collected across topics. These descriptions are not an attempt to summarize the comments; rather, they attempt to help provide a more concise perspective of the issues contained in the range of comments within a theme. A brief summary description of the types of comments or questions that were categorized into a particular theme is presented below.

- **Safety Measurement Algorithm (SMA):** This theme focused on specific questions on the safety measurement methodology inclusions and exclusions, and BASIC thresholds and weights.
- **Data Sufficiency and Accuracy:** This theme related to finding ways to maintain the accuracy and quality of roadside data and increasing the flow of performance data to the roadside.
- **Uniformity:** This theme focused on improving the consistency of forms, processes, and policies across states and the impact on the CSA 2010 interventions process.
- **Due Process and DataQs:** This theme reflected questions relating to details behind the process for challenging Roadside Inspections and BASICs data.
- **Access to Data:** This theme focused on the level and timing of carrier and public access to interventions data.
- **Interventions Process and Selection Business Rules:** This theme covered a range of questions related to the interventions selection criteria, process, timeline, and roadside access to data.

- **Access to Roadside Inspections to Improve Data:** This theme focused on carriers obtaining good inspections to improve data and the potential barrier of screening systems.
- **Safety Fitness Determination (SFD):** This theme focused on the new process and criteria for determining safety ratings and how the current rating system will transition to the new system.
- **Crash Preventability/Accountability:** This theme focused on clarifying the definition and consideration of preventability in crash investigations and determining the initial threshold for accountable crashes.
- **Miscellaneous:** This theme included a diverse range of questions that did not fit into the other themes, including results of comparing the Operational Model test and control groups, relationship with CVSA, and terminology recommendations.

[See Appendix E for a description of the discussion topics categorized under each theme.]

### **3.0 Listening Session Findings**

This section presents the findings of the following facilitated events that occurred during the 2008 listening session:

- Panel Discussion of Operational Model Test State Participants
- Listening Session Breakout Sessions.

#### **3.1 *Panel Discussion of Operational Model Test State Participants***

The following section provides an overview of the panel presentation by CSA 2010 Operational Model Test participants as well as key themes and findings related to the questions submitted to the panel from the audience.

##### **3.1.1 *Overview of Panel Presentation***

Following the opening plenary session, a panel of CSA 2010 Operational Model Test participants was introduced. The panel consisted of one representative from each of the four test states Colorado, Georgia, Missouri, and New Jersey, including two Safety Investigators and two Intervention Managers. Each panelist gave a brief profile of his/her state and carrier population, and discussed successful experiences as well as challenges with the implementation of the CSA 2010 program in their state. The audience received index cards to document questions for the panelists and submit them to the moderators.

The first panelist, Captain Mark Savage of the Colorado State Patrol and an Intervention Manager in the CSA 2010 Operational Model Test, described the program as “very effective and efficient.” Captain Savage emphasized that the program provided the investigators with new skills, including the unique communication skills necessary for off-site investigations, as well as new technology, both making them better investigators. The program, especially the off-site investigation, has provided the investigator with another “tool in the toolbox” and flexibility, especially given the geography of the state and the inefficiency of driving across the state to complete investigations. CSA 2010 has also prompted more interaction between the investigator and supervisor, which has been very positive. Captain Savage highlighted the renewed importance of roadside data as the driving force behind the CSA 2010 program in addition to being one of the more important challenges to be faced. As a result, it is necessary that the data be accurate and of high quality given that good data is what improves the carrier’s measurement score. Overall, Captain Savage described CSA 2010 as “extremely successful in the state of Colorado.”

The second panelist, Mr. Clinton Seymour of the FMCSA Georgia Division and a Safety Investigator in the CSA 2010 Operational Model Test, also emphasized the increased productivity resulting from the off-site investigation as an additional tool to reach carriers spread out across the state of Georgia. Carriers have also responded positively to the off-site investigation since it requires fewer resources on their part. Mr. Seymour emphasized that CSA 2010 carriers understand more clearly why they are being investigated and are more responsive

due to focus on very specific issues identified at the roadside. Warning letters were also highlighted as receiving positive response from motor carriers; in some instances, the warning letter alone has resulted in carrier response and improvement in measurement scores. Mr. Seymour expressed that the majority of carriers have changed their behavior as a result of the CSA 2010 process and related resources provided. He also emphasized the cooperative nature of the effort and recognized the positive change the carriers are attempting to make. Carriers see this program as positive and are finding that the changes they are making actually impact their safety compliance and measurement scores.

The third panelist, Ms. Steff Copeland of the Missouri Department of Transportation and a Safety Investigator in the CSA 2010 Operational Model Test, focused on the “bell curve,” which displays how the majority of carriers are not the carriers with particularly “good” or “bad” safety performance, but are somewhere in the middle. [See the Bell Curve Diagram in Appendix B, Plenary Session Presentation.] CSA 2010 is targeting these carriers who have not been reached before in order to intervene before their measurement scores get really “bad,” (i.e., contacting more carriers earlier). Ms. Copeland also emphasized the positive reactions from carriers, highlighting that some carriers have taken the initiative on their own to make corrections in response to the warning letter and have even responded with corrective action plans. She expressed that many carriers are looking for help and are appreciative of the ideas and recommendations that are provided through the CSA 2010 program. A carrier told Ms. Copeland that, “[t]his actually shows me you care.” She expressed that overall, “I really believe in this program and I like that we are trying to change behavior.”

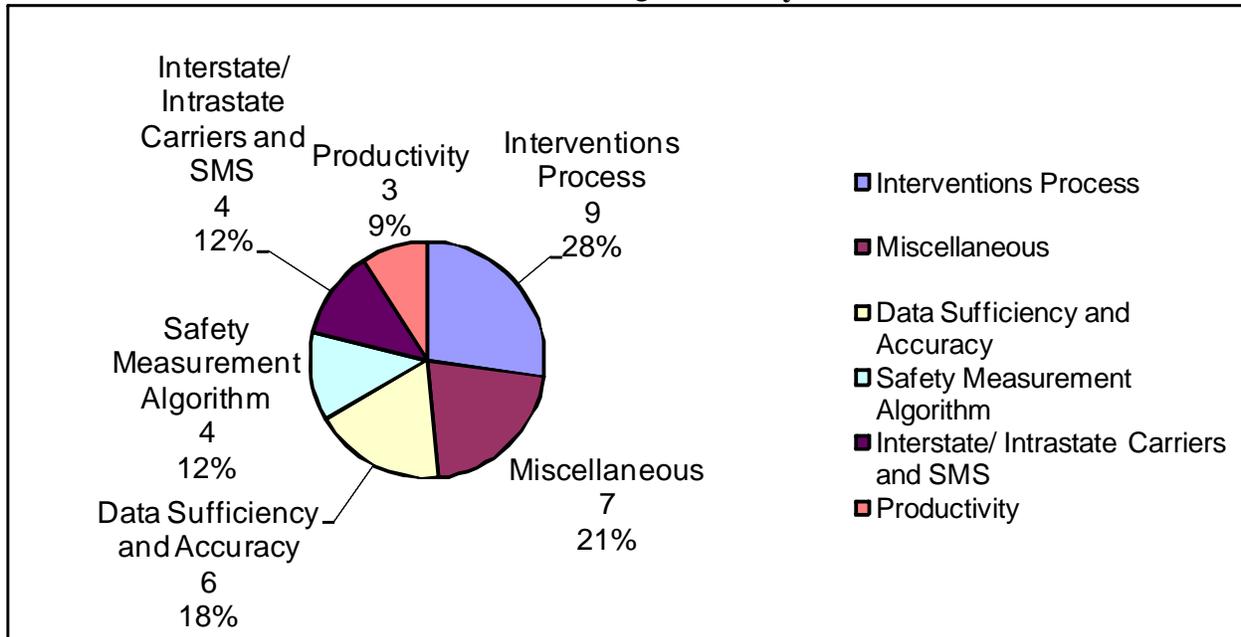
The fourth panelist, Mr. David Yessen, a Federal Program Manager from the FMCSA New Jersey Division and an Intervention Manager in the Operational Model Test, stated that at first his attitude was “skeptical.” He thought that “this too shall pass” as many other new initiatives have; however, Mr. Yessen expressed that he was “pleasantly surprised” and that CSA 2010 is not just a “tweak to the way we do Compliance Reviews, but an overhaul of the program.” Mr. Yessen focused on what he described as the “main component of the program,” which is discovering why the violation is occurring, analyzing the process breakdown, and providing the carrier with appropriate remedies. Internally, he expressed that there is a very open line of communication within the program, which allows the Safety Investigators to provide feedback and suggest solutions. Mr. Yessen also highlighted carrier responses to the warning letter, stating that he had received several letters and many phone calls, including carriers thanking him for providing them with the data and wondering how they can fix their problems. Mr. Yessen made the point that the warning letter gives the carrier the opportunity to fix their problems before an investigator needs to take further action. Mr. Yessen closed by stating that “[i]n reality I see a lot of great things out of CSA 2010. I am excited about this program.”

### ***3.1.2 Panel Themes and Findings***

Prior to the panelists’ remarks about CSA 2010, listening session participants had the opportunity to submit written questions for the panel to answer. A total of 33 questions were submitted, five of which were selected to be answered by the panelists. While it was not possible to answer all of the questions submitted during the panel discussion, these questions

were documented and analyzed to identify the themes to which the questions were related. Exhibit 3 shows the breakdown of the number of questions submitted to the panel by theme.

**Exhibit 3  
Number of Panelist Questions by Theme**



The panelists' 33 questions were related to the following five themes:

- Interventions Process:** The greatest percentage of questions (28 percent) pertained to the interventions process, including the process for developing and evaluating the Cooperative Safety Plan. Other questions requested more detail on the timeline of progressive interventions, information on roadside inspection selection criteria, and moving towards a greater focus on discovering endemic behavioral issues versus individual violations and recommending appropriate safety management practices versus simply gaining compliance.
- SMS Algorithm and Interstate/Intrastate Carriers and SMS (both SMS themes combined):** Twenty-four percent of questions related to the Safety Measurement System Algorithm and particularly the impact of interstate and intrastate operations on SMS scores. Other SMS questions related to whether multiple violations of the same type will be counted as a single violation (i.e., stacking of violations), the length of time negative data remains in SMS, and specific questions on the methodology and BASIC thresholds.
- Data Sufficiency and Accuracy:** Eighteen percent of the questions were related to the accuracy of data and the question of whether there is sufficient data available. More specifically, questions were submitted on the response process for challenges to roadside violation findings and the fairness of SMS as compared to SafeStat for small carriers. Other questions focused on whether CSA 2010 will influence states' ability to provide

current data to ISS as well as concern with the lack of bus and motorcoach data and how to increase the flow of performance data to the roadside.

- **Productivity:** Three questions -- or 9 percent of the total submitted -- related to the level of productivity associated with CSA 2010. Participants were interested in the percentage of the industry touched by the CSA 2010 intervention process as compared to the current system as well as whether FMCSA and state partners will have adequate resources to cover the increased volume of carriers and interventions with the new process.
- **Miscellaneous:** Twenty-one percent of the questions fell into a miscellaneous category, which covered questions ranging from how carriers are notified when driver violations are cited to whether driver measurement scores stay with the driver when they change carriers. Other questions focused on the need to educate the public on safe driving with commercial motor vehicles (CMVs), the percentage of passenger carriers in line for interventions, and potential conflicts between CSA 2010 and recent Government Accountability Office (GAO) reports as well as the electronic on-board recording (EOBR) rulemaking.

### ***3.2 Listening Session Breakout Sessions***

Following the plenary session and panel discussion, the participants were divided into two groups and sent to one of the two breakout session topics where they heard a series of presentations and were invited to make comments or ask questions throughout the session. After completion of the first session, the two participant groups switched breakout session topics so that all participants could hear both topics. A total of four sessions occurred focused on the following two topics:

- Data Quality and Roadside Uniformity
- Safety Measurement System (SMS) and Safety Fitness Determination (SFD).

#### ***3.2.1 Key Findings of Each Breakout Session Topic***

The following section provides an overview of the two breakout session topics presented as well as the key themes and findings of each separate topic.

### 3.2.1.1 Data Quality and Roadside Uniformity Session

#### *Overview of Session*

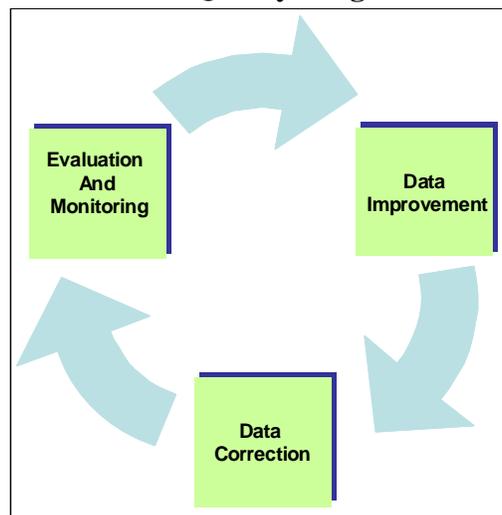
The data quality session included presentations on the FMCSA Data Quality Program and current activities to improve roadside uniformity. An overview of each presentation is provided below.

**Data Quality.** The first part of the session was a presentation about FMCSA’s Data Quality program. The presentation described the purpose of the Motor Carrier Safety Assistance Program (MCSAP) and gave a brief history of the program. The criteria and processes for states to receive Basic, Incentive, and/or High Priority MCSAP grants were discussed, as well as the type of assistance MCSAP funding provides to states. In summary, MCSAP funds support:

- Approximately 9,000 State roadside inspectors nationwide
- Commercial motor vehicle traffic enforcement efforts in all States
- State-conducted compliance reviews in most States
- National uniformity of regulations and enforcement (interstate and intrastate)
- Reasonably consistent penalties for the same violations, State-to-State
- Improved driver/vehicle compliance over the last two decades
- Creation of comprehensive vehicle inspection and accident reporting databases.

The presentation also gave an overview of the three main components that comprise FMCSA’s Data Quality Program. The interrelationship of these three components (Evaluation and Monitoring, Data Improvement, and Data Correction) is shown in the Exhibit 4 below. Additional details about the Data Quality Program can be found in the Data Quality Program presentation in Appendix B including examples of the work FMCSA is doing to improve its Data Quality.

**Exhibit 4**  
**FMCSA Data Quality Program Process**



**Roadside Uniformity.** Following the presentation on the Data Quality Program, an overview presentation was given on why roadside uniformity is critical to the success of CSA 2010. This uniformity of roadside inspection and violation data discussion was framed around three main points:

1. Consistent documentation of roadside inspection and violation data
2. Standardized processes for challenging data
3. Increased awareness and understanding that all inspections (good and bad) must be uploaded, and adhere to a uniform inspection selection process.

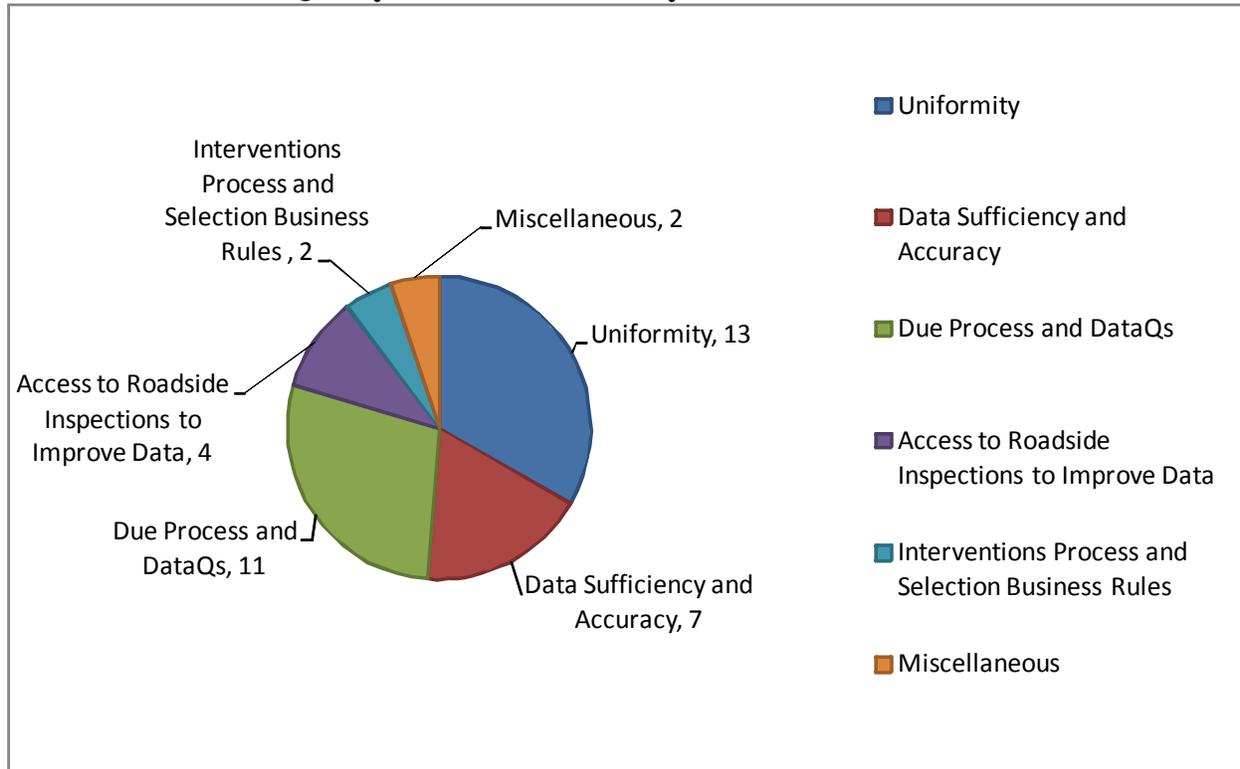
In addition, information on how the Commercial Vehicle Safety Alliance (CVSA) has convened an ad-hoc committee to start raising awareness on the accuracy and consistency of roadside inspection and violation data was presented. This ad-hoc committee will examine current obstacles and issues regarding roadside uniformity and report back to CVSA in approximately one year. For further information about the roadside uniformity presentation, see Appendix B.

