

Comprehensive Safety Analysis 2010

2006 Listening Session

Final Report

June 2007

Prepared for

Federal Motor Carrier Safety Administration
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Washington, D.C. 20590

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1.0 FINAL REPORT

1.1 Introduction and 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, in all 50 States and the District of Columbia, dedicated to improving bus and truck safety and saving lives.

In August 2004, FMCSA embarked on CSA 2010 - a comprehensive review and analysis of FMCSA's current commercial motor vehicle safety compliance and enforcement programs. The goal of Comprehensive Safety Analysis (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 understands how important it is to the success of this initiative to obtain timely feedback from its partners and stakeholders.

The Agency held a 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 commercial motor carrier industry. Participants were a cross section of individuals 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 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 crafting new policies and processes. For example, in almost every listening session, participants suggested using incentives rather than penalties to encourage safe behavior. 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.

FMCSA continues to develop a new operational model through its CSA 2010 initiative in order to develop and implement more effective and efficient ways for FMCSA, its State partners, and industry to reduce commercial motor vehicle crashes, fatalities, and injuries. CSA 2010 is helping FMCSA and its State partners contact more carriers and

drivers, use improved data to better identify high risk carriers and drivers, and apply a wider range of interventions to correct high risk behavior.

Because FMCSA recognizes the importance of continuous stakeholder involvement in the development of the new operational model, FMCSA held another public listening session on November 16, 2006 [See Appendix B for Federal Register Notice].

1.2 Data Collection Methodology

Listening Session and Data Collection. 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. [For more specific information on timing of the listening session, please refer to Appendix E.]

The listening session was attended by **92 participants** [Appendix G], **yielding 611 responses** [Appendix A]. Participants came from four main categories: Federal Agencies, State/Local Governments, Associations/Non-Profits, and the Private Sector. Of the 42 participants from the Private Sector, a total of 22 participants represented consulting/contracting firms, 15 participants represented carriers, two participants were from law firms, two from the press, and one participant represented an insurance company.

**Exhibit 1.1
Participant Categories**

Category	Participants
Federal Agency	9
State/Local Governments	11
Associations/Non-Profits	30
Private Sector:	42
<i>Consulting/Contracting (22)</i>	
<i>Carrier/Industry (15)</i>	
<i>Law Firms (2)</i>	
<i>Press (2)</i>	
<i>Insurance (1)</i>	
TOTAL	92

Included in the CSA 2010 Listening Session, were presentations by the FMCSA Administrator John Hill and CSA 2010 Project Leader, Gary Woodford, describing the progress to-date and conceptual design of the CSA 2010 operational model [see Appendix C for Mr. Woodford's presentation]. These presentations were followed by facilitated breakout sessions on the following four topics [see Appendix D for the process used for the breakout sessions]:

- **Topic 1: Measurements** - The proposed Measurement Component will serve as the focal point for assimilating, categorizing, analyzing and scoring safety data on regulated entities. The Measurement Component will automatically categorize data into seven behavioral areas, Behavioral Analysis and Safety Improvement Categories or BASICs. The data will be used to ensure effectiveness of measurement and intervention components. **(21 participants; 180 responses)**
- **Topic 2: Safety Fitness Determination** - The proposed Safety Fitness Determination Component will regularly determine the safety fitness of motor carriers and drivers of commercial motor vehicles. This determination will be based on performance-based data from the BASICs. **(26 participants; 200 responses)**
- **Topic 3: Intervention Selection and Entity Characteristics** - The proposed Intervention Selection and Entity Characteristics Component will identify appropriate interventions for regulated entities with specific safety problems, depending on the outcomes of the Safety Fitness Determination and Intervention Components. It is the only component in the model that will directly contact a motor carrier or driver. **(13 participants; 123 responses)**
- **Topic 4: Safety Data and Validation** - The proposed Data and Validation Component will support the three other components: Measurement, Safety Fitness Determination, and Intervention Selection. The information systems supporting CSA 2010 will track regulated entities and will associate them with the relevant data collected by FMCSA. **(32 participants; 107 responses)**

Similar to the 2004 listening sessions, participants included a cross section of individuals including industry executives, motor carriers, insurance and safety advocacy groups, State and local government officials, and enforcement professionals. Participants [Appendix G] were assigned to one of the breakout sessions (based on his/her preference) and had the opportunity to comment on key questions - designated by FMCSA - as well as hear the comments of other stakeholders assigned to the topic. Participants, as well as the general public, could also post comments to the docket according to the instructions in the Federal Register Notice. Nine docket comments were received. The agency appreciates all input received from the listening sessions, which are the first stage of a larger public involvement process. Because resolution of many of the issues raised will require future rulemakings, interested parties should also participate in the formal notice and comment rulemaking processes.