### ***Session Themes and Findings***

Themes were discovered across the two occurrences of the Data Quality and Roadside Uniformity breakout session. Across the two sessions, there were 39 total questions and comments from participants.

Exhibit 5 displays the themes discovered across both occurrences of the breakout session by the frequency of questions/comments.

### Exhibit 5 Data Quality/Roadside Uniformity Breakout Session Themes



In the **Data Quality Breakout Session**, 61 percent of the comments were related to Uniformity or Due Process/Data Qs. More specifically these themes covered the following types of topics:

- **Uniformity:** The questions/comments from participants focused on improving the uniformity of the following: Police Accident Reports (PARs), policy on stacking of violations, and the inspection process across states and how it will impact CSA 2010 interventions. There were also questions on the role and credentials of the roadside inspector and identifying the appropriate forum for the uniformity discussion and questioning CVSA’s commitment to uniformity.
- **Due Process and DataQs:** This theme reflects questions relating to details behind the process for challenging roadside inspections and BASICs data. Questions also covered inconsistency and miscommunication between the Federal and State sides, the processing time for data challenges and DataQs, the process for driver data challenges, and potential implications for rewriting Part 385.

The third most prevalent theme, with 18 percent of data quality comments/questions, was **Data Sufficiency and Accuracy**. This theme covered topics such as the shortness in length of the carrier and driver record used in the measurement system, the insufficiency of passenger and bus data as well as drug and alcohol data, and the process for measuring accuracy of inspections. Other topics included data quality issues with system uploads between the State and Federal sides and revisiting usage of the six month data cleaning process.

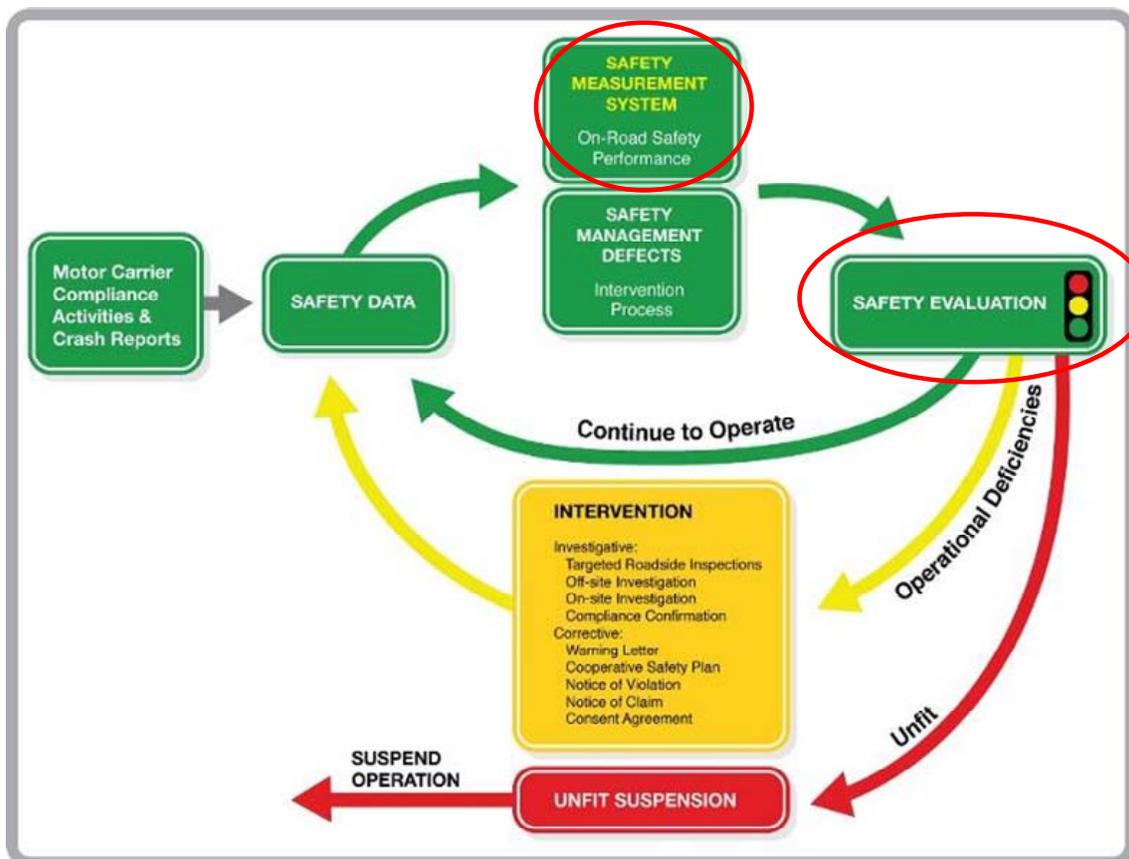
The next five most common themes from the Data Quality/Roadside Uniformity session were directly overlapping with themes discovered in the SMS/SFD session and are described in the Combined Analysis Section 3.2.2.

### 3.2.1.2 Safety Measurement System and Safety Fitness Determination Session

#### Overview of Session

The objective of this breakout session was to give listening session participants an overview of the SMS and SFD Operational Model components (circled in the Operational Model Exhibit 6 below.)

**Exhibit 6**  
**CSA 2010 Operational Model**



**Safety Measurement System.** The first part of the presentation covered the SMS and provided an overview of the two main components of the measurement system: the Carrier Safety Measurement System (CSMS) and the Driver Safety Measurements System (DSMS). The purpose of the SMS is to quantify the on-road safety performance of individual entities to:

- Identify entities for interventions
- Determine the specific safety problems that need to be addressed by the intervention process
- Monitor safety problems throughout the intervention process to determine if further action is required
- Support Safety Fitness Determination (SFD)
- Provide stakeholders with important information to make safety-conscious decisions.

As demonstrated during the presentation, the SMS methodology is designed to weigh on-road safety data based on its relationship to crash risk. The measurement algorithm uses a motor carrier’s data from roadside inspections, State reported crashes, and the Federal motor carrier census to quantify performance in the following Behavior Analysis Safety Improvement Categories (BASICS):

- Unsafe Driving
- Fatigued Driving
- Driver Fitness
- Controlled Substances and Alcohol
- Vehicle Maintenance
- Improper Loading/Cargo Securement
- Crash Indicator.

The presentation also provided an overview of the difference between FMCSA’s current measurement system (SafeStat) with the CSA 2010 measurement system (SMS). Exhibit 7 below gives a brief overview of these differences. For further details on the SMS presentation, see Appendix B.

**Exhibit 7  
Comparison of SafeStat and the CSA 2010 Measurement System**

Today’s Model SafeStat	CSA 2010’s SMS
Organized in 4 broad categories --- Safety Evaluation Areas	Organized by Behavior Analysis Safety Improvement Categories (7 BASICS)
Identifies carriers for a compliance review (CR)	Identifies safety performance problems to determine intervention level
Uses only out-of-service (OOS) and moving violations from inspections	Emphasizes on-road safety performance, using <u>all</u> safety-based inspection violations
No impact on safety rating	Used to propose adverse safety fitness determination based on carriers’ own data
No risk based violation weightings	Risk based violation weightings
Assesses carriers only	Two distinct safety measurement systems – carriers and drivers

**Safety Fitness Determination.** Following the overview of the SMS, a presentation on Safety Fitness Determination explained the following objectives of the proposed SFD:

- Make carriers accountable for sustained unsafe operations and performance.
- Assess a larger portion of the carrier population.
- Move away from agency “seal of approval” (i.e., the carrier can continue to operate until deficiency is identified. The focus is on removing high risk carriers from the road vs. identifying “good” carriers.)
- Maximize use of data collected by the inspection program (~3 million inspections performed annually).

Details of the two major components considered in determining SFD for a carrier were covered:

- On Road Performance – Violations identified during roadside inspections and crash data; and
- Intervention Results – Violations identified and data collected during investigations.

In addition to providing details on the SFD methodology, the presentation also compared the current safety fitness rating process with the proposed CSA 2010 SFD process. Exhibit 8 provides this comparison. Please see Appendix B for the entire SMS and SFD presentations.

**Exhibit 8  
Comparison of Current and Proposed SFD Processes**

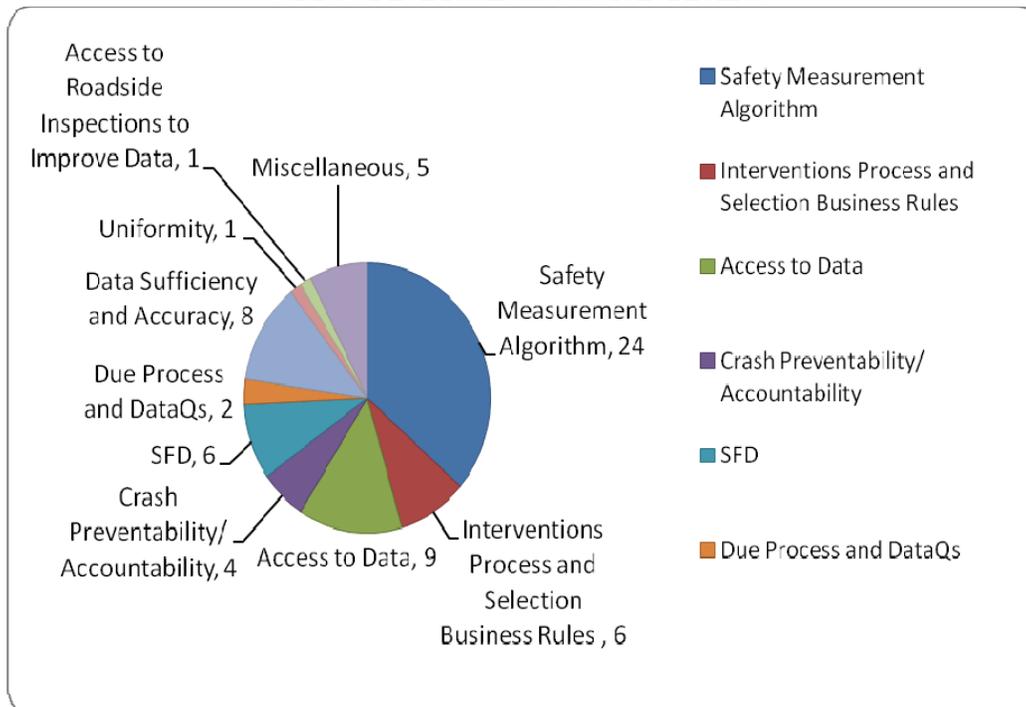
Existing Safety Fitness Rating Process	CSA 2010 Safety Fitness Determination (SFD) Process in Development
Rating only issued or changed with on-site review	SFD can change based on roadside data alone
Rating is a snapshot of compliance on date of compliance review	Safety fitness evaluated on a monthly basis
Rating does not consider roadside driver inspection performance	Adverse SFD can be made based on roadside driver inspection performance alone
Rating based on violations deemed “critical and acute” and vehicle out-of-service violations from inspections	SFD based on violations of all safety-based regulations and evaluation in 7 BASICs • NTSB Recommendation: H-07-3
Adverse rating generally only issued with multiple areas of deficiency	Adverse SFD will be issued with a single area of deficiency • NTSB Recommendation: H-99-006
3 rating labels: Unsatisfactory, Conditional, Satisfactory	3 SFD “labels”: Unfit, Marginal, Continue to Operate

### Session Themes and Findings

Several overarching themes emerged from the two occurrences of the SMS/SFD breakout session. Between the two sessions, there were 66 total questions and comments from participants.

Exhibit 9 displays the themes discovered across both occurrences of the breakout session by the frequency of questions/comments.

**Exhibit 9**  
**SMS/SFD Breakout Session Themes**



In the **SMS/SFD Breakout Session**, 50 percent of the comments were related to Safety Measurement Algorithm and Access to Data. Questions and comments related to these two themes covered the following types of issues:

- Safety Measurement Algorithm (SMA):** SMA questions focused on questioning the use of number of power units versus mileage or inspections, clarifying whether moving violations are included in the algorithm, and whether the level of penalty depends on the violation severity rate. Other clarifying questions focused on specific BASIC score calculations and weights, inclusion of overweight and critical and acute violations, and differences with urban carriers, over the road versus short haul, and HazMat carriers.

- **Access to Data:** The Access to Data theme featured questions on the level of carrier access to data and requesting the ability to use data for driver screening and hiring. Other questions attempted to clarify which data will be accessible to the public and if the public will be notified of interventions and violation severity.

The third most prevalent theme, with 12 percent of SMS/SFD comments/questions, was **Data Sufficiency and Accuracy**. This theme covered topics such as shortness in length of the carrier and driver record used in the measurement system, the insufficiency of passenger and bus data as well as drug and alcohol data, and processes for measuring accuracy of inspections. Other topics included data quality issues with system uploads between State and Federal side and revisiting usage of the six month data cleaning process.

The next five most common themes directly overlapped with themes discovered in the Data Quality Session and are described in the Combined Analysis Section 3.2.2.

The final two themes were only related to questions posed during the SMS/SFD Breakout Session. These themes covered the following issues:

- **Safety Fitness Determination (SFD):** SFD questions related to identifying the criteria for determining an Unfit Rating, where Safety Audit fits into the process, how the old ratings translate to the proposed new ratings, and the process for handling Satisfactory carriers who will turn Marginal under the new SFD system.
- **Crash Preventability/Accountability:** This theme focused on clarifying the definition and consideration of preventability in crash investigations and determining the initial threshold for accountable crashes.

### ***3.2.2 Combined Analysis of Breakout Session Topics***

Themes were discovered across the two breakout session topics Safety Measurement System/Safety Fitness Determination and Data Quality/Roadside Uniformity; some unique to the topic, and some overlapping. Across the two breakout topics and four total sessions, there were 105 total questions and/or comments from participants. Exhibit 10 displays the themes discovered across both breakout session topics by the frequency of questions/comments as well as the percentage of the total number of comments or questions.

**Exhibit 10**  
**Total Number of Comments/Questions by Theme Across Both Breakout Topics**

Themes	# of Comments/ Questions	% of Total Comments/ Questions
1. Safety Measurement Algorithm (SMA)	24	23%
2. Data Sufficiency and Accuracy	15	14%
3. Uniformity	14	13%
4. Due Process and DataQs	13	12%
5. Access to Data	9	9%
6. Interventions Process and Selection Business Rules	8	8%
7. Miscellaneous	7	7%
8. Safety Fitness Determination (SFD)	6	6%
9. Access to Roadside Inspections to Improve Data	5	5%
10. Crash Preventability / Accountability	4	4%
<b>TOTAL</b>	<b>105</b>	<b>100%</b>

Of the 105 questions posed by participants across both breakout group topics, the primary focus (23 percent of the total comments/questions) was on the **Safety Measurement Algorithm (SMA)**. The next three major themes were **Data Sufficiency and Accuracy** (14 percent of the total comments/questions), **Uniformity** (13 percent of the total comments/questions), and **Due Process and DataQs** (12 percent of the total comments/questions). These four topics combine to make up 63 percent of the total comments/questions raised by participants in the Listening Session breakout sessions on Data Quality/Roadside Uniformity and Safety Measurement System/Safety Fitness Determination.

Exhibit 11 displays the frequency of comments/questions related to each of the themes within each breakout group topic. When comparing the frequency of topics across the two breakout sessions, the majority of the questions/comments were posed during the SMS/SFD Breakout Session, with 66 of the 105 comments/questions (63 percent) as compared to 39 comments/questions (37 percent) during the Data Quality Breakout Session. This is most likely due to the majority of questions overall being related to the Safety Measurement Algorithm and all arising during the SMS/SFD Breakout Session.

**Exhibit 11**  
**Total Number of Comments/Questions by Theme and By Breakout Topic**

Themes	Total SMS/SFD Comments/ Questions	% of Total SMS/SFD Comments/ Questions	Total Data Quality Comments/ Questions	% of Total Data Quality Comments/ Questions	Total # of Comments/ Questions	% of Total Comments/ Questions
1. Safety Measurement Algorithm (SMA)	24	36%	0	0%	24	23%
2. Data Sufficiency and Accuracy	8	12%	7	18%	15	14%
3. Uniformity	1	2%	13	33%	14	13%
4. Due Process and DataQs	2	3%	11	28%	13	12%
5. Access to Data	9	14%	0	0%	9	9%
6. Interventions Process & Selection Business Rules	6	9%	2	5%	8	8%
7. Miscellaneous	5	8%	2	5%	7	7%
8. Safety Fitness Determination (SFD)	6	9%	0	0%	6	6%
9. Access to Roadside Inspections to Improve Data	1	2%	4	10%	5	5%
10. Crash Preventability/ Accountability	4	6%	0	0%	4	4%
<b>TOTAL</b>	<b>66</b>	<b>100%</b>	<b>39</b>	<b>100%</b>	<b>105</b>	<b>100%</b>

**Data Sufficiency and Accuracy**, the second largest number of overall questions/comments, was fairly evenly split across the two sessions despite the fact that one of the sessions was dedicated to Data Quality. This shows how data sufficiency and accuracy are connected to the determination of carrier measurement scores and safety fitness ratings. **Uniformity and Due Process/DataQs**, on the other hand, were clearly more of an issue related to the **Data Quality** topic given that uniformity relates to collection of data and due process relates to challenging the data.