As breakout sessions commenced, responses were recorded and projected on the wall, in real time, for all participants to view and edit. Since breakout sessions were divided based on topics, responses were tracked according to the designated questions for each topic. [See Appendix D for the Moderator's Guide.]

After the 2006 listening session concluded, responses were aggregated into one database and numerically coded based on the topic of the breakout session, the question asked, and the response given. This coding provides the ability to sort and analyze the comments, as well as to trace a specific comment back to a specific question and topic/breakout session in the order in which participants made the comments [see Appendix A for Actual Data by Topic]. *In each of the four designated topics, there were three identical questions about the proposed Operational Model designated to be addressed in each breakout session. For analytical and reporting purposes, these questions are referred to as "Topic 5/Operational Model." These questions are coded such that they can be viewed either within the topic within which they arose or as a set across topics in this "Topic 5/Operational Model."*

1.3 Two Frames for Data Analysis

The comments of the participants, as well as the comments submitted to the docket, may be considered from two perspectives, each of which frame the results somewhat differently. The first perspective, or “frame”, emerges from analysis of participant comments *within-topic*. The second frame emerges from analysis of participant comments *across topics*.

Frame 1, analyzing the data *within-topic*, provides a sense of what was said relative to the topic-specific questions for a particular part of the operational model. This is the way the breakout sessions were designed. Thus, this perspective follows the flow of the listening session.

However, many of the questions in each topic have some relationship to other parts of the operational model. Further, the design of topics and questions purposely overlapped parts of the model (see Exhibit 1.2). For example, answering a question about Measurement also may include participant thinking about Safety Data, how it’s collected, and how accurate the data is—a Tracking, Evaluation, and Data Validation topic. Further, the model is a complete system which has inputs that flow from part of the model to another and provides outputs and feedback used in preceding parts. Participants were not limited in their responses to a particular within-topic question per se. So, their comments often went beyond the particular part of the operational model.

Frame 2, analyzing the data *across topics*, provides a holistic perspective which can help to understand the overall concerns, issues or ideas about the model as a system, rather than its various parts. In analyzing the data from this overall perspective, it is possible to “hear” the participants in another way, a more holistic way. Finally, frame 2 provides a more robust or statistically sound set of results as there are a larger number of comments about key themes across topics.

1.4 Analysis and Results by Breakout Session/Topics (Frame 1)

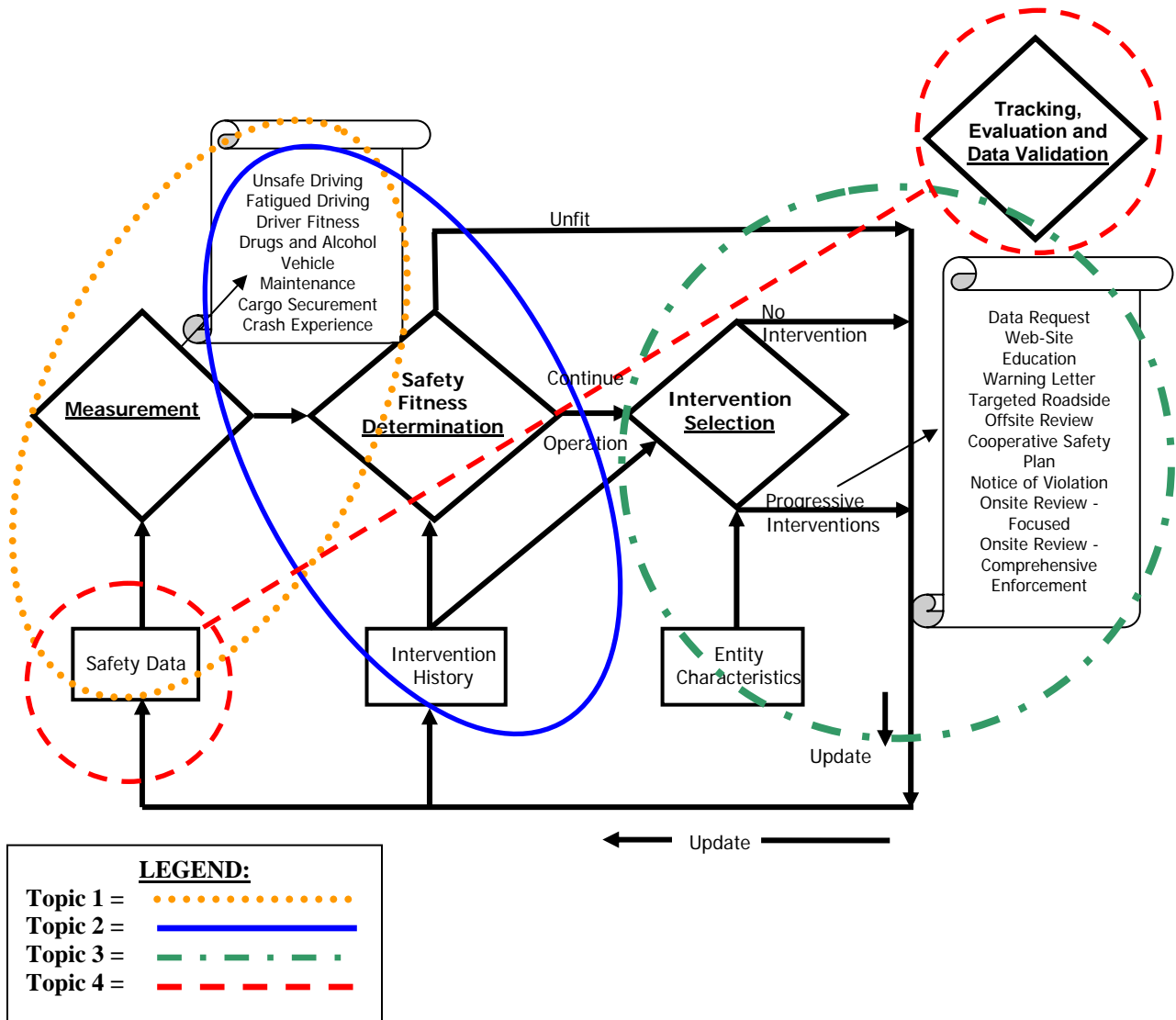
As mentioned, the listening session was divided into four breakout sessions – each associated with one of the designated topics from the Federal Register Notice. These topics were specifically related to individual elements of the proposed Operational Model.

Exhibit 1.2 is a depiction of the CSA 2010 operational model as of the date of the listening session. This figure has overlapping ellipses, each of which more or less encircles the parts of the operational model covered by the questions in each of the four topics. It can be seen from the figure that the topics overlap by design.

Frame 1: Understanding the Operational Model by Topic

- Great for designing the next version of parts of the model.
- Helps understand the finest level of detail about a specific question.
- Follows the conceptual process design of the listening session.

Exhibit 1.2 Proposed Operational Model with Topics Identified



Data Analysis. Immediately after the listening session, to get a sense of the listening session results, the facilitators and recorders for each breakout session formulated the key ideas that emerged from their topic-specific breakout session. From a topical perspective, each of the responses per topic *and* per question was reviewed. Highlighted comments were pulled that best illustrate the meaning or “gist” of participant input for each question, also trying to maintain topical homogeneity. Facilitators were consulted to determine if the highlighted comments per question maintained their sense of the “gist” of the session.