While the first two most prevalent themes discovered for each breakout session topic were unique across the two topics, the second most prevalent theme overall (14 percent) and third most prevalent within both breakout session topics, **Data Sufficiency and Accuracy**, was fairly evenly split across the two. This theme covered topics such as the inadequate length of time for the carrier and driver record, the insufficiency of passenger and bus data as well as drug and alcohol data, process for measuring accuracy of inspections. Other topics included data quality issues with system uploads between State and Federal side and revisiting usage of the six month data cleaning process.

The remaining five themes accounted for 30 percent of the total number of comments and questions. Questions and comments related to the following three themes arose in both breakout sessions:

- **Interventions Process and Selection Business Rules:** Topics included clarifying how roadside inspectors will access interventions data, intervention selection business rules and thresholds for selection of each intervention, including Warning Letters and targeted roadside inspections, requesting a basic understanding of Notices of Violation and Notices of Claim, and understanding the carrier’s accountability for drivers after they leave.
- **Access to Roadside Inspections to Improve Data:** Participant questions focused on the impact of pre-clearance and screening systems on obtaining clean roadside inspections, the ability to request inspections to improve data, and the mechanics of how roadside inspectors will make the shift to a renewed focus on obtaining clean inspections and inspecting the good carriers as well.
- **Miscellaneous:** The Miscellaneous category captured questions and comments that did not fall into any of the other selected themes. These questions ranged from grant funds distribution, comparing the results of the Operational Model test and control groups, questions regarding changes within CVSA and its relationship to the program. This theme also included recommendations related to changing terminology, adjusting the Operational Model graphic, and beginning implementation as soon as possible.

#### **4.0 Overall Conclusions and Next Steps**

The results of last year's 2007 CSA 2010 Listening Session showed that the majority of participant questions related to Interventions, Data Concerns and Safety Fitness Determination Methodology, which accounted for 72 percent of the total comments and questions raised. The 2007 breakout session topics were focused on the Operational Model Test, Safety Fitness Determination, and the Safety Measurement System. Given these results, a continued focus during this year's 2008 Listening Session on the SFD Methodology and the Safety Measurement System allowed for more detailed questions to arise and be responded to by the CSA 2010 presenters. A new focus on Data Quality and Roadside Uniformity was a direct response to the significant number of questions related to data concerns posed last year.

The Interventions theme, which garnered the most questions in 2007 (79 questions -- or 28 percent of the total questions) and which also arose this year as 28 percent of the questions posed to the panel was not a focus of this year's breakout session. However, this data suggests a need to focus a portion of the next listening session or other communications on the interventions process itself including detail behind the progression of interventions, selection criteria, and changes in the investigation process. The CSA 2010 panel discussion of test participants was very useful in providing insight into the direct field experience with the interventions process and would be valuable to share with other internal and external stakeholders. It may be appropriate to include a similar update in next year's listening session given that the 30-month Operational Model Test will be closer to completion.

Overall, it appears there are still significant concerns surrounding uniformity of roadside inspections across the states and the impact of this on the quality and accuracy of the data that drives not only carrier SMS scores and safety fitness ratings, but also the ability and ease by which carriers may obtain clean roadside data to improve their measurement scores. In addition, carriers remain concerned with the availability and consistency of due process for data challenges. These concerns and the emphasis on these themes raise the importance of the continuing partnership with the Commercial Vehicle Safety Alliance (CVSA) on roadside uniformity. These questions and concerns should be incorporated into these discussions. Given the interest from industry in this area and their lack of knowledge of the renewed emphasis, outreach should focus attention on the involvement of industry in these CVSA/FMCSA process improvement activities.

Many of the questions regarding the Safety Measurement Algorithm were answered by subject matter experts present at the Listening Session, but the volume of questions points to the fact that carriers and industry want to know the detail behind the methodology and in particular still have concerns with using the number of power units in the calculation. This concern as well as the detailed questions should be addressed and incorporated into the current SMS Fact Sheet and Frequently Asked Questions and any future outreach and communications to carriers. These questions and resources will also be useful to FMCSA field staff and state partners when anticipating the questions to be received when SMS is implemented across the country in 2010.

In addition, many of the responses from the CSA 2010 team related to Safety Fitness Determination were tentative given that SFD is still in development and has not been through

rulemaking. Given this current status and the number of questions related to SFD, it would be useful to keep carriers and industry updated on SFD developments.

Carriers are also very interested in the level of access they will have to the data as well as what data will be available to the public. Therefore, it may be useful to include a hands-on demonstration of the Safety Measurement System, including carrier and public views in future industry communication and Listening Sessions.

Finally, given that CSA 2010 will be implemented throughout the United States by the end of 2010, it is important to prepare carriers and this extended listening session audience for the changes that will be occurring. The next listening session in 2009 should address the concerns participants indicated this year, including the recommendations above, as well as focus on preparing carriers and industry for what to expect related to the 2010 implementation timeline and process.

## **6.0 APPENDICES**

- A. List of Participants
- B. Listening Session Presentations
- C. Federal Register Notice
- D. Docket Comments
- E. Summary of Listening Session Themes
- F. Listening Session Program Guide

**Appendix A**  
**List of Participants**

**Appendix A**  
**List of Participants**

<b>First Name</b>	<b>Last Name</b>	<b>Company</b>	<b>City</b>	<b>St</b>
Rob	Abbott	TransForce	Springfield	VA
John	Allen	Battelle	Washington	DC
Michael	Armes	U.S. GAO	Washington	DC
James	Barber	Great West Risk Management	Knoxville	TN
Deborah	Bowden	Maryland DOT	Hanover	MD
Jack	Burkert	Trailways	Still Pond	MD
Steve	Capecci	Cambridge Systematics, Inc.	Cambridge	MA
Robert	Clarke	Consultant	Arlington	VA
Ken	Colonna	RSC Equipment Rental	Scottsdale	AZ
Jason	Craig	C.H. Robinson Worldwide, Inc.	Eden Prairie	MN
Maurice	Dionne	FMCSA	Augusta	ME
Bill	Dofflemyer	Maryland State Police-CVED	Linthicum	MD
Gerald	Donaldson	Advocates for Highway Safety	Washington	DC
Thomas	Eblen	EBCO Inc	Kansas City	MO
Bill	England	SYSCO Corporation	Houston	TX
David	Feiling	YRC Worldwide, Inc, North American Transportation	Overland Park	KS
Daniel	Furth	National Tank Truck Carriers	Arlington	VA
Nelson	Garcia	Motor and Equipment Manufacturers Association	Washington	DC
Stephen	Garcia	US DOT	Washington	DC
Rodolfo	Giacoman	TML Information Services, Inc.	Alexandria	VA
J.P.	Gibbons	NATC, Inc	Hightstown	NJ
Brett	Graves	Maverick Transportation, LLC	North Little Rock	AR
William	Grizard	APTA	Washington	DC
Philip	Hanley	Consolidated Safety Services	Fairfax	VA
David	Heller	Truckload Carriers Association	Alexandria	VA
Bruce	Johnson	C.H. Robinson Worldwide, Inc.	Eden Prairie	MN
Richard	Johnson	FMCSA/Enforcement and Compliance	Washington	DC
Ashok	Kapoor	US Department of Energy	Washington	DC
Terry	Katz	Maryland State Police-CVED	Linthicum	MD
Theodore	Knappen	Greyhound Lines, Inc.	Washington	DC
Sue	Lawless	McMillan Metro	Rockville	MD
Mark	Lepofsky	Battelle	Washington	DC
Colleen	Levine	National Lumber and Building Material Dealers Asso	Washington	DC
Charles	Littler	American Bus Association	Washington	DC
Rafael	Marshall	NTSB	Washington	DC
Jim	McCauley	CSS	Fairfax	VA
Nicole	McDavid	US DOT	Washington	DC
Robert	McFarland	Safety Transportation Services of Ohio, Inc.	Dublin	OH
Ed	Miller	Maryland DOT	Hanover	MD

**Appendix A**  
**List of Participants**

<b>First Name</b>	<b>Last Name</b>	<b>Company</b>	<b>City</b>	<b>St</b>
Robert	Molloy	NTSB	Washington	DC
Lindsay	Murphy	Truckload Carriers Association	Alexandria	VA
Linda	Norman	Don Norman Associates Inc.	McLean	VA
Ron	Orallo	WGR Southwest, Inc.	Lodi	CA
Dave	Osiecki	American Trucking Associations	Arlington	VA
Rob	Otte	Roehl Transport, Inc.	Marshfield	WI
Stephen	Owings	Road Safe America	Atlanta	GA
Susan	Owings	Road Safe America	Atlanta	GA
Steve	Parker	Consolidated Safety Services, Inc.	Fairfax	VA
Julie	Perrot	NTSB	Washington	DC
Dave	Potts	American Trucking Associations	Arlington	VA
Ken	Presley	United Motorcoach Association	Alexandria	VA
Warren	Prunella	Econometrica	Bethesda	MD
Francis	Raven	Temple University	Washington	DC
Chad	Robinson	MGM Brakes	Charlotte	NC
Otilio	Robledo	National Freight Inc	Vineland	NJ
Robert	Rothstein	Law offices of Robert G. Rothstein	Vienna	VA
Annette	Sandberg	TransSafe Consulting, LLC	Alexandria	VA
Steven	Shawyer	Maryland State Police-CVED	Linthicum	MD
Keith	Sinclair	AASHTO	Washington	DC
Sarawati	Singh	AMSA	Arlington	VA
Marsha	VandeHei	Schneider National, Inc	Green Bay	WI
Steve	Vaughn	PrePass	Folsom	CA
Mark	Walker	C.H. Robinson Worldwide, Inc.	Eden Prairie	MN
Brad	Watkins	Consolidated Safety Services, Inc.	Fairfax	VA
Robert	Watkins	CSS	Fairfax	VA
David	West	RSC Equipment Rental	West Valley	NY
Richard	Wilson	Tran Seviles/Trans Products	Milford	DE
Frederic	Wood	FMCSA	Washington	DC
Brad	Wright	Cambridge Systematics, Inc.	Cambridge	MA
Michael	Zhou	UPS	Washington	DC
Lee	Zimmerman	FMCSA	Washington	DC

**Appendix B**  
**Listening Session Presentations**



Federal Motor Carrier  
Safety Administration

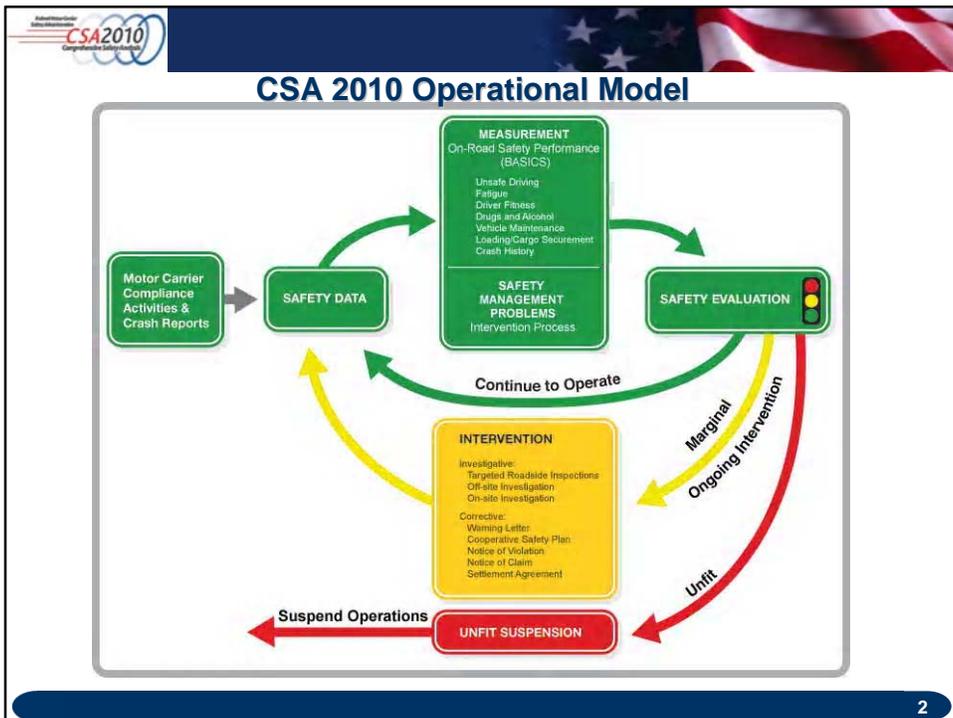
**CSA2010**  
Comprehensive Safety Analysis

# CSA 2010 Operational Model Test

## Listening Session

### December 4, 2007

1




**Behavioral Analysis & Safety Improvement Categories**

**BASICs for Carriers and Drivers**

Behaviors That Lead To Crashes

1. Unsafe Driving
2. Fatigued Driving
3. Driver Fitness
4. Drugs and Alcohol
5. Vehicle Maintenance
6. Cargo Securement
7. Crash Experience



3


**BASIC Performance: Carrier's View**



Carrier Review of Measurement Results

BASIC	Measure	Rank	Percentile	# Inspections resulting in violation of BASIC
1 Unsafe Driving	150.00	92 of 46,224	99.8	13
2 Fatigued Driving	0.00	0 of 46,224	100	0
3 Driver Fitness	Insufficient	Insufficient	Insufficient	Insufficient
4 Controlled Substances/Alcohol	Insufficient	Insufficient	Insufficient	Insufficient
5 Vehicle Maintenance	6.00	55,280 of 141,428	62.4	13
6 Unsafe Load/Secur. Related Issues	1.87	17,263 of 93,338	80.1	8
7 Crashes	INDICATOR	2.00	16,161 of 95,066	97.0

Review Carrier Safety Measurement Results

Access DataQs to Challenge Data

Link to SMS Methodology

Secure Access via A&I PIN

4

Administrative Requirements  
**CSA2010**  
Compliance & Enforcement

## Carrier Interventions – Triggers and Selection

- Intervention process triggered by:
  - One or more deficient BASICs,
  - High crash indicator, or
  - Complaint or fatal crash.
- Intervention selection influenced by:
  - Safety performance,
  - HM or passenger carrier, and
  - Intervention history.

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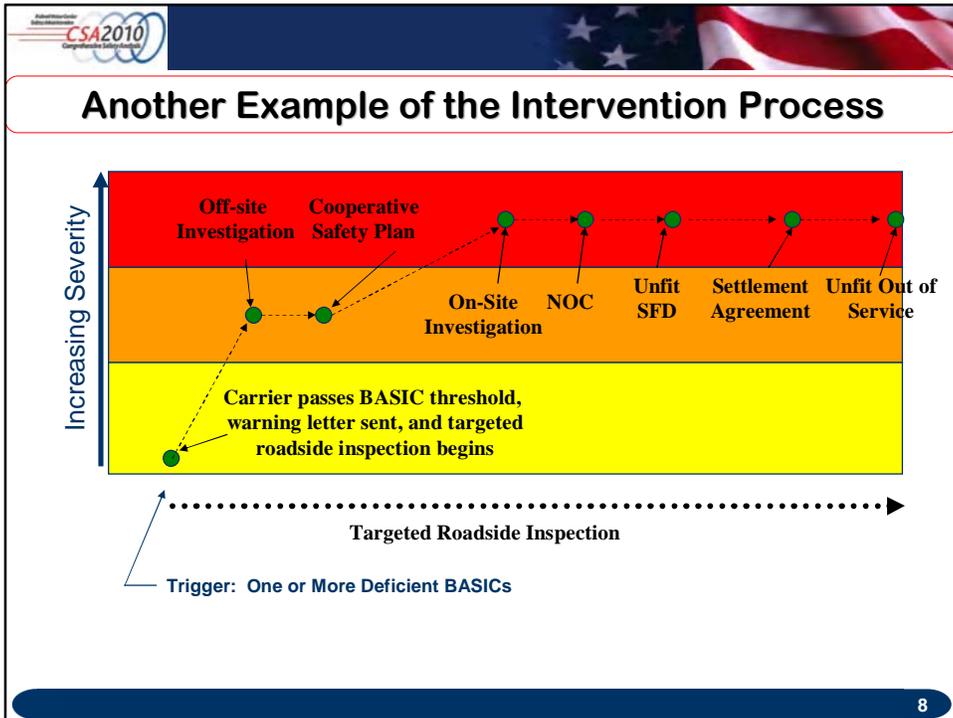
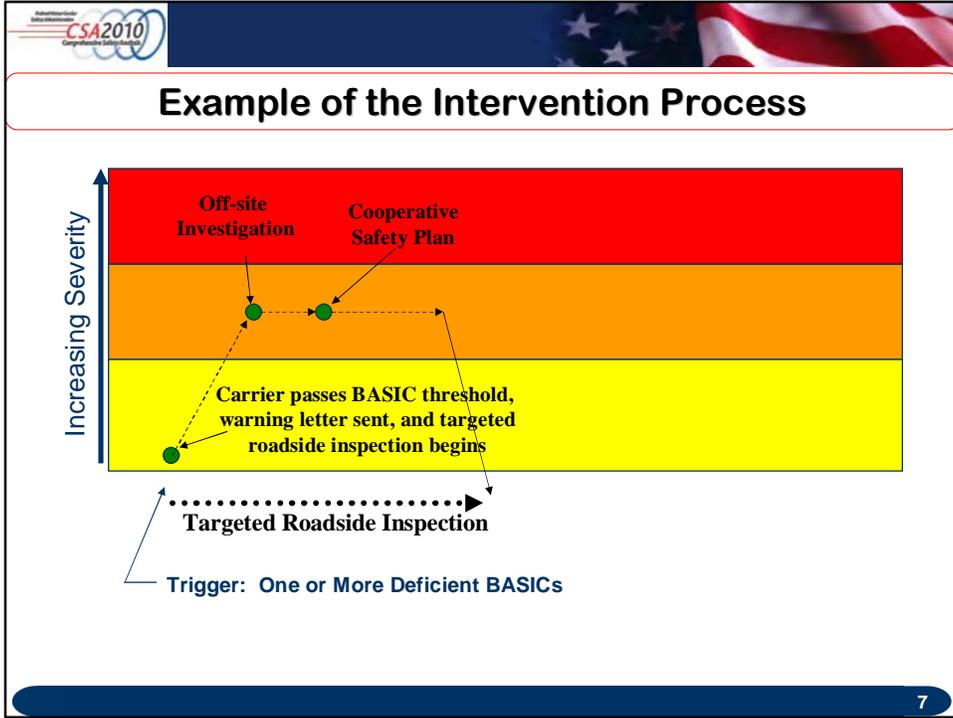
Administrative Requirements  
**CSA2010**  
Compliance & Enforcement

## Carrier Interventions

Increasing Severity ↓

- Warning Letter
- Targeted Roadside Inspection
- Off-Site Investigation
- On-Site Investigation
- Cooperative Safety Plan
- Notice of Violation
- Notice of Claim
- Settlement Agreement
- Unfit – Suspension  
(Safety Fitness Determination)

6





## Compliance Reviews vs. Interventions

CR	Interventions
One tool	Progressive set of tools
Examines many safety management practices	Focus on specific problems
Outcome: acute and critical violations	Outcome: root causes and corrective actions for safety problems.
Determines safety fitness rating	Violations combined with on-road performance for safety fitness determination
Focused on compliance	Focused on improving behaviors that are linked to crashes
Time consuming	Efficiently addresses safety problems
Intervene with a few carriers, later	Intervene with more carriers, earlier

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## Operational Model Test

- Targeted start - January 2008
- Four states – CO, GA, MO, NJ
- Randomly selected subset of domiciled carriers
- No regulatory relief under Part 381
- Goals:
  - Validate measurement system
  - Test intervention process
  - Evaluate effectiveness

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## Carrier Selection

- Carriers that are domiciled in each of the four test States
- Exclusions
  - Carriers with a compliance review within past 18 months
  - Category A/B carriers who are receiving a compliance review
- The remaining carriers are randomly split into two groups
  - Test group
    - Receives new interventions if a BASIC fails
  - Control group
    - Carriers subject to the current process, and will continue to receive ratings
- Why?
  - Ensures some carriers still receive ratings in the test states
  - Provides a control group for evaluating the effectiveness of the new interventions

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## A/B Carriers

- Excluded from the Op Model Test during Phase I
  - Allows us to focus on evaluating the “softer” interventions during Phase I of the test
- Included in Phase II
  - We may be able to reach them more quickly than with compliance reviews
  - Will allow us to evaluate how A/B carriers respond to the new interventions, in comparison to the traditional CR process

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## Monitoring and Evaluation

- Process Evaluation (throughout the test)
  - Safety: monitoring of crashes and violations
  - Feasibility of the new interventions
    - Burden on carriers
    - Experiences of FMCSA/State personnel
    - Time and cost assessment for FMCSA and States
  - Number of carrier touches
- Impact Evaluation (towards the end of the test)
  - Lessons learned from the process evaluation
  - Safety: impact on crashes and violations
  - Time and cost assessment for FMCSA and States
- Measurement System
  - Consistency (Similar carriers have similar scores)
  - Validity (Scores relate to safety performance)

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## Q&A

**Q. How are carriers selected for the test?**

A. After the exclusions have been made (e.g., recent CR), carriers are assigned **randomly** to test and control groups, in order to ensure a valid comparison

**Q. How will a carrier know if it is in the test or control group?**

A. Most carriers who are in the test group won't know it, because their BASIC performance will be better than the intervention threshold. Those carriers whose BASICs are deficient in some manner will know they are in the test when they receive a warning letter and/or other new interventions.

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### Q&A (continued)

**Q. If there is no safety fitness determination (SFD) in the O.M. test, how are bad carriers removed from service?**

A. Current regulations base the SFD on a compliance review. If the performance of a carrier in the test group is poor enough to warrant removal from service, that carrier will be removed from the test, and subject to a compliance review, leading (as appropriate) to an unfit determination.

**Q. Will you be taking actions against a carrier based on a high number of crashes? What if the crashes were not preventable?**

A. A high number of crashes is an indication that further investigation is warranted. Sanctions (if any) will be based on that investigation and not simply on the numbers of crashes.

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### Discussion Topics

- New CSA 2010 Interventions
  - Strengths, weaknesses, suggestions for improvement
    - Warning Letter
    - Causal Factor Identification through Investigation
    - Off site Investigation
    - CSP
    - NOV
- Repeat Violators
  - When to escalate?
  - How long to wait for a carrier to improve?
- Reaction to the Treatment of A/B Carriers
- Overall Reaction to the CSA 2010 Approach

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Federal Motor Carrier  
Safety Administration

**CSA2010**  
Comprehensive Safety Analysis

## Safety Measurement System (SMS)

CSA 2010 Listening Session  
Dallas, TX  
December 4, 2007

17



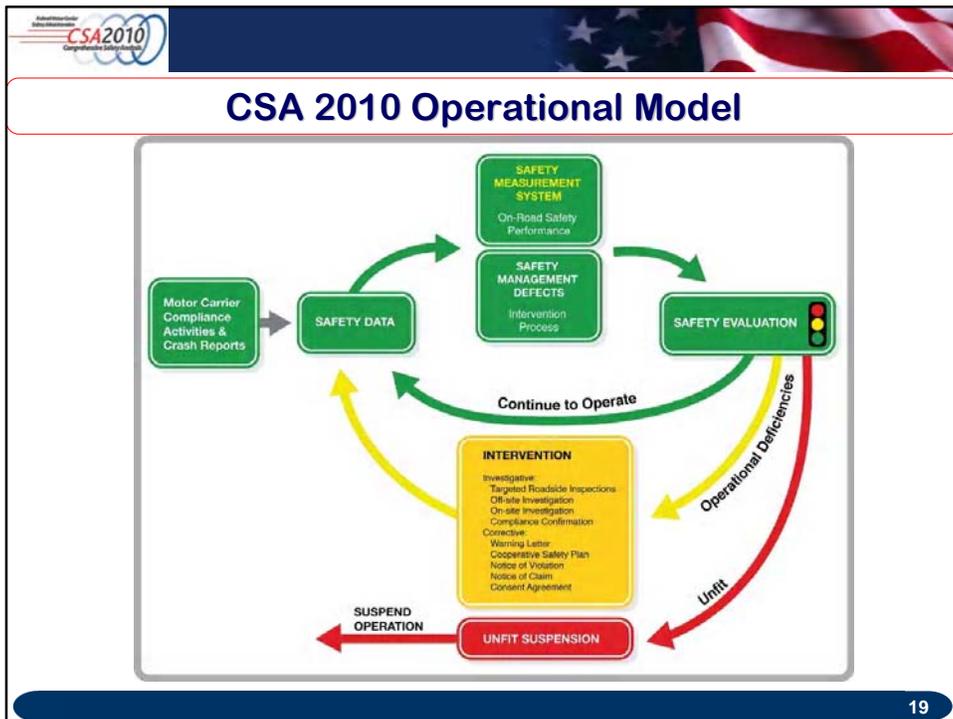
Federal Motor Carrier  
Safety Administration

**CSA2010**  
Comprehensive Safety Analysis

### Purpose of Today's Session

- An Overview of the Uses of the CSA 2010 Safety Measurement System
- An Overview of the CSA 2010 Measurement System Design Concepts
- A Demonstration of CSA 2010 Measurement System Functionality
- Most Important:
  - An Opportunity for You to Provide Feedback

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- Administrative Information  
**CSA2010**  
Compliance & Safety System
- ## Uses of the Safety Measurement System
- Quantifies On-road Safety Performance Data to:
- Identify entities for interventions
  - Determine what problems need to be addressed by the intervention process
  - Monitor safety problems throughout the intervention process to determine if further action is warranted
  - Support Safety Fitness Determination (SFD)
  - Provide stakeholders with important information to make safety conscious decisions
- 20

Administrative  
CSA2010  
Compliance System

## Concept of Measurement System

- Methodology designed to weight on-road safety data based on its relationship to crash risk
- Focuses on safety behaviors that lead to crashes
  - Behavioral Analysis & Safety Improvement Categories (BASICS)

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Administrative  
CSA2010  
Compliance System

## Concept of Measurement System

### Behavior Analysis & Safety Improvement Categories (BASICS)

- Unsafe Driving
- Fatigued Driving
- Driver Fitness
- Drugs/Alcohol
- Vehicle Maintenance
- Improper Loading/Cargo Issues
- Crashes



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Administrative Information  
**CSA2010**  
Compliance & Safety Analysis

## Entities

- Two measurement systems for CSA 2010:
  - Carrier Safety Measurement System (**CSMS**)
  - Driver Safety Measurement System (**DSMS**)
  - Potential to add additional measurement systems in the future
    - HM Shipper

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Administrative Information  
**CSA2010**  
Compliance & Safety Analysis

## Methodology Overview

- 1) Obtain on-road safety event data (e.g., inspections, crashes) and attribute to entity to create a safety event history
- 2) Place each entity's violations/crashes into a BASIC
- 3) Convert BASIC data to quantifiable measure/rate
  - These are Absolute Values Proposed for Use in SFD Process
- 4) Based on each entity's BASIC measure, develop rank and percentile for each entity's BASIC performance

```
graph TD; A[Safety Events By Entity] --> B[BASIC Data]; B --> C[BASIC Measures]; C --> D[Rank / Percentile];
```

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## Safety Events by Entity

- Carrier Safety Measurement System (CSMS)
  - 670 K carriers. Includes 24 months of performance data reported to Federal database
  - 6.3 Million inspection records
  - 280 K crash records
- Driver Safety Measurement System (DSMS)
  - 3.5 Million drivers
  - Includes 36 months of driver performance data from roadside inspections and crash reports
  - 9.1 Million inspection records
  - 430 K crash records

```

    graph LR
      A[SAFETY EVENTS] --> B[BASIC DATA]
      B --> C[BASIC MEASURES]
      C --> D[RANK/ PERCENTILE]
  
```

25




## BASIC Data

### Safety Event Data Sorted by BASIC

BASIC	CSMS		DSMS	
	# Violation Occurrences	# Carriers w/ Occurrence	# Violation Occurrences	# Drivers w/ Occurrence
Unsafe Driving	986,971	197,666	1,604,284	1,055,640
Driver Fatigue	1,259,948	157,398	1,941,931	888,374
Driver Fitness	377,166	167,140	785,110	606,348
Drug and Alcohol	9,396	7,027	17,253	16,058
Vehicle Maintenance	6,254,335	344,161	8,071,440	1,923,612
Improper Loading / Cargo Issues	569,613	152,922	1,031,328	679,210
	# Crashes	# Carriers w/ Crash	# Crashes	# Drivers w/ Crash
Crashes	196,372	76,912	410,846	388,416

```

    graph LR
      A[SAFETY EVENTS] --> B[BASIC DATA]
      B --> C[BASIC MEASURES]
      C --> D[RANK/ PERCENTILE]
  
```

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## BASIC MEASURES

- Convert inspection and crash data into a quantifiable measure using the following concepts:
  - Time Weighting / Time Frame
  - Severity Weightings
    - Increase weighting of violations that have been shown to create a greater risk of crash involvement
  - Normalizing
    - Use of number of inspections and power units



```

    graph LR
      A[SAFETY EVENTS] --> B[BASIC DATA]
      B --> C[BASIC MEASURES]
      C --> D[RANK/PERCENTILE]
      style C fill:#ffff00
      style D fill:#ffff00
      
```

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## Rank/Percentile

- Based on each BASIC measure, develop rank and percentile indicating entity's BASIC performance
  - Provides a relative assessment of performance
  - Allows for prioritizing intervention resources by behavior
- Considerations
  - **Peer Grouping** - compare measures of entities with similar levels of exposure
  - **Data Sufficiency standards** – define events/exposure necessary to generate a robust measure
  - **SFD/Intervention standards** – define “critical mass” of poor performance necessary for inclusion of entity in intervention process or detrimental SFD



```

    graph LR
      A[SAFETY EVENTS] --> B[BASIC DATA]
      B --> C[BASIC MEASURES]
      C --> D[RANK/PERCENTILE]
      style D fill:#ffff00
      
```

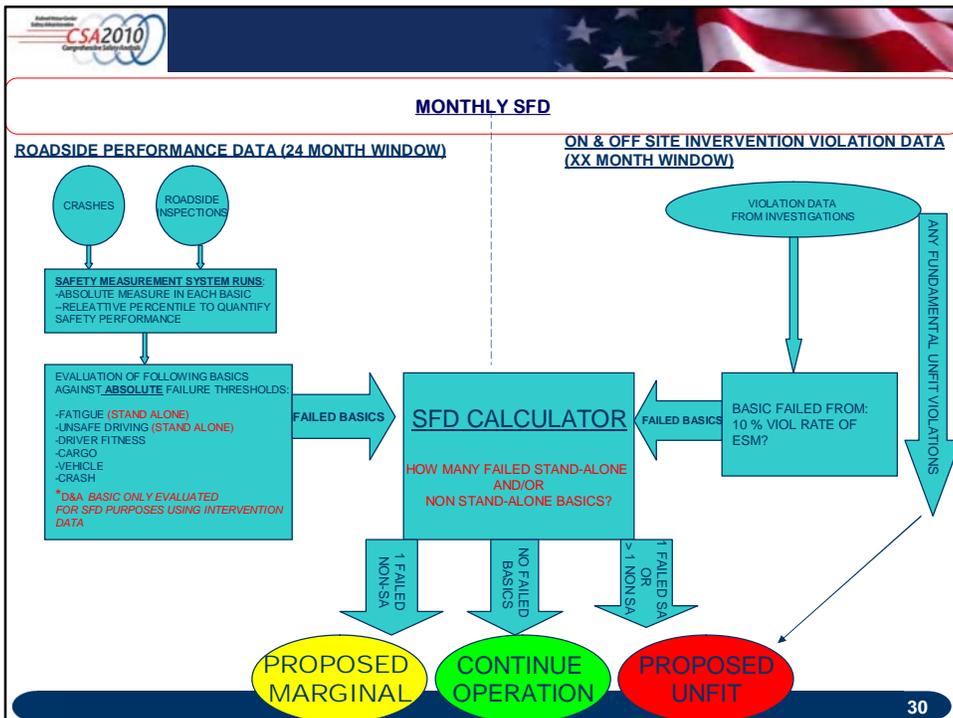
28



## Safety Measurement System vs. SafeStat

<p style="text-align: center;"><u>Today's Model - SafeStat</u></p> <ul style="list-style-type: none"> <li>• Four Safety Evaluation Areas (SEAs)</li> <li>• Only roadside out-of-service &amp; moving violations</li> <li>• SafeStat – results support prioritization of compliance reviews</li> <li>• No risk-based violation weightings</li> <li>• Carriers</li> </ul>	<p style="text-align: center;"><u>CSA 2010</u></p> <ul style="list-style-type: none"> <li>• Seven Safety Behavioral Areas (BASICS)</li> <li>• All roadside safety violations</li> <li>• Results determine ---             <ul style="list-style-type: none"> <li>- When to intervene</li> <li>- When to propose adverse safety fitness determination                 <ul style="list-style-type: none"> <li>• Based Solely on Carriers Own Data, Not "Relative/Comparative"</li> </ul> </li> </ul> </li> <li>• Risk-based violation weightings</li> <li>• Carriers <u>and</u> Drivers</li> </ul>
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**CSA 2010**

- DEMONSTRATION OF SYSTEM CAPABILITIES

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Federal Motor Carrier  
Safety Administration

**CSA2010**  
Comprehensive Safety Analysis

**Comprehensive Safety Analysis 2010**  
Listening Session  
Arlington, Texas

**Safety Fitness Determination**

December 4, 2007

32



## SFD Overview

- Goals
- Key Features
- Purpose of the rule change
- Proposed changes to SFD

33



## CSA 2010 Goals

- Develop new mechanism by which to determine a carrier's safety fitness
- Develop new Measurement System incorporating results from roadside inspection, crash and investigation history.
- Regularly updated with current information.
- Considers and Evaluates all FMCSR's

34




## CSA 2010

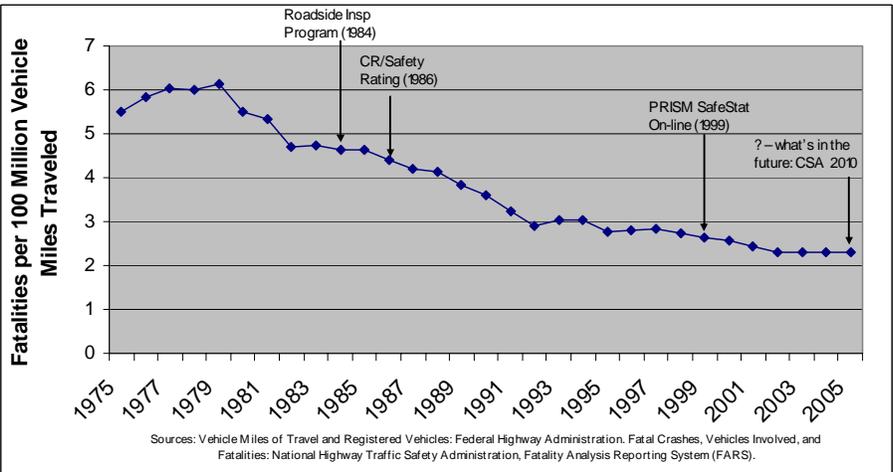
Key features are:

- Increased contact with more carriers and drivers;
- Use improved data to better identify high risk carriers and drivers; and

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## Why CSA 2010?