Listed below are sections with results for each Breakout Session/Topic. Within each of these topics, three key results are presented:

- 1) **Total Number of Responses by Question** – This chart summarizes how many responses were received for each question in each topic. It also summarizes how many participants attended and the percentage of the participants compared to the total number of attendees.
- 2) **Summarized Key Ideas By Topic** – Within each topic, the key ideas that best summarize that breakout room’s conversation are listed.
- 3) **Most Relevant Quotes By Question** – Each question received a variety of responses. Some of those responses were in agreement and some were in opposition. Nonetheless, a selection of the responses that best describe the conversations are listed for each topic.

Results. While the results in the following sections well describe the nature and sense of each topical breakout session, these summaries should not replace the careful reading and understanding of all of the comments per question as listed in Appendix A.

1.4.1 Topic 1: Measurements

Total Number of Responses by Question for Topic 1. The following exhibit shows the questions and number of responses for Topic 1: Measurements.

QUESTION*	CONTRIBUTING QUOTE
<p>Q4: Would you support a system whereby FMCSA would declare CMV drivers Unfit, if warranted, and the States would suspend their driver's license (commercial or other)? Please explain. (5)</p>	<ul style="list-style-type: none"> ▪ <i>The number of unfit drivers that a carrier hires (the % of the drivers is less than safe) then an intervention should be implemented. If you choose to hire less than safe drivers- FMCSA should know about it and it should be data that is gathered.</i> ▪ <i>This should be part of the process and data gathered, and each carrier needs to provide this data on all of their drivers. We need to track them and associate them with the carriers that they work for. Empower the carriers to have access to this data.</i> ▪ <i>Drivers are the vital element. Drivers get hired with the driving record and are cross-checked with the insurance carrier. Many carriers hire so many drivers without the proper management of the number of drivers.</i>
<p>Q5: Would the larger set of compliance interventions under consideration here be more effective than the interventions currently used by FMCSA? Please explain. (1)</p>	<ul style="list-style-type: none"> ▪ <i>Anything that increases the amount of contact is a positive thing. If you know someone is watching- it shows that FMCSA is not under the radar screen.</i> ▪ <i>Part of the problem now is that there is a lack of coordination/process involved until something goes horribly wrong. There needs to be a great deal of process from the beginning, so that carriers are aware and they are tracked (closely coordinated and managed).</i> ▪ <i>We don't really know the value of the compliance review program today? We need to evaluate whether or not we are saving lives- what is the actual benefit/cost of these interventions and the effectiveness of the various interventions. What is the "result" of these compliance reviews?</i>
<p>Q6: Should FMCSA use different interventions and intervention thresholds for certain carriers and drivers, such as those involved in the transport of passengers or hazardous materials? Please explain. (4)</p>	<ul style="list-style-type: none"> ▪ <i>We need to think about other characteristics- i.e. a fleet that operates in a high crash corridor; we might want to treat that carrier differently. Not just the type of carrier. If you have a high % of non-CMV drivers, that should be part of the classification. Higher risk= higher interventions.</i> ▪ <i>The data will allow FMCSA to look at factors more narrowly- the intervention process should change to reflect that. With a predictive model, this can change the timing and type of interventions. Can use the data to define the interventions at an earlier date.</i> ▪ <i>There are certain unsafe behaviors that carriers/drivers can demonstrate- how do we effectively identify those behaviors in a proactive way, rather than reactive? We need to id these people in a more timely fashion. Tracking patterns and using the data to proactively enforce the regulations. Safety issues that need to be addressed. The industry in general should be held to the same standards, across the board.</i>
<p>Q7: Are there specific incentives that FMCSA could offer to encourage and promote improved safety performance? Please describe. (3)</p>	<ul style="list-style-type: none"> ▪ <i>If government plays a role in this- they are endorsing certain practices and in effect, endorsing certain businesses. The federal government can participate and help to set the standards, but a non-government entity needs to manage that process, etc.</i> ▪ <i>Its FMCSA's job to set the floor, but the industry's job to set the ceiling.</i> ▪ <i>We need to make sure that States are part of this process and to provide good input- even things they are already doing. If we have a large range of intervention opportunities, there are increased opportunities for States to work closely with FMCSA and to engage them at a higher level. FMCSA can use the data to help the States better allocate their resources and focus their efforts.</i>

* Note: # in () is question # on the Federal Register Notice.

1.4.4 Topic 4: Safety Data and Validation

Total Number of Responses by Question for Topic 4. The table below shows the questions and number of responses for Topic 4: Safety Data and Validation.

**Exhibit 1.9
Total Number of Responses by Question for Topic 4**

Content Analysis Question #	Topic 4: Safety Data and Validation - Comments <i>{The # in () after each question represents the question # on the Federal Register Notice}</i>	# of Responses
Question 1	Question 1: How could FMCSA better incorporate data quality assurance processes into CSA 2010? (3)	20
Question 2	Question 2: Are there any major obstacles that must be overcome to achieving accurate and complete data for use in the new operational model? Please explain. (5)	16
Question 3	Question 3: Are there safety data not available that are needed for this approach to be equitable? If so, please describe and discuss any potential barriers to collecting such data. (2)	16
Question 4	Question 4: What safety data are available that are not currently being used to measure the safety performance of drivers and carriers? (1)	2
Question 5	Question 5: What unique identifiers should be used to tie drivers and carriers to their safety performance data? (4)	17
Question 6	Question 6: What other issues should the Agency be considering with respect to Safety Data and Tracking, Evaluation and Data Validation? (6)	7
Question 7	Question 7: Radio frequency identification device (RFID)-enabled license plates could be used to identify commercial motor vehicles at highway speeds. This could help focus inspection and traffic enforcement activities on unsafe or unregistered entities. What barriers would there be to States' issuing RFID enabled license plates? (7)	10
Question 8	Operational Model - Question 1: Please provide any additional comments or information you may have on the CSA 2010 operational model. (3)	6
Question 9	Operational Model - Question 2: What approaches do you recommend FMCSA use to work closely with its partners and stakeholders in building the CSA 2010 operational model? Please explain. (1)	11
Question 10	Operational Model - Question 3: Are there certain aspects of the CSA 2010 operational model that could be implemented now? Please explain. (2)	2
	TOTAL RESPONSES	107
<p><u>Topic 4: Safety Data and Validation</u></p> <p>Total # of Attendees = 32 of Total Participants = 35%</p>		

Summarized Key Ideas for Topic 4. Within Topic 4: Safety Data and Validation, certain key ideas emerged from reading and categorizing all of the comments for each question and thinking across this particular topic. These key ideas are listed below:

- *A lot of inconsistency exists across States which makes safety data tracking and analysis more difficult* [license plates, identifying numbers, accident report forms (injuries, property damage), standards, focal programs, administration of sanctions, training].
- *Best practices, models, and technologies are currently available across States and should be taken advantage of* - FMCSA should study these to determine best suggestions for ways to ensure greater uniformity and effectiveness across States. (For example, automated reporting process, RFID, Nebraska's CVARS program, DC's wireless handhelds, PRISM, Canada's Controlling Mind, Snyder's auto transmission studies.)
- *Look for ways to involve more stakeholders* (including carriers, drivers, State associations, insurance companies, etc.) *more frequently* (more regular communication of status and progress of the CSA 2010 Initiative – website updates, existing conferences).
- *Consider diverse needs of large and small carriers* (data burdens for small carriers could easily put them out of business).
- *States need more funding to implement best practices, models, and new technologies.*

Most Relevant Quotes by Question for Topic 4. For each question some verbatim comments from participants which highlight the gist of the responses across participants are presented in Exhibit 1.10.