Year	Fatalities per 100 Million Vehicle Miles Traveled
1975	5.5
1977	5.8
1979	6.0
1981	5.5
1983	4.8
1985	4.7
1987	4.5
1989	4.2
1991	3.8
1993	3.2
1995	3.0
1997	2.8
1999	2.8
2001	2.6
2003	2.4
2005	2.3

Sources: Vehicle Miles of Travel and Registered Vehicles: Federal Highway Administration, Fatal Crashes, Vehicles Involved, and Fatalities: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

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## Current Business Limitations

- Safety fitness determination tied to compliance review.
- Very labor intensive.
- Result: We assess only small fraction of industry.
- Focus is on carriers.

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## Interested Parties

- **Congress**
- **NTSB**
- **Industry**
- **Safety Advocates**

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## CSA 2010 - Features

- Target unsafe behavior.
- Safety fitness tied to data; not CR or only acute/critical violations.
- Broad array of progressive interventions.
- Focus is on carriers and drivers.
- Leverage new technology, training, and information.

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## Carrier & Driver Measurement Systems

- **Two Measurement Systems**
  - Carriers
  - Driver
- **Emphasizes on the road performance**

40




## Behavioral Analysis & Safety Improvement Categories

### BASICS for Carriers and Drivers

#### Behaviors That Lead To Crashes

1. Unsafe Driving
2. Fatigued Driving
3. Driver Fitness
4. Drugs and Alcohol
5. Vehicle Maintenance
6. Cargo Securement
7. Crash Experience

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## Measurement Systems Carrier and Driver

Safety Events  
By Entity

→

BASIC  
Data

→

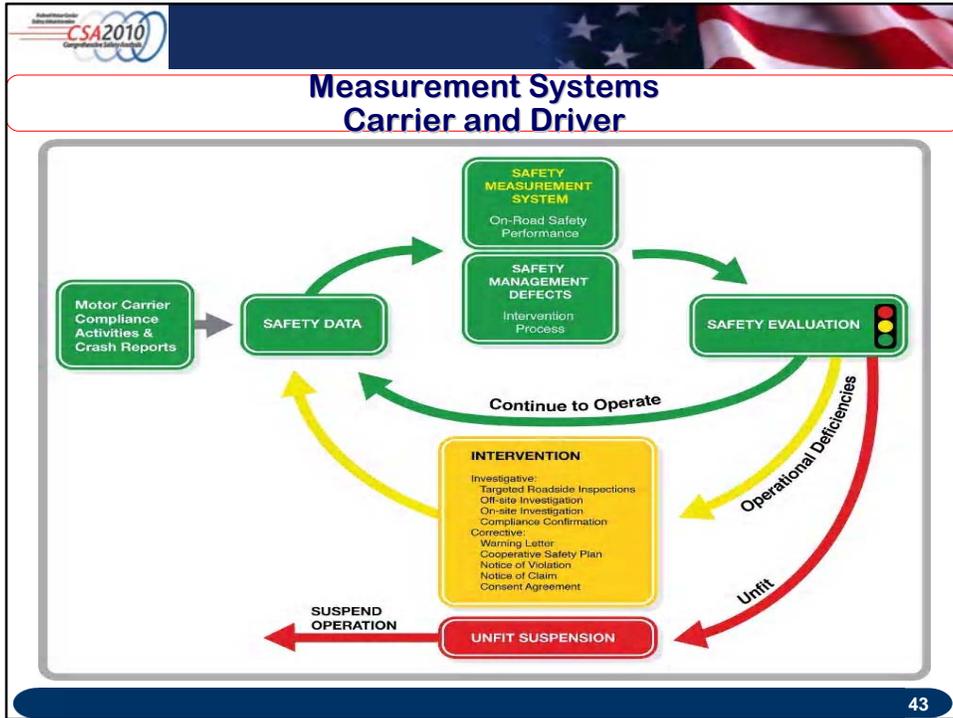
BASIC  
Measures

→

Rank /  
Percentile

- Each BASIC –
  - Weighted for time/crash-risk
  - Normalized for exposure
  - Peer grouped
  - Data sufficiency tested
  - Ranked by percentile – relative to peers
  - Updated every 30 days

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- Administrative Information  
**CSA2010**  
Compliance & Safety
- ## Proposed changes
- Safety Fitness will not be tied to a CR which only measures acute/critical violations.
  - SFD is a performance based measure based on an absolute value.
  - New interventions will allow for more contacts with motor carriers and drivers.
- 44



### CSA 2010 – Proposed SFD

- Maintain three tiered approach to SFD.
- Performance based system utilizing all available data collected.
- All regulations will factor into SFD.
- Most similar to current rating system.

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### CSA 2010 – Proposed SFD

- Incorporates 7 BASIC's into measurement and SFD scheme.
- Identified 15 Fundamental Violations into Measurement System which will have direct impact on SFD.
- Results from progressive Interventions will be incorporated into SFD.
- Identified 53 essential safety management regulations.

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### Carrier SFD – Proposed Three Tier Option

BASICS or Results from Intervention		Fundamental Violations	Safety Fitness Determination
<i>Stand Alone BASICS:</i> <b>Unsafe Driving</b> <b>Fatigued Driving</b>	<i>Non Stand Alone BASICS:</i> <b>Drug/Alcohol</b> <b>Improper Loading/Cargo</b> <b>Crash Indicator</b> <b>Vehicle maintenance</b> <b>Driver Fitness</b>		
Number of BASICS with Score Above "Failed" BASIC Threshold or Critical Level of violations discovered during Intervention	Number of BASICS with Score Above "Failed" BASIC Threshold or Critical level of violations discovered during Intervention		
1			Unfit
0	>1		Unfit
0	0	1	Unfit
0	1	0	Marginal
	0	0	Continue Operations

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### Proposed New SFD Approach

- BASICS are split into two groups, “*stand alone*” and “*non stand alone.*”
- Failure in “stand alone” BASICS alone (unsafe driving and fatigued driving), is sufficient for a proposed SFD of “Unfit”
- Failure in “non stand alone” BASIC will result in “Marginal” proposed SFD.

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## Comparison of Existing Regulations vs. Proposed

Existing SFD Process	Proposed CSA2010 SFD Process
SFD can only be issued or changed with on-site CR.	SFD is not tied exclusively to on-site reviews.
SFD is a snapshot of compliance on the date of the CR.	Safety fitness is evaluated on a monthly basis.
SFD does not consider driver roadside inspection performance.	Proposed Unfit can be issued based on failed Fatigue, Unsafe Driving, or Driver Fitness BASIC resulting from roadside inspections alone.
SFD based solely on Critical and Acute violations.	SFD based on violations of all regulations.
Three SFD "labels": Unsatisfactory, Conditional, and Satisfactory.	Three SFD "labels": Unfit, Marginal and "Continue Operations".
Multiple "areas" of deficiency must be documented during a CR to receive an adverse SFD.	Failure in the Unsafe Driving, Fatigued Driving, or Driver Fitness BASIC alone is considered unacceptable behavior that will result in a proposed Unfit SFD.

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## CSA 2010 – Due Process

- Due Process rights have not changed.
- Carrier can challenge the accuracy of the data in any challenge.
- Evidence of corrective action can still be filed but conditions will be applied uniformly by all Field Offices.

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**Appendix C**  
**Federal Register Notice**

### *B. Projects for Which No Funds Are Requested*

Although most projects under the VPP program involve program funds, some projects do not, and instead only seek tolling authority under the program. In such cases, and especially where a State is not already part of the VPP program, FHWA recommends that the public authority investigate the other opportunities to gain authority to toll that are listed in the notice in the January 6, 2006, **Federal Register**, entitled "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); Opportunities for State and Other Qualifying Agencies to Gain Authority to Toll Facilities Constructed Using Federal Funds" (71 FR 965).

### **Post-Selection Process**

If approved, a formal cooperative agreement will be prepared between the FHWA and the State. The cooperative agreement will include a refined scope of work developed from the original funding application and subsequent discussions with FHWA. Federal statutes will govern the cooperative agreement. Regulations cited in the agreement, and 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, will also apply. As a practical matter, each value pricing project must have a separate cooperative agreement. Although, in the past, the FHWA has allowed some States to have a master cooperative agreement that is subsequently amended for each approved project, in the future the FHWA will execute a separate agreement for each project. For value pricing projects that involve only toll authority and that do not involve requests for Federal funds, a cooperative agreement must still be executed.

Where the implementation of tolling is part of the VPP project, Federal tolling authority is required. To secure such authority for a VPP project, a cooperative agreement will be executed, regardless of whether VPP program funding is being provided. The cooperative agreement must include all of the information normally required as part of a tolling agreement (stipulating the terms of the tolling, providing details on the dispensation of revenues, etc.). A separate tolling agreement will not be required. As discussed previously, revenues must generally first be used to cover debt service, provide reasonable return on private party investments, and operate and maintain the facility. Any remaining revenues may then be used for other

Title 23, United States Code eligible purposes.

Where tolling authority is secured through a VPP program cooperative agreement, such an agreement, like tolling agreements providing the authority to toll under other Federal provisions and programs, will be signed by the Executive Director of FHWA. If tolling authority is not required, the cooperative agreement will be signed by the FHWA Division Administrator of the State Division Office. All cooperative agreements will be administered jointly by FHWA's Office of Operations and FHWA's State Division Office.

### **Other Requirements**

Prior to FHWA approval of pricing project implementation, value pricing programs must be shown to be consistent with Federal metropolitan and statewide planning requirements (23 U.S.C. 134 and 135; and, if applicable, 49 U.S.C. 5303 and 5304).

Implementation projects involving tolls outside metropolitan areas must be included in the approved statewide transportation improvement program and be selected in accordance with the requirements set forth in section 1204(f)(3) of the TEA-21.

Implementation projects involving tolls in metropolitan areas must be: (a) Included in, or consistent with, the approved metropolitan transportation plan (if the area is in nonattainment for a transportation related pollutant, the metropolitan plan must be in conformance with the State air quality implementation plan); (b) included in the approved metropolitan and statewide transportation improvement programs (if the metropolitan area is in a nonattainment area for a transportation related pollutant, the metropolitan transportation improvement program must be in conformance with the State air quality implementation plan); (c) selected in accordance with the requirements in section 1203(h)(5) or (i)(2) of TEA-21; and (d) consistent with any existing congestion management system in Transportation Management Areas, developed pursuant to 23 U.S.C. 134(i)(3).

**Authority:** 23 U.S.C. 315; sec. 1216(a), Pub. L. 105-178, 112 Stat. 107; Pub. L. 109-59; 117 Stat. 1144.

Issued on: September 9, 2008.

**Thomas J. Madison, Jr.,**  
Federal Highway Administrator.

[FR Doc. E8-21517 Filed 9-15-08; 8:45 am]

**BILLING CODE 4910-22-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2004-18898]

### **Comprehensive Safety Analysis 2010 Initiative**

**AGENCY:** Federal Motor Carrier Safety Administration, DOT.

**ACTION:** Notice of public listening session.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces a public listening session to obtain feedback from interested parties on the Agency's Comprehensive Safety Analysis 2010 (CSA 2010) initiative, a comprehensive review, analysis, and restructuring of FMCSA's current safety fitness determination process and enforcement programs. FMCSA will use the listening session to brief participants on the direction and progress of CSA 2010 and obtain feedback from its partners and stakeholders. FMCSA also requests comments on the CSA 2010 operational model described in this notice.

**DATES:** The Public Listening Session will be held on October 16, 2008, from 8 a.m. to 2:45 p.m. Participant registration will be from 8 a.m. to 9 a.m. Written comments must be received by January 31, 2009.

**ADDRESSES:** The Public Listening Session will be held at the Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209. You may submit comments identified by FDMS Docket ID Number FMCSA-2004-18898 and by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.).

You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketinfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Cathy McNair, Program Manager Assistant, CSA 2010, (202) 366-0790.

**SUPPLEMENTARY INFORMATION:**

*Format of Listening Session:* During the Public Listening Session, FMCSA will describe its progress on CSA 2010 to date and address specific aspects of the CSA 2010 operational model. FMCSA will accept comments on the CSA 2010 operational model and any additional information that commenters believe FMCSA should consider for the success of the CSA 2010 initiative. The session will include a one and one-half hour morning plenary session (9 a.m.), and two facilitated breakout sessions. Each breakout session will be run two consecutive times so that all attendees will have the opportunity to participate in both sessions. Each session will run for one and one-half hours, beginning at 11 am and 1:15 pm.

The plenary and breakout sessions listed below will address specific aspects of the CSA 2010 initiative. Later sections of this notice provide supporting information for each of these areas.

- (1) Plenary Session—Overview of CSA 2010 and the Operational Model Test
- (2) Breakout Session—Safety Measurement System (SMS) and Safety Fitness Determination (SFD)
- (3) Breakout Session—Safety Data Quality

The agenda for the listening session is as follows:

**Morning**

- 8–9 Registration
- 9–10:45 Welcome and Agenda Overview/CSA 2010 Overview and Operational Model Test Panelist Q & A (Plenary Session)
- 10:45–11 Break
- 11–12:30 Breakout 1 (Participants attend SMS/SFD or Data Quality session)

**Afternoon**

- 12:30–1:15 Lunch
  - 1:15–2:45 Breakout 2 (Participants attend SMS/SFD or Data Quality session)
- Registration information and instructions: To attend the listening session, attendees can register online at <http://www.fmcsa.dot.gov/csa2010-register>. In addition to registration information, the registration Web site provides additional details about the agenda. If there are any questions, or if an attendee prefers to register via telephone, please contact the registration help desk at 206-284-7850.

**Background**

In August 2004, FMCSA embarked on CSA 2010—a comprehensive review and analysis of the FMCSA motor vehicle safety compliance and enforcement programs (69 FR 51748, August 20, 2004). The goal of CSA 2010 is to increase the efficiency and effectiveness of FMCSA's compliance and enforcement program with the ultimate goal of achieving a significant reduction in large truck and bus crashes, injuries, and fatalities. Under the CSA 2010 initiative, FMCSA is developing and deploying a new approach to using agency resources to identify drivers and motor carriers that pose safety risks based on their crash experience and violations of safety regulations and to intervene to reduce those risks as soon as they become apparent. FMCSA understands how important it is to obtain feedback on this approach from partners, stakeholders, and other interested parties.

The Agency held the first series of public listening sessions on CSA 2010 in September and October of 2004. These sessions were designed to collect public input regarding ways FMCSA could improve its process of monitoring and assessing the safety performance of the motor carrier industry. The majority of participants supported the Agency's goal of improving the current safety fitness determination process through the CSA 2010 initiative. For further information on the public listening sessions held in 2004, visit the FMCSA Web site at <http://www.fmcsa.dot.gov/>

(click on the CSA2010 link) and see the final report, "Comprehensive Safety Analysis Listening Sessions."

On November 16, 2006, FMCSA held another listening session to gather information and feedback on CSA 2010 (71 FR 61131, October 17, 2006). The session was held in Washington, DC, with close to 100 attendees that included a cross-section of Federal, State, and local government agencies, motor carriers, industry associations, insurance and consulting firms, and safety advocacy groups. *The event focused on four major aspects of CSA 2010:* (1) Measurement; (2) Safety Fitness Determination; (3) Intervention Selection and Entity Characteristics; and (4) Safety Data and Tracking, Evaluation and Data Validation. Participants provided valuable information on these topics, which FMCSA has taken into account during its continued development of the CSA 2010 operational model. For further information on the public listening session held in 2006, visit FDMS Docket Identification Number FMCSA-2004-18898 at <http://www.regulations.gov> and see the final report, "Comprehensive Safety Analysis 2010, 2006 Listening Session."

On December 4, 2007, FMCSA held a listening session to brief stakeholders and partners on the progress that had been made since 2006 (72 FR 62293, November 2, 2007). FMCSA provided detailed information in three breakout sessions on specific aspects of the CSA 2010 initiative: (1) Safety Measurement System; (2) Safety Fitness Determination (SFD); and (3) Operational Model Test. Participants in the 2007 listening session focused their comments and questions most frequently on issues relating to the CSA 2010 intervention process, concerns about the quality of safety data, and the proposed SFD methodology. For further information on the public listening session held in 2007, visit FDMS Docket Identification Number FMCSA-2004-18898 at <http://www.regulations.gov> and see the final report, "Comprehensive Safety Analysis 2010, 2007 Public Listening Session."