Exhibit 1.10
Most Relevant Quotes by Question for Topic 4

QUESTION*	CONTRIBUTING QUOTE
Q1: How could FMCSA better incorporate data quality assurance processes into CSA 2010? (3)	<ul style="list-style-type: none"> ▪ <i>Problem with FMCSA system: identifying number of carriers (FMCSA says 600,000-700,000 carriers, but we have identified 345,000 carriers) - this is a discrepancy we need to overcome ---one option: Uniform carrier registration requirement (UCR).</i> ▪ <i>We don't have a baseline currently, so how do we establish quality assurance?</i> ▪ <i>We need to have the same standards for everyone. (ex: 10,000 pounds vs. over 10,000 pounds)</i> ▪ <i>Crash Data: University of Michigan is finding when they evaluate States. Some of the data that needs to be captured isn't being captured because it's not on the form. When looking at accident report files, it differs by State. A simple thing the agency can do is to encourage States to upgrade forms.</i>
Q2: Are there any major obstacles that must be overcome to achieving accurate and complete data for use in the new operational model? Please explain. (5)	<ul style="list-style-type: none"> ▪ <i>Funding - We come up with ideas, but when it comes to implementation, the money needs to be there.</i> ▪ <i>Lack of uniformity in accident reporting - States use different forms and formats.</i> ▪ <i>Inconsistency not just in emphasis but in overall magnitude of reporting of injuries and property damage. Touch-points that States have for enforcement - more comprehensive coverage - need more data.</i>
Q3: Are there safety data not available that are needed for this approach to be equitable? If so, please describe and discuss any potential barriers to collecting such data. (2)	<ul style="list-style-type: none"> ▪ <i>If truck is in a crash, we want to know:</i> <ul style="list-style-type: none"> - <i>If the speed governor was set and what speed it was set on</i> - <i>How trucker was being paid; whether truck has a "1-800- how's my driving?"</i> - <i>Automatic vs. manual transmission</i> - <i>Whether company is doing business with a shipper that imposes penalties related to delivery</i> - <i>Analysis of basic carrier demographics: we are currently focused on vehicles and drivers but it would be nice to know the demographics of carriers</i> - <i>Proportion of accidents that involve carriers by size - seem to focus on large carriers. Is this a small vs. midsize vs. local carrier problem?</i> - <i>Whether or not accident involves carrier of State or nearby State - is problem local?</i> - <i>Description of carriers.</i> - ▪ <i>We are missing the trees for the forest: only 25-30% of fatal accidents involving trucks occur on interstates; 65% occur on state and US routes. Interstates are very safe places to drive. Carriers who are spending more time on those roads are more at risk. It is about the quality of the road. We should map operational characteristics against road type - we will find interesting information which may change our focus.</i>

QUESTION*	CONTRIBUTING QUOTE
Q4: What safety data are available that are not currently being used to measure the safety performance of drivers and carriers? (1)	N/A
Q5: What unique identifiers should be used to tie drivers and carriers to their safety performance data? (4)	<ul style="list-style-type: none"> ▪ <i>Create a national CDL instead of state by State.</i> ▪ <i>Seems to question effectiveness of DOT number for carrier - DOT number is unique to carrier and ties to data. If this is working, why fix it? How do you tie the driver to the carrier is the real question.</i> ▪ <i>In Canada they have The Controlling Mind: If carrier shuts down and opens again under a new name, they are automatically recognized. Should check this system out.</i>
Q6: What other issues should the Agency be considering with respect to Safety Data and Tracking, Evaluation and Data Validation? (6)	<ul style="list-style-type: none"> ▪ <i>Privacy: drug and alcohol, medical etc. will prompt privacy issues. Bring more people together who are experts a lot sooner to help solve this issue.</i> ▪ <i>Public availability of data and FMCSA's overarching policy on this: determine the scores and data and whether it is consistent with departmental policy - don't have similar data for rail, etc.</i> ▪ <i>Is there any tracking of training methodology, minimums and standards for getting CDL? I have heard it's all over the map. What is FMCSA doing about this problem? They need to do something about it.</i>
Q7: Radio frequency identification device (RFID)-enabled license plates could be used to identify commercial motor vehicles at highway speeds. This could help focus inspection and traffic enforcement activities on unsafe or unregistered entities. What barriers would there be to States' issuing RFID enabled license plates? (7)	<ul style="list-style-type: none"> ▪ <i>RFID wouldn't be optional, but mandatory. States are moving towards incorporating RFID chips in stickers on vehicles. A lot of technology can take advantage of this and gear it towards enforcement activities. Helps identify if driver took stickers from another truck. Rids are based on the concept that If you are more likely to get caught, you are less likely to do it.</i> ▪ <i>Brings up a lot of privacy issues - If I am an independent driver, and I am on personal time, RFID will be able to track what I am doing. You will be able to read all my data and I don't think that's your right.</i> ▪ <i>Barrier: every State has a different way of issuing license plates. Nebraska: picture taken of plate but licenses are different across States and can be confused.</i>

* Note: # in () is question # in the Federal Register Notice

1.4.5 Topic 5: Operational Model

In addition to the questions in each of the four topics, there were also questions about the overall Operational Model in each breakout session. For the purpose of looking at these questions apart from the four distinct topics, the total number of responses received on these questions, and the supporting quotes for these questions are listed below.

Total Number of Responses by Question for Topic 5. The table below shows the questions and number of responses for Topic 5: Operational Model.

Exhibit 1.11
Total Number of Responses by Question for Topic 5

Content Analysis Question #	Topic 5: Operational Model Questions <small>{The # in () after each question represents the question # on the Federal Register Notice}</small>	# of Responses
Question 8	Operational Model - Question 1: Please provide any additional comments or information you may have on the CSA 2010 operational model. (3)	61
Question 9	Operational Model - Question 2: What approaches do you recommend FMCSA use to work closely with its partners and stakeholders in building the CSA 2010 operational model? Please explain. (1)	40
Question 10	Operational Model - Question 3: Are there certain aspects of the CSA 2010 operational model that could be implemented now? Please explain. (2)	23
	TOTAL RESPONSES	124

Most Relevant Quotes by Question for Topic 5. For each question some verbatim comments from participants which highlight the gist of the responses across participants are listed below.

Exhibit 1.12
Most Relevant Quotes by Question for Topic 5

QUESTION	CONTRIBUTING QUOTE
Q8: Please provide any additional comments or information you may have on the CSA 2010 operational model. (3)	<ul style="list-style-type: none"> ▪ <i>[This model] scares [me] - because it tries to do too much with unreliable and undefined data. The consequences of the data should work within the CR. I am not comfortable if we prioritize the carriers and then just do a review based on data only. I have a concern with that. To make this a system that is just based on numbers is not appropriate. The data should be baked into a Compliance Review. The proposed data is based on factors that the carrier has no control over. The driver could do something that the carrier is opposed to and then they are held accountable.</i> ▪ <i>There is nothing in the model to define what it takes to become "FIT" again. We need to have a green light - how to get back into the system again.</i> ▪ <i>Fear that this will be an increase in workload with no new resources.</i> ▪ <i>Data (in any part of the proposed Operational Model) should be different between carriers and drivers - there is not an absolute....even in interventions, etc.</i> ▪ <i>Conducting compliance reviews vs. enforcement must be well-defined.</i> ▪ <i>Use of BASICS should lead to (more) streamlined compliance reviews.</i> ▪ <i>Commercial drivers' logs (CDL) and past experience should be uniform for drivers (not determined on a State by State basis).</i> ▪ <i>FMCSA should utilize 3rd parties to help support the existing operational model (allow for voluntary assessments, with 3rd part verification).</i> ▪ <i>FMCSA should be able to share data with other agencies and use that data to make determinations.</i> ▪ <i>States need to be incentivized to input the most accurate data (add incentives for data quality and data improvements).</i> ▪ <i>Model to test it. Wouldn't want to have changes later.</i> ▪ <i>Use the available data to its fullest.</i> ▪ <i>The data that's being supplied now is through a regulatory mechanism (official government action) - there are a lot of unregulated behaviors, such as the design of a roadway, weather, congestion, etc. Since this is a behavior-based approach, what steps need to be taken to incorporate these factors?</i> ▪ <i>Look for red flags. How does insurance tie into CSA2010? Should be integrated within the initiative. Integrated the FMCSA insurance filing requirement into the safety characteristics- use as a piece of critical data. Can raise a red flag for intervention selection and safety fitness. Re-registering of carriers is also trigger.</i> ▪ <i>Shipper data is not being captured, particularly HAZMAT shippers. It has relevancy because there may be opportunities to gather more data. I don't see anything in the model and we haven't talked about it.</i> ▪ <i>[The] devil in the details in terms of how 7 BASICS get weighted. Take a cross-section of carriers and apply BASICS model to test it. Wouldn't want to have changes later.</i>