The purpose of the October 2008 listening session is for FMCSA to brief stakeholders, partners, and other interested parties on the progress that has been made since the listening session in December 2007. FMCSA plans to hold additional listening sessions to continue the process of updating the public and to receive feedback.

### Current Operational Model and Its Limitations

FMCSA's current operational model employs SafeStat to analyze the safety status of individual motor carriers and to prioritize them for a compliance review (CR). SafeStat uses data from a variety of State and Federal sources to measure the relative safety of motor carriers in four Safety Evaluation Areas (SEAs): Accident, Driver, Vehicle, and Safety Management. (For a full description of the SafeStat methodology, visit the FMCSA Web site at: <http://ai.fmcsa.dot.gov>.) A CR is an on-site examination of a carrier's operations, such as drivers' hours of service, to determine whether the carrier meets the safety fitness standard found at 49 CFR 385.5. Currently, a CR can result in one of three safety ratings: Satisfactory, Conditional, or Unsatisfactory.

The current FMCSA enforcement intervention is very labor-intensive, allowing the Agency and its State partners to assess the safety performance of only a small fraction of the motor carrier industry. Because each CR may take one safety investigator an average of 3 to 4 days to complete, depending on the location and size of the carrier, FMCSA can perform CRs at present staffing levels on only a small portion of the approximately 700,000 interstate carriers listed in the agency's census. Further compounding this limitation is the fact that the full CR is generally deployed at a carrier's place of business as a one-size-fits-all tool to address what may not be a comprehensive safety problem. Although FMCSA's current approach has contributed to a reduction in the rate of large truck and bus fatalities, the factors described above will make it increasingly challenging to sustain and further these improvements to large truck and bus safety over the coming years.

For these reasons, along with improvements in the quality of data available to FMCSA and improved ways to measure the safety of motor carriers, FMCSA is exploring ways through CSA 2010 to improve its current process for monitoring, assessing, and enforcing the safety performance of motor carriers and drivers.

### Comprehensive Safety Analysis 2010

CSA 2010 is a major FMCSA initiative to improve the effectiveness of the Agency's compliance and enforcement programs. CSA 2010 will help the Agency assess the safety performance of a greater segment of the motor carrier industry and intervene with more carriers to change unsafe behavior

earlier. The ultimate goal is to achieve a significant reduction in large truck and bus crashes, injuries, and fatalities, while making efficient use of the resources of FMCSA and its State partners. In contrast to the Agency's current operational model, CSA 2010 is characterized by (1) a more comprehensive safety measurement system; (2) a broader array of progressive interventions; (3) a safety fitness determination (SFD) methodology that is based on performance data and not necessarily tied to an on-site compliance review; and (4) supporting information technology systems that will help FMCSA and its State partners implement and continuously evaluate each of these elements. To date, FMCSA has made significant progress in its development of the CSA 2010 operational model, launching a field test in February 2008.

### Safety Measurement System

The role of the Safety Measurement System (SMS) within the CSA 2010 operational model is to monitor and quantify the safety performance of commercial motor carriers and drivers through data available in the Motor Carrier Management Information System (MCMIS), FMCSA's database for carrier census information, roadside inspection data, crash data, etc. Under CSA 2010, these data would include violations found during roadside inspections, traffic enforcement, and the intervention process (discussed below) as well as violations associated with crashes. SMS would group these data into seven Behavioral Analysis Safety Improvement Categories (BASICs), each of which includes regulatory requirements for both motor carriers and drivers: Unsafe Driving, Fatigued Driving, Driver Fitness, Controlled Substances and Alcohol, Vehicle Maintenance, Improper Loading/Cargo Securement, and Crash History. FMCSA developed the BASICs under the premise that commercial motor vehicle (CMV) crashes can ultimately be traced to the behavior of motor carriers and drivers. There are six important ways that the SMS is different than the Agency's current measurement system, SafeStat:

1. SMS is organized by specific behaviors (BASICs) while SafeStat is organized into four broad SEAs.
2. SMS identifies safety risks in the same structure in which CSA 2010 addresses those risks, while SafeStat prioritizes carriers for a one-size-fits-all compliance review.
3. SMS uses all safety-based inspection violations while SafeStat

uses only out-of-service violations and selected moving violations.

4. SMS uses risk-based violation weightings while SafeStat does not.

5. SMS impacts the safety fitness determination of an entity, while SafeStat has no impact on an entity's safety rating.

6. SMS assesses individual drivers and carriers, while SafeStat assesses only carriers.

The SMS methodology is described in more detail in the sections below headed "Safety Measurement System" and "Safety Fitness Determination."

### Interventions

The use of targeted interventions to improve unsafe behavior is a cornerstone of the CSA 2010 operational model. Interventions are actions taken by FMCSA or its State partners to address safety deficiencies that cause an entity to receive an unfavorable score in the SMS. Currently, FMCSA relies on the CR, a one-size-fits-all comprehensive audit of regulatory compliance, to determine enforcement actions and assess safety fitness. In contrast, CSA 2010 interventions respond to specific safety risks and are designed to be progressive. The goal is to reach a larger segment of the industry and to change unsafe behavior early on.

The interventions developed for implementation in CSA 2010 can be grouped into one of two categories:

*Investigative interventions* are an attempt to find the causal factors of a safety performance issue that is identified by the measurement system.<sup>1</sup> FMCSA believes that such identification will, in many cases, help motor carriers and drivers to apply the most effective corrective actions. These interventions include targeted roadside inspections, offsite investigations, and on-site investigations (focused and comprehensive).

*Corrective interventions* are aimed at encouraging a change in safety behavior by correcting causal factors identified by investigative interventions with actions that range from educational to punitive. These interventions include Warning Letters, Cooperative Safety Plans, Notices of Violation, Notices of Claim, and Settlement Agreements. Under FMCSA's planned SFD process, corrective interventions could result in FMCSA determining a carrier unfit

<sup>1</sup> Although FMCSA believes that identifying causal factors through redesigned investigations will prove beneficial to safety, the Agency recognizes that it is ultimately the responsibility of motor carriers and drivers to know, understand, and comply with all applicable Federal safety regulations.

through the safety fitness determination process.

#### *Safety Fitness Determination*

Under 49 U.S.C. 31144, FMCSA is required to “maintain by regulation a procedure for determining the safety fitness of an owner or operator.” Under the Agency’s current operational model, FMCSA uses the CR process to determine motor carrier safety fitness and issue safety ratings, which can be Satisfactory, Conditional, or Unsatisfactory and are defined under 49 CFR part 385.

The development of an alternative SFD methodology is guided by concerns about FMCSA’s current SFD process both from within and outside the Agency. In particular, National Transportation Safety Board (NTSB) recommendation H-99-06 urges FMCSA to “Change the safety fitness rating methodology so that adverse vehicle and driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for the carrier.”

In response to these concerns, FMCSA is developing an SFD methodology that would (1) allow it to assess the safety performance of a larger segment of the motor carrier industry; (2) not be tied to an onsite compliance review; and (3) take into account virtually all FMCSA safety regulations. This methodology is described in more detail in the sections below headed “Safety Measurement System” and “Safety Fitness Determination.”

#### *Information Technology Systems*

Information technology (IT) systems is the fourth major component of CSA 2010. New information resources and modified, existing information systems have been made available to FMCSA, State partners, and operational model test carriers to track and update the safety performance data from regulated entities as they are received, link relevant data to the correct entity, validate the data, and provide the mechanisms for correcting data. These systems will also allow FMCSA to provide important data to a third-party evaluator who will render an opinion of the relative effectiveness and efficiency of the CSA 2010 processes relative to existing processes.

COMPASS is the Agency’s major IT modernization initiative. CSA 2010 is coordinating closely with the COMPASS program so that the timelines of both programs are synchronized as much as possible. CSA 2010 full deployment will rely on modernized, flexible IT systems that COMPASS provides.

#### **Current CSA 2010 Priorities**

##### *Operational Model Test*

In February 2008, FMCSA began testing the new CSA 2010 operational model. The purpose of the operational model test is to determine both the feasibility and effectiveness of the new CSA 2010 interventions and SMS. The test is scheduled to run in two Phases for 30 months into mid-2010, at which time FMCSA is targeting full CSA 2010 implementation. The 30-month timeframe is designed to provide sufficient data for statistical purposes to support third-party evaluation of the operational model test results.

During the operational model test, FMCSA is not providing any regulatory relief. Motor carriers are not rated under the CSA 2010 SFD methodology, because that methodology must yet be implemented through rulemaking. Instead, a motor carrier with poor safety performance, and found to be unresponsive to the new CSA 2010 interventions, undergoes a CR and is rated in accordance with the Agency’s current compliance and enforcement process, and is subject to fines, penalties, and other actions to bring about compliance.

*The test is taking place in four States:* Colorado, Georgia, Missouri, and New Jersey, which provides one test State for each of the four FMCSA Service Centers. FMCSA randomly divided motor carriers domiciled in the test States into two equal sized groups: A test group and a control group.

The test group carriers receive CSA 2010 interventions based on information provided by the SMS. The control group is addressed through the Agency’s current operational model, which involves the use of SafeStat to identify motor carriers for compliance reviews and any required enforcement actions. Again, motor carriers in the test group with poor safety performance, and found to be unresponsive to the new CSA 2010 interventions, undergo a compliance review and are rated in accordance with the Agency’s current compliance and enforcement process.

*Phase I:* In January 2008, FMCSA trained approximately 26 Federal and State investigators to carry out the new CSA 2010 interventions on the test group carriers during the operational model test. In February 2008, the Agency initiated the first phase of the operational model test: This startup phase included only three BASICS: Unsafe Driving, Fatigued Driving, and Vehicle Maintenance.

*Phase II:* Phase two of the operational model test is scheduled to begin in late-September, at which point the

remaining BASICS will be added: Driver Fitness, Controlled Substances and Alcohol, Improper Loading/Cargo Securement, and Crash History. As the test progresses into phase two, FMCSA intends to add currently excluded SafeStat category A/B motor carriers to the test. Including A/B carriers will help demonstrate the effectiveness of the new interventions on the group of carriers that FMCSA traditionally targets.

*Implementation:* As the test progresses and more data are gathered, the Agency anticipates being able to make ongoing quantitative and qualitative evaluations of the effectiveness of CSA 2010, which will guide broader implementation.

##### *Safety Measurement System*

Implementation of CSA 2010 will rely on accurate, objective measurement of the safety performance of individual motor carriers and drivers. The CSA 2010 SMS is designed to monitor and quantify the performance of motor carriers and drivers through data available in the Motor Carrier Management Information System (MCMIS). Under CSA 2010, the data would include violations found during roadside inspections, traffic enforcement, and the intervention process (discussed below) as well as violations associated with crashes.

As mentioned above, the SMS is organized into seven BASICS, each of which includes regulatory requirements for both motor carriers and drivers. These categories are derived from the existing FMCSA regulatory structure, the Large Truck Crash Causation Study, and other analyses and studies conducted by the Agency:

*Unsafe Driving.* Operation of a CMV in a dangerous or careless manner. Examples of violations are speeding, reckless driving, improper lane change, and inattention.

*Fatigued Driving.* Operation of a CMV by a driver who is in noncompliance with hours-of-service regulations. This BASIC includes violations of driving and on-duty time limits as well as failure to maintain complete, accurate logbooks.

*Driver Fitness.* Operation of a CMV by a driver who is unfit due to lack of training or required qualifications. Examples of violations include failure to have a valid, appropriate commercial driver’s license or being medically unqualified to operate a CMV.

*Controlled Substances and Alcohol.* Operation of a CMV by a driver who is in possession of alcohol or illegal drugs or is impaired due to alcohol, illegal drugs, or misuse of prescription or over-the-counter medications. Examples of

violations include use or possession of controlled substances or alcohol.

*Vehicle Maintenance.* CMV failure due to improper or inadequate maintenance. Examples of violations include faulty brakes or lights and other mechanical defects as well as failure to make required repairs.

*Improper Loading/Cargo Securement.* CMV incidents resulting from shifting loads, spilled or dropped cargo, and unsafe handling of hazardous materials. Examples of violations include improper load securement, cargo retention, and unsafe handling of hazardous materials.

*Crash History.* A history or pattern of crash involvement, including frequency and severity, based on information from State-reported crashes.

*The SMS measures the performance of an entity (motor carrier or driver) in each BASIC, employing a four-step process:* (1) Relevant inspection, violation, and crash data from MCMIS are attributed to an entity to create a safety-event history; (2) the entity's violations and crashes are classified into BASICs; (3) time- and severity-weighting, normalization, peer-grouping, and data-sufficiency criteria are applied to the data to form a quantifiable measure for the entity in each BASIC; and (4) on the basis of comparison of the entity's BASIC measure with those of its peers, a rank and percentile are assigned. A carrier's score in each BASIC is based on data from the past 24 months.

FMCSA is designing one SMS consisting of the Carrier Safety Measurement System (CSMS) for carriers, and the Driver Safety Measurement System (DSMS) for drivers. The Agency is implementing both systems in their prototype stages to support the CSA 2010 operational model test.

During the CSA 2010 operational model test, FMCSA is using SMS results to identify and monitor entities with safety problems for inclusion in the intervention process. Ultimately, in cases where measurement results indicate a strong crash risk to the public, FMCSA will apply those results, along with other factors, to the determination of a carrier's safety fitness.

*Safety Fitness Determination*

In the November 2, 2007 **Federal Register** notice announcing last year's listening session, FMCSA laid out a preliminary SFD methodology (72 FR 62298—62299, November 2, 2007). This methodology is designed to meet the intent of the NTSB recommendation H-99-06 in the context of the new BASICs, while acknowledging the latest research that indicates that driver behavior is a major contributing factor in causing crashes.

The methodology is based strongly on performance data, and does not require a comprehensive on-site review for a safety fitness determination, which would be issued regularly on all carriers for which the Agency has sufficient

data. As shown in Table 1, under this methodology there would be three major factors that could impact a motor carrier's safety fitness determination: (1) Roadside inspection and crash data; (2) violations in the areas of essential motor carrier safety management found during the intervention process (see Table 2); and (3) 15 violations which FMCSA believes are so fundamental to ensuring safety that no motor carrier should be allowed to operate if any of these violations are found and not immediately corrected (see Table 3). As shown in Table 1, data obtained under factors (1) and (2) would align with the seven BASICs in the CSA 2010 SMS.

Overall, the response to this proposed methodology was favorable from stakeholders attending the December 2007 listening session. In June 2008, after considering the potential safety benefits and operational feasibility, FMCSA's Motor Carrier Safety Advisory Committee recommended that the agency continue to work on CSA 2010 to address the NTSB's recommendation rather than making amendments to the current SFD to address the NTSB concerns prior to the implementation of CSA 2010. Accordingly, FMCSA is proceeding with the development of a notice of proposed rulemaking (NPRM) to address safety fitness determination under CSA 2010. The developmental basis for the rulemaking is the preliminary safety fitness methodology referenced above and summarized in Table 1. FMCSA is targeting publication of the NPRM in 2008.

TABLE 1—PROPOSED PRELIMINARY CSA 2010 SAFETY FITNESS DETERMINATION METHODOLOGY

Stand alone BASICs: Unsafe driving, fatigued driving	<i>Non-stand alone BASICs: Driver fitness, drug/alcohol, cargo securement, vehicle maintenance, verifiable crash rate</i>	Fifteen fundamental violations	Safety fitness determination
<p><i>Number of BASICs:</i>                      (1) With SMS measure above Unfit threshold, or                      (2) Where essential safety management violations are 10 percent or more of records checked</p> <p>1 .....                      0 .....                      0 .....                      0 .....                      0 .....</p>	<p><i>Number of BASICs:</i>                      (1) With SMS measure or verifiable crash rate above Unfit threshold, or                      (2) Where essential safety management violations are 10 percent or more of records checked.</p> <p>Greater Than 1 .....                      0 .....                      1 .....                      0 .....</p>	<p>See Table 3 below .....</p> <p>.....                      1 .....                      0 .....                      0 .....</p>	<p>Continue Unfit.    Operation,    Marginal</p> <p>Unfit.                      Unfit.                      Unfit.                      Marginal.                      Continue Operation.</p>

The methodology in Table 1 makes a distinction between “stand alone” and “non-stand alone” BASICs. For the “stand alone” BASICs a failure in only one of them would result in a proposed Unfit status, whereas for the “non-stand alone” BASICs a failure in more than

one of them would be required for the proposed Unfit status. The rationale for this distinction is that, although each of the BASICs applies to both carriers and drivers, the “stand alone” BASICs are more directly related to driver behavior. Recent research indicates that driver

behavior is a major contributing factor in causing crashes. In particular, an effectiveness study on the SMS, “Incorporating the Carrier Safety Measurement System Results into the Proposed Safety Fitness Determination Process,” November 2007, FMCSA and

John Volpe National Transportation Systems Center, has shown that carriers with past poor performance in the Unsafe Driving or Fatigue Driving BASICs were subsequently involved in crashes at a considerably higher rate than the overall crash rate of the motor carrier population.

#### Safety Data Quality

Both the SMS and SFD methodologies depend on high quality roadside inspection and crash data to be collected and attributed to motor carriers' safety performance records. Because of this reliance on high quality data, FMCSA would like to share some details of its ongoing safety data quality improvement efforts.

Through the State partnership in the Motor Carrier Safety Assistance Program (MCSAP), FMCSA shares a safety goal with the States to reduce the number and severity of crashes involving large trucks and buses on our Nation's highways. To meet this common goal, inspection and crash data that are collected and reported to FMCSA must meet high standards of uniformity, completeness, accuracy and timeliness. The FMCSA has made significant strides to improve the data quality of crash and inspection data by the development of a comprehensive program that includes: Raising the awareness of the these standards, developing a means to measure State safety data quality, and working directly with States through either a State on-site review process or direct technical assistance to improve the quality of State safety data.

This comprehensive data quality program supports the Department of Transportation (DOT) data quality guidelines and addresses specific recommendations put forth in the DOT Inspector General's report, "Improvements Needed in the Motor Carrier Safety Status Measurement System" (SafeStat) report, February 2004, available at the following url: <http://www.oig.dot.gov/>

*StreamFile?file=/data/pdfdocs/mh2004034.pdf.*

High quality data are the underpinning of effective safety programs at the State and Federal levels, including CSA 2010. The data quality programs include the following key areas that promote improvements to data quality:

- DataQs is an online system accessible on the Analysis and Information (A&I) Online <http://ai.fmcsa.dot.gov> Web site that was developed to facilitate data challenges by motor carriers and to track corrective actions.
  - The State Safety Data Quality Map (SSDQ) is an evaluation tool for State-reported crash and inspection data that is released to the public on a quarterly basis on the A&I Online Web site. This evaluation measures States on the completeness, timeliness, accuracy, and consistency of State-reported crash and inspection data in FMCSA's Motor Carrier Management Information System (MCMIS).
  - Monthly monitoring provides information accessible to States and Federal personnel on the completeness, timeliness, accuracy, and consistency of State-reported crash and inspection data. This reporting summarizes the evaluation results and tracks the States' progress on a monthly basis.
  - On-site and off-site reviews of State-reported crash and inspection data provide support to States to identify areas for potential process improvement and provide the technical assistance to implement recommendations.
  - Crash data collection training provides State-specific crash investigation training on the crash data needed by FMCSA.
  - Additionally, FMCSA provides technical and analytical assistance to States to help them use good quality safety data and analysis in developing their Commercial Vehicle Safety Plans (CVSPs).
- The quality of data submitted by States has shown marked improvement since the inception of the program. The

federal oversight agency, Government Accountability Office (GAO), has taken notice as FMCSA has made efforts to improve the quality of CMV data. In 2005, GAO found that, while challenges remain, FMCSA's efforts have contributed to CMV data quality improvements. In particular, they reported that FMCSA's Safety Data Quality Improvement Program (SaDIP) supported state efforts to improve data quality. GAO concluded in that report, " \* \* \* FMCSA's collaborative efforts with states have had a positive impact on improving the quality of states' crash data, therefore ultimately enhancing the ability of both federal and state governments to make highway planning and safety enforcement decisions (GAO-06-102, Highway Safety: Further Opportunities Exist to Improve Data on Crashes Involving Commercial Motor Vehicles, p. 30). In 2007, GAO reported that FMCSA " \* \* \* acted to improve the quality of SafeStat data by completing a comprehensive plan for data quality improvement, implementing an approach to correct inaccurate data, and providing grants to states for improving data quality, among other things" (GAO-07-585, Identifying High Risk Motor Carriers, p. 5).

The FMCSA is committed to evaluating States' data, developing improvement tools for States, and assisting individual States as they work toward improving their data collection processes. This approach will result in an effective and comprehensive approach to improving the quality of State safety data.

#### Comments Requested

FMCSA requests comments from all interested parties on the CSA 2010 program elements described in this notice. FMCSA is particularly interested in comments related to the Safety Measurement System, interventions, preliminary safety fitness determination methodology, and operational model test. Commenters are requested to provide supporting data and rationale wherever possible.

TABLE 2—AREAS OF ESSENTIAL MOTOR CARRIER SAFETY MANAGEMENT

1. Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed (§ 392.6).
2. Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated (§ 392.2)(Safety related violations only).
3. No operating authority (392.9a(a)).
4. False reports of records of duty status (§ 395.8(e)).
5. Requiring or permitting driver to drive more than 11 hours (§ 395.3(a)(1)).
6. Requiring or permitting passenger CMV driver to drive more than 10 hours (§ 395.5(a)(1)).
7. Requiring or permitting driver to drive after 14 hours on duty (§ 395.3(a)(2)).
8. Requiring or permitting passenger CMV driver to drive after 15 hours on duty (§ 395.5(a)(2)).
9. Requiring or permitting driver to drive after 60 hours on duty in 7 days (§ 395.3(b)(1)).
10. Requiring or permitting driver to drive after 70 hours on duty in 8 days (§ 395.3(b)(2)).
11. Requiring or permitting passenger CMV driver to drive after 60 hours on duty in 7 days (§ 395.5(b)(1)).

TABLE 2—AREAS OF ESSENTIAL MOTOR CARRIER SAFETY MANAGEMENT—Continued

12. Requiring or permitting passenger CMV driver to drive after 70 hours on duty in 8 days (§ 395.5(b)(2)).
13. Requiring or permitting short-haul property CMV driver to drive after 16 hours on duty (§ 395.1(o)).
14. No records of duty status (§ 395.8(a)).
15. Failing to submit record of duty status within 13 days (§ 395.8(i)).
16. Failing to preserve records of duty status for 6 months (§ 395.8(k)).
17. Failing to preserve supporting documents (§ 395.8(k)).
18. Fraudulent or intentional alteration of a supporting document (§ 395.8(k)).
19. Requiring or permitting driver to drive after 70 hours in 7 days (Alaska)(§ 395.1(h)(1)(iii)).
20. Requiring or permitting driver to drive after 80 hours on duty in 8 days (Alaska)(395.1(h)(1)(iv)).
21. Requiring or permitting driver to drive more than 15 hours (Alaska)(§ 395.1(h)(1)(i)).
22. Requiring or permitting driver to drive after being on duty 20 hours (Alaska)(§ 395.1(h)(1)(ii)).
23. Requiring or permitting passenger CMV driver to drive more than 15 hours (Alaska) (§ 395.1(h)(2)(i)).
24. Requiring or permitting passenger CMV driver to drive after 20 hours on duty (Alaska)(§ 395.1(h)(2)(ii)).
25. Requiring or permitting passenger CMV driver to drive after 80 hours on duty in 8 days (Alaska)(§ 395.1(h)(2)(iv)).
26. Requiring or permitting passenger CMV driver to drive after 70 hours on duty in 7 days (Alaska)(395.1(h)(2)(iii)).
27. Failing to investigate driver's background (§ 391.23(a)).
28. Failing to maintain driver qualification file on each driver employed (§ 391.51(a))(Use current guidance of no element of DQ file requirements found).
29. Operating a CMV without a valid CDL (§ 383.23(a))(Safety related loss only).
30. Failing to train hazardous material employees as required (§ 172.704(a) & § 177.800(c)).
31. Using a driver not medically re-examined each 24 months (§ 391.45(b)(1)).
32. Using a driver not medically examined and certified (§ 391.45(a)).
33. Using a driver before receiving a negative pre-employment result (§ 382.301(a)).
34. Failing to perform random alcohol tests at the applicable rate (§ 382.305(b)(1)).
35. Failing to perform random controlled substance tests at the applicable rate (§ 382.305(b)(2)).
36. Using a driver without a return to duty test (§ 382.309).
37. Failing to keep minimum records of inspection and maintenance (§ 396.3(b)).
38. Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured (§ 392.9(a)(1)).
39. Transporting a HM without preparing a shipping paper (§ 172.200(a) & § 177.817(a))(no shipping paper at all).
40. Transporting HM in a package with an identifiable release of HM (§ 173.24).
41. Loading a cargo tank with an HM which exceeds the maximum weight of lading marked on the specification plate (§ 173.24b(d)(2)).
42. Loading HM not in accordance with the separation and segregation table (§ 173.30/177.848(d)).
43. Transporting HM in an unauthorized cargo tank (§ 173.33(a)).
44. Transporting or loading two or more materials in a cargo tank motor vehicle which resulted in an unsafe condition (§ 173.33(a)(2)).
45. Transporting a hazardous material in a cargo tank motor vehicle which has a dangerous reaction when in contact with the tank (§ 173.33(b)(1)).
46. Transporting an unacceptable HM shipment (§ 177.801).
47. Failing to attend a cargo tank during loading/unloading (§ 177.834(i)).
48. Offering a cargo tank which has not successfully completed a test or inspection which has become due (§ 180.407(a)).
49. Failing to test and inspect a cargo tank which has been in an accident and has been damaged (§ 180.407(b)(2)).
50. Failing to conduct a pressure test on a cargo tank which has been out of HM service for one year or more (§ 180.407(b)(3)).
51. Failing to test and inspect a cargo tank which has been modified (§ 180.407(b)(4)).
52. Failing to conduct a test or inspection on a cargo tank when required by DOT (§ 180.407(b)(5)).
53. Failing to periodically test and inspect a cargo tank (§ 180.407(c)).

TABLE 3—FUNDAMENTAL VIOLATIONS

1. Failing to implement an alcohol and/or controlled substance testing program (§ 382.115(a) or (b)).
2. Using a driver who has refused to submit to an alcohol or controlled substances test required under part 382 (§ 382.211).
3. Using a driver known to have tested positive for a controlled substance (§ 382.215).
4. Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a State or who is disqualified to operate a commercial motor vehicle as defined in Part 383 (§ 383.37(a)).
5. Knowingly allowing, requiring, permitting, or authorizing a driver who is disqualified to drive a commercial motor vehicle (§ 383.51(a)).
6. Operating a motor vehicle transporting property without having in effect the required minimum levels of financial responsibility coverage (§ 387.7(a)).
7. Using a disqualified driver (§ 391.15(a)).
8. Using a physically unqualified driver (§ 391.11(b)(4)).
9. Failing to require a driver to make a record of duty status (§ 395.8(a)) (Complete lack of any records of duty status).
10. Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs are made (§ 396.9(c)(2)).
11. Using a commercial motor vehicle not periodically inspected (§ 396.17(a)). (Complete lack of any periodic inspections).
12. Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility (§ 387.31(a)).
13. Failing to implement a random controlled substances and/or an alcohol testing program (§ 382.305).
14. Failing to correct out-of-service defects listed by a driver in a driver vehicle inspection report before the vehicle is operated again (§ 396.11(c)).
15. Transporting a forbidden material (§ 177.801).

Issued on: September 10, 2008.

**John H. Hill,**

*Administrator.*

[FR Doc. E8-21561 Filed 9-15-08; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE TREASURY

### Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Clarissa Potter, Deputy Chief Counsel (Technical)
2. Roland Barral, Area Counsel (Large and Mid-Size Business)
3. Ellen T. Friberg, Area Counsel (Small Business/Self Employed)
4. Steve Larson, Associate Chief Counsel (Financial Institutions and Products)
5. Edward Cronin (Ted), Division Counsel/Associate Chief Counsel (Criminal Tax)

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: August 15, 2008.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. E8-21576 Filed 9-15-08; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the

Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Karen Gilbreath-Sowell, Deputy Assistant Secretary for Tax Policy (Department of Treasury)
2. Steve T. Miller, Commissioner (Tax Exempt and Government Entities)
3. Stephen Albrecht, Acting Deputy General Counsel (Department of Treasury)

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: August 15, 2008.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. E8-21577 Filed 9-15-08; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

#### Proposed Collection: Comment Request

**AGENCY:** Bureau of the Public Debt; Department of the Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning Regulations governing U.S. Treasury Certificates of Indebtedness—State and Local Government Series.

**DATES:** Written comments should be received on or before November 17, 2008, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street A4-A, Parkersburg, WV 26106-1328, or [judi.owens@bpd.treas.gov](mailto:judi.owens@bpd.treas.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street A4-A, Parkersburg, WV 26106-1328, (304) 480-8150.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Regulations Governing United States Treasury Certificates Of Indebtedness—State and Local Government Series, Unites States Treasury Notes—State and Local Government Series, and United States Treasury Bonds—State and Local Government Series.

*OMB Number:* 1535-0091.

*Abstract:* The information is requested to establish an investor account, issue and redeem securities.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* State or local governments.

*Estimated Number of Respondents:* 2,500.

*Estimated Time Per Respondent:* 13 minutes.

*Estimated Total Annual Burden Hours:* 542.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. *Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 9, 2008.

**Judi Owens,**

*Manager, Information Management Branch.*

[FR Doc. E8-21550 Filed 9-15-08; 8:45 am]

**BILLING CODE 4810-39-P**

**Appendix D**  
**Docket Comments**

**Appendix D**  
**Docket Comments**

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TRAILWAYS TRANSPORTATION SYSTEM  
3554 Chain Bridge Road  
Fairfax VA 22030

Comments of the Trailways Transportation System

FMCSA-2004-18898  
Comprehensive Safety Analysis 2010 Initiative

The Trailways Transportation system is pleased to offer comments for consideration on this proposed realignment of agency resources for the purpose of extending its safety influence to the maximum number of motor carriers possible within the limited resources available.

Trailways is a group of affiliated motor carriers of passengers, about 80 separate entities in total, operating several thousands of motor coaches in interstate commerce. Our members conduct both line service (intercity point to point) and demand response (charter and tour) operations. Each member of the Trailways system must maintain a satisfactory DOT safety rating as well as receive satisfactory scores on Department of Defense motor coach service provider audits and evaluations. For these reasons, we believe that the companies that comprise the Trailways group are truly premier passenger service providers, offering the highest levels of safety and service to our diverse client base.

We believe that the CSA 2010 program, as detailed in the most recent listening session held recently in Arlington Virginia is generally a well conceived effort designed to provide more contacts, more often with most motor carriers. We believe that for the vast majority of motor carriers subject to F.M.C.S.A. oversight, CSA2010 offers a step forward in providing a significant safety impact. We believe, and have believed for some time, that the proactive safety approach within CSA2010 offers significant promise in the effort to reduce motor carrier loss rates. Reducing loss rates is of vital interest to motor carriers of passengers. For all motor carriers of passengers, including the members of the Trailways system, such reductions are critical if public confidence in the safety integrity of coach transportation is to be maintained. We believe that every serious loss has an

impact on the ability of the entire industry to attract and maintain relationships with the travelling public. For our benefit, as well as the benefit of the travelling public, we need F.M.C.S.A. to succeed.

As encouraged as we are by CSA2010 and the new ground it breaks, there are however some limitations that should be recognized. These limitations include some reservations which are general in nature but more critically for our comments, our concerns address how the CSA2010 program would best interface with the passenger transportation industry.

### OFF SITE EVALUATIONS

The overall approach of written or even offsite telephone communication would seem to be a reasonable approach to making more contacts with marginal or less than satisfactory motor carriers. Contacts which demonstrate that there is oversight and that certain behaviors by carriers are both unsatisfactory and noticed are inevitably helpful. However, experience has taught members of the Trailways group, especially those insurance company associates, that providing written requests and directives without a specific and direct follow up step are destined to result in less than satisfactory change. We are not entirely sure that CSA2010 has a realistic view of the influence of such “arms length” contacts.

In our experience, many insurers have attempted to conduct what they term “Telephone safety reviews” with policyholders, clients whose ability to operate is directly and immediately at risk should a safety evaluation be unsatisfactory. What has been learned about telephone surveys by insurers is that in the absence of a specific follow up plan (a follow up visit or a demand for forwarding of sample evidence in the form of certain documents), off site telephone contacts are subject to less than forthcoming responses by the carrier with very little potential for a “downside” resulting to a deceptive respondent.

An enhancement to the CSA2010 telephone or written interaction would seem to be the inclusion of regular and routine series of quick follow up to carrier responses, forming what might best be termed random quality control follow up visits.

### LIMITED INQUIRIES

The strategy indicated of limiting carrier/regulator interaction to a single (deficient) area of concern is, once again, may be viewing the effectiveness of the evaluation process and the impact of a D.O.T. inquiry a bit too optimistically. It has been our experience that motor carriers have been conditioned over many years of experience with the enforcement community that any inquiry, especially those of an onsite nature, will address all of the deficiencies of the carrier. When one safety and compliance aspect is addressed by audit, and the remainder of the many safety requirements not examined, this

is often taken by the carrier as a validation of the procedures and requirements of those sections.

It is essential that when a carrier has a record that creates concern and interaction, that the ensuing intervention interaction address more than just the single area of concern. A carrier with a deficient driver work force is unlikely to have much of a compliance program; a carrier with deficient recordkeeping in hours of service is highly unlikely to maintain violation fee driver qualification records, and so forth. In our opinion, once a deficiency is uncovered, the entire safety and compliance program of the carrier simply must be placed under scrutiny: emphasis perhaps on the known deficiency but evaluation of other areas should be undertaken. It simply is not enough to say, “If we see anything else, we’ll have a look...” as one panelist at the recent listening session indicated; marginal carriers are all too adept at getting auditors in and out of their premises in quick order to minimize such discovery opportunities.

### COOPERATIVE EFFORTS

F.M.C.S.A. should recognize that its efforts are only one of multiple pressures applied to motor carriers to enhance and upgrade their safety efforts. Responsible motor carrier insurers have a powerful and vested interest in assuring maximum safety of their policyholders. As such, these insurers utilize the services of company or contracted personnel to interact, most frequently through on site audits, on safety concerns with their policyholders. Positive outcomes of these insurer/policyholder interactions are severely handicapped when carriers have recently experienced interactions with enforcement officers have led the carrier to believe that “all is well”. In the aftermath of inadequate evaluations or incomplete analysis by enforcement personnel, an all too frequent event, carriers are led to believe that any subsequent criticism by other auditors are unfounded and unnecessary.

CSA 2010 as a process is utilizing a “no smoke = no fire” approach. This effectively could limit interaction between government and motor carrier to what we feel may be a point below that which would realistically deter unsafe or illegal operations. The no smoke, no fire approach by F.M.C.S.A. has a distinctly negative potential when considered in the light of both civil liability (detailed below) and the negative impact on the efforts of one key ally of the F.M.C.S.A., that of insurance company safety personnel efforts to enhance the safety and compliance efforts of their policyholders.

For this, and other reasons, it is our belief that the agency should tread very carefully when interacting with a carrier in a less than complete evaluation process.

It would also be essential that in order to harness the power of other interests, such as insurers and associations attempted to “vet” policyholders or members, and assist them with deficiencies noted in a safety review, that the specific nature of the interactions within the CSA2010 program be placed in an open forum docket or other record system available for review. Maintaining “confidentiality” or censoring information about safety

performance in areas of critical public concern is not a service, it is a disservice, and thus all inquiries and actions of the agency should be accomplished in an open manner.

### CIVIL LIABILITY

It was noted at the recent Arlington VA listening session that enforcement personnel are somehow interacting and developing “comprehensive safety plans” in conjunction with deficient motor carriers. When the question as to the sources of the standards and procedures applied in such programs was asked, no answer that would pass a normal standard of “Reasonable and prudent” was offered by the panel.

F.M.C.S.A. should again tread very lightly here in this approach to gaining support for a specific set of recommendations. The fact is that the agency perceives its efforts as stand alone processes that serve the interest of gaining compliance with specific (and as noted above, conceivably quite limited) areas of immediate concern. The fact is that the effectiveness, applicability, and justification of the use of these, and only these, recommendations and carrier responses will be and appropriately are subject to review and evaluation in any subsequent civil litigation, should a carrier become involved in a traffic mishap resulting in significant damages.

It may very well be that deficient or incomplete recommendations and evaluations, given the nature of a D.O.T. generated or agency/carrier cooperative plan, may lead both the agency and its field representatives to the courtroom as defendants, attempting to justify limited intervention strategies.

### DATA DRIVEN PROCESSES AND MOTOR COACHES

Over the past ten years, F.M.C.S.A. has consistently announced it is a “Data driven” organization, one which follows the path of addressing poor performance motor carriers utilizing the data it has developed from field work, largely roadside and weigh station vehicle stops and inspections. This data driven approach has worked in the past and offers promise in the future as applied to CSA2010, so long as significant amounts of accurate and comprehensive data is flowing to enforcement personnel.

On a parallel track however is the rather unfortunate fact that in recent months, multiple serious bus crashes and other losses which have resulted in both great public outcry and N.T.S.B. investigations, have involved passenger carriers with no safety data on record, alternatively at best severely limited data, interactions and records. This reality has resulted in embarrassment to the agency and a consequent “Blitz” approach to enforcement, special emphasis programs that presumably offer evaluations of all bus carriers, or specific enforcement programs such as one recently conducted by the agency resulting in some alarming out of service vehicle and driver statistics.

It is our belief that while being data driven is an admirable trait for a government agency, an absence of data and the special needs of the bus industry argue against an approach

such as CSA2010 applying to motor carriers of passengers. We believe that while the motor coach industry comprises 3% of the carrier population, less than 1% of the

inspection data in the F.M.C.S.A. system applies to passenger vehicles and drivers. This, reality and the difficulty in acquiring new data based upon the limitations imposed on roadside passenger vehicle inspections raises doubts that there will ever be a means of accumulating the data necessary to drive a passenger carrier intervention strategy such as CSA2010.

There is an alternative. In classic approaches to safety, frequency is addressed in an effort to limit severity BUT where special circumstances (high energy, high risk) exist, exceptions are made to addressing frequency and direct intervention is made to those specific exposures. This may be a necessary justification to first, removing passenger carriers from the CSA2010 oversight approach and second, developing a consistent and constant alternative safety intervention program for motor carriers of passengers. As we noted earlier, we in the passenger transportation industry need the F.M.C.S.A to succeed in assuring maximum safety of the passenger carrier industry.

We are not convinced that CSA2010 is the right approach for passenger carriers, given what we know and presume about data limitations. We in the passenger transportation industry need a safety evaluation program that works: our destiny is tied to the safety record of the entire passenger carrier industry.

Respectfully submitted,  
October 30, 2008

Jack Burkert  
Director of safety and security programs  
Trailways Transportation System

**Appendix E**  
**Summary of Listening Session Themes**

## Appendix E

### FMCSA CSA 2010 2008 Listening Session Summary of Themes

This document provides a listing and description of all themes identified through the analysis of the questions and comments made by participants in the 2008 CSA 2010 Listening Session.

The following themes were identified based on the analysis and categorization of all questions submitted by participants to the CSA 2010 Operational Model Test Participant Panel:

- **Interventions Process:** Questions related to the process for developing and evaluating the Cooperative Safety Plan to the process for accounting for corrective action before good inspection data is available. Other questions requested more detail on the timeline of progressive interventions, information on roadside inspection selection criteria, and a focus on behavioral issues and safety management practices as opposed to just violations and compliance.
- **SMS Algorithm and Interstate/Intrastate Carriers and SMS** (both SMS themes combined): Questions or comments related to the Safety Measurement System Algorithm and particularly the impact of Interstate and Intrastate operations on SMS scores. Other SMS questions related to whether multiple violations of the same type will be counted as a single violation (stacking of violations), the length of time negative data remains in SMS, and specific questions on the methodology and BASIC thresholds.
- **Data Sufficiency and Accuracy:** This theme related to the Accuracy of Data and the question of whether there is sufficient data available. More specifically questions were submitted on the response process for challenges to roadside violation findings and the fairness of SMS as compared to SafeStat for small carriers. Other questions focused on whether CSA 2010 will influence states' ability to provide current data to ISS as well as concern with the lack of bus and motorcoach data and how to increase the flow of performance data to the roadside.
- **Productivity:** Questions related to the level of productivity associated with CSA 2010. Participants were interested in the percentage of the industry touched by the CSA 2010 intervention process as compared to the current system as well as whether FMCSA and state partners will have adequate resources to cover the increased volume of carriers and interventions with the new process.
- **Miscellaneous:** This theme covered questions ranging from how carriers are notified when driver violations are cited to whether driver measurement scores stay with the driver when they change carriers. Other questions focused on the need to educate the public on safe driving with Commercial Motor Vehicles (CMVs), the percentage of passenger carriers in line for interventions, and potential conflicts between CSA 2010 and recent Government Accountability Office (GAO) reports as well as the electronic on-board recording (EOBR) rulemaking.

The following themes were identified based on the analysis and categorization of all questions and comments made during the Data Quality and Roadside Uniformity Breakout Session and the Safety Measurement System (SMS) and Safety Fitness Determination (SFD) Breakout Session:

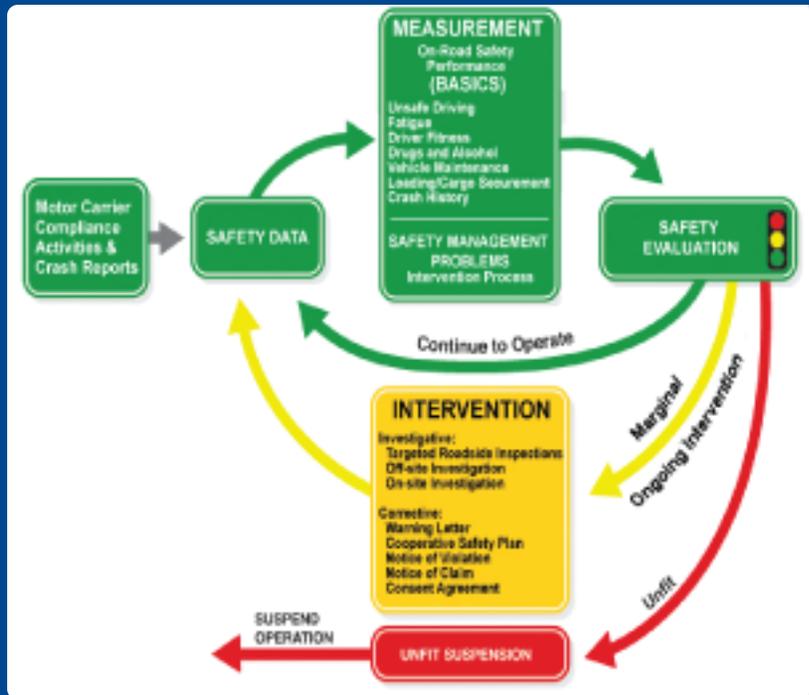
- **Safety Measurement Algorithm (SMA):** SMA questions focused on questioning the use of number of power units versus mileage or inspections, clarifying whether moving violations are included in the algorithm, and whether the level of penalty depends on violation severity rate. Other clarifying questions focused on specific BASIC score calculations and weights, inclusion of overweight and critical and acute violations, and differences with urban carriers, over the road versus short haul, and HazMat carriers.
- **Data Sufficiency and Accuracy.** This theme covered topics such as the shortness in length of the carrier and driver record used in the measurement system, the insufficiency of passenger and bus data as well as drug and alcohol data, and the process for measuring accuracy of inspections. Other topics included data quality issues with system uploads between the State and Federal sides and revisiting usage of the six month data cleaning process.
- **Uniformity:** The questions/comments from participants focused on improving the uniformity of the following: Police Accident Reports (PARs), policy on stacking of violations, and the inspection process across states and how it will impact CSA 2010 interventions. There were also questions on the role and credentials of the roadside inspector and identifying the appropriate forum for the uniformity discussion and questioning CVSA's commitment to uniformity.
- **Due Process and DataQs:** This theme reflected questions relating to details behind the process for challenging Roadside Inspections and BASICs data. Questions also covered inconsistency and miscommunication between the Federal and State sides, the processing time for data challenges and DataQs, the process for driver data challenges, and potential implications for rewriting Part 385.
- **Access to Data:** The Access to Data theme featured questions on the level of carrier access to data and requesting the ability to use data for driver screening and hiring. Other questions attempted to clarify which data will be accessible to the public and if the public will be notified of interventions and violation severity.
- **Interventions Process and Selection Business Rules:** Topics included clarifying how roadside inspectors will access interventions data, intervention selection business rules and thresholds for selection of each intervention including Warning Letters and targeted roadside inspections, requesting a basic understanding of Notices of Violation and Notices of Claim, and understanding the carrier's accountability for drivers after they leave.
- **Access to Roadside Inspections to Improve Data:** Participant questions focused on the impact of pre-clearance and screening systems on obtaining clean roadside inspections,

the ability to request inspections to improve data, and the mechanics of how roadside inspectors will make the shift to a renewed focus on obtaining clean inspections and inspecting the good carriers as well.

- **Miscellaneous:** The Miscellaneous category was meant to capture questions and comments that did not fall into any of the other selected themes. These questions ranged from grant funds distribution, comparing the results of the Operational Model test and control groups, questions regarding changes within CVSA and its relationship to the program. This theme also included recommendations related to changing terminology, adjusting the Operational Model graphic, and beginning implementation as soon as possible.
- **Safety Fitness Determination (SFD):** SFD questions related to identifying the criteria for determining an Unfit Rating, where Safety Audit fits into the process, how the old ratings translate to the proposed new ratings, and the process for handling Satisfactory carriers who will turn Marginal under the new SFD system.
- **Crash Preventability/Accountability:** This theme focused on clarifying the definition and consideration of preventability in crash investigations and determining the initial threshold for accountable crashes.

**Appendix F**  
**Listening Session Program Guide**

## CSA 2010 Proposed Operational Model



### Docket Comments

Written Comments must be received by January 31, 2009

You may submit comments identified by DOT Docket Management System (DMS) docket number FMCSA-2004-18898 using any of the following methods:

**Web:** [www.regulations.gov](http://www.regulations.gov)

**Fax:** 202-493-2251

**Hand Delivery:**  
Deliver to mail address listed above between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**Mail:**  
Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Room W12-140  
Washington, DC 20590



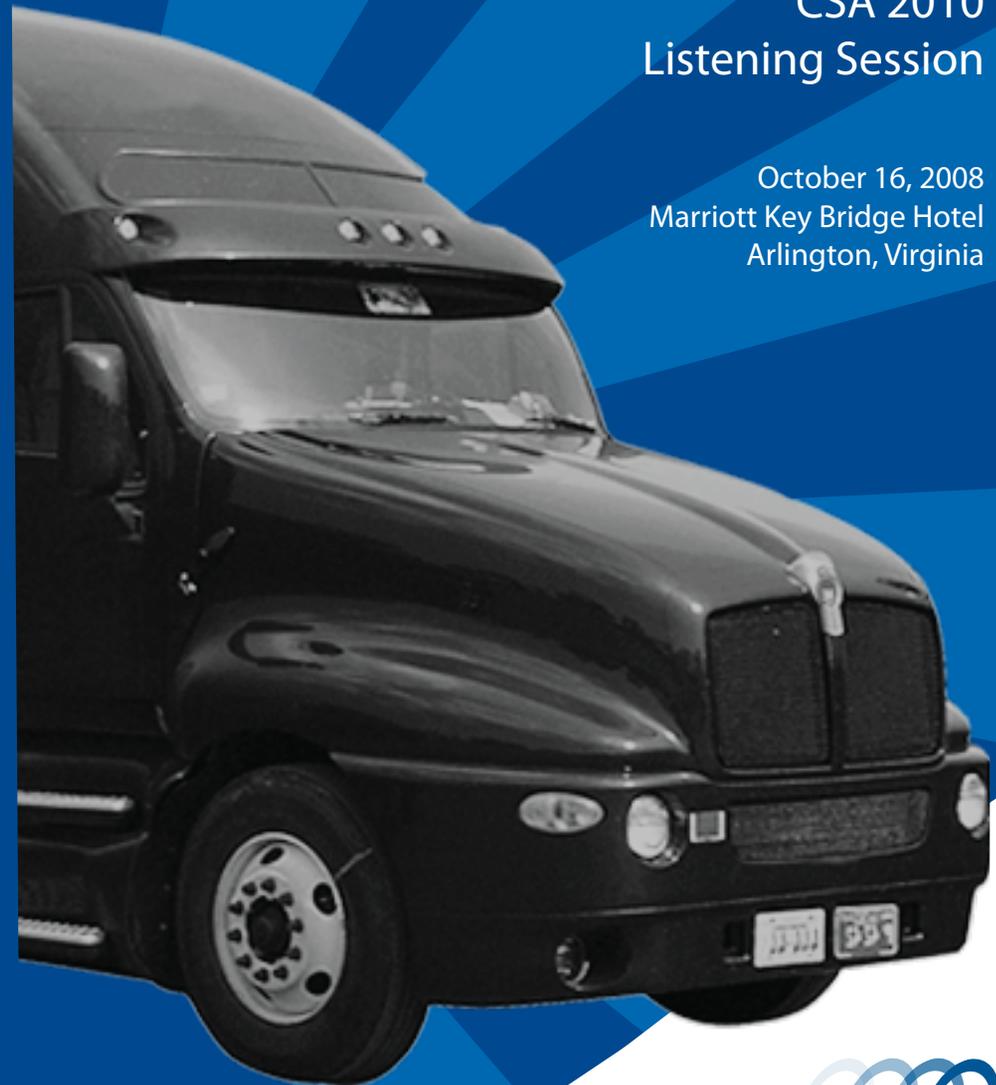
U.S. Department of Transportation  
Federal Motor Carrier Safety Administration



# Comprehensive Safety Analysis

CSA 2010  
Listening Session

October 16, 2008  
Marriott Key Bridge Hotel  
Arlington, Virginia



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration



# Listening Session Agenda

8:00am – 9:00am	<b>REGISTRATION</b>	
9:00am – 10:45am	<b>PLENARY SESSION</b>	<u>Presenter</u>
	Welcome and Introduction	<b>Allison Gurnitz</b> Moderator
	Opening Remarks	<b>John Hill</b> FMCSA Administrator
	Listening Session Update	<b>Gary Woodford</b> CSA 2010 Program Manager
	Operational Model Overview and Update	<b>Bill Mahorney</b> CSA 2010 Assistant Program Manager
	Panel Discussion with Operational Model Test State Participants	<b>Mark Savage</b> Colorado <b>Clinton Seymour</b> Georgia <b>Steff Copeland</b> Missouri <b>David Yessen</b> New Jersey

10:45am – 11:00am	Break
11:00am – 12:30pm	<b>BREAKOUT SESSION 1</b>
12:30pm – 1:15pm	Lunch
1:15pm – 2:45pm	<b>BREAKOUT SESSION 2</b>

# Breakout Session Schedule

Breakout Session	Time	Topic	Room
<b>GROUP A</b>			
1	11:00am – 12:30pm	Safety Fitness Determination and Safety Measurement System	Potomac Salon C
2	1:15pm – 2:45pm	Data Quality	
<b>GROUP B</b>			
1	11:00am – 12:30pm	Data Quality	Potomac Salon D
2	1:15pm – 2:45pm	Safety Fitness Determination and Safety Measurement System	



For more information about CSA 2010, please visit our Web Site at [www.fmcsa.dot.gov/csa2010](http://www.fmcsa.dot.gov/csa2010)