QUESTION	CONTRIBUTING QUOTE
<p>Q9: What approaches do you recommend FMCSA use to work closely with its partners and stakeholders in building the CSA 2010 operational model? Please explain. (1)</p>	<ul style="list-style-type: none"> ▪ <i>Work with stakeholders to build the confidence.</i> ▪ <i>Needs to build a response to how to become "fit" after being considered "unfit."</i> ▪ <i>One idea - use stakeholders to pilot test - and possibly even demonstrate.</i> ▪ <i>The timeline - what gets put aside versus what is put into the system. Need to start process sooner with stakeholders and piloting - talk about now (not in 2009).</i> ▪ <i>What is the agency's vision - so it can help in conversations with the States? How are they going to be impacted based on the model? How are they thinking about this - and what type of funding? We need clarification on this vision.</i> ▪ <i>Docket and listening sessions are sufficient.</i> ▪ <i>FMCSA should consider a systematic out-brief or exit interview when a problem area arises (e.g. add a post event, continuous improvement process).</i> ▪ <i>Consistent data reporting, with a single data form used.</i> ▪ <i>Usage of the data should also be consistent or uniform (enforcement is not currently applied in a uniform fashion).</i> ▪ <i>Education and outreach for new carriers about the positive impacts of proactive safety measures.</i> ▪ <i>New methods for assimilating compliance reviews (telephone, Internet, etc.).</i> ▪ <i>Associations</i> ▪ <i>Industry Partners (i.e. Education)</i> ▪ <i>Get in touch with motor carriers themselves - every State has a State trucking association as well as the national trucking association.</i> ▪ <i>Another expert/stakeholders panel to bounce this model off of - we need a good representation of carriers, insurance companies, and shippers.</i>
<p>Q 10: Are there certain aspects of the CSA 2010 operational model that could be implemented now? Please explain. (2)</p>	<ul style="list-style-type: none"> ▪ <i>Start considering pilot testing progressive interventions. Testing the effectiveness and how much they cost.</i> ▪ <i>Start implementing a targeted CR. There is no reason to not implement this now. See more people, more often. Just don't use it as a rating tool now.</i> ▪ <i>Most reasonable/responsible carriers have an invested interest in safety. Most carriers are supportive of this. Proposed Model should focus on self interest of carriers for safety, not enforcement oriented.</i> ▪ <i>What are good predictors that will feed into the BASICS? This is important to determine and define.</i> ▪ <i>Some elements of the progressive interventions could be implemented right now (e.g. warning letter).</i> ▪ <i>Follow-up on letters that do go out.</i> ▪ <i>Outreach and Web-based education.</i> ▪ <i>Gathering all of the data available, better use of the data (analysis).</i> ▪ <i>Division administrators in the State- work collaboratively to identify barriers and provide the knowledge to FMCSA (be proactive).</i> ▪ <i>Should be investigating now on the investigatory/regulatory front at the State level (lay the State groundwork and identify barriers).</i> ▪ <i>Streamlined, focused review - ex: complaint situations.</i>

* Note: # in () is question # in the Federal Register Notice.

1.5 Analysis and Results Across Topics/Themes (Frame 2)

Data Analysis. As described earlier, immediately after the listening session, to get a sense of the listening session results, the facilitators and recorders for each breakout session formulated the key ideas that emerged from their topic-specific breakout session. These key ideas were used as the initial set of categories to take into a content analysis. Specifically, each participant comment or “response” received was reviewed and categorized into **one or more** of the key idea categories. Each response would receive a value of “1” if it contributed to that category of ideas.

As the across-topic content analysis-driven categorization of each response proceeded, the key idea categories evolved into across-topic overall themes. The themes were refined to better fit this across-topic perspective, rather than the facilitator’s “within topic sense” of the responses. While some responses fit into two, three, or four themes, most responses fit into only one theme. Four responses were not relevant to any of the themes, and thus were categorized into the final theme, “Other Unique Responses.” These four unique responses have little relationship with other themes or responses. Sixteen themes resulted to most succinctly categorize every comment. [See Appendix A for detailed content analysis.]

Next, a “definition” was developed for each Theme. This definition was developed as a way to describe the many responses collected across topics. The purpose of the definition is to capture the “gist” of the comments within that theme. **These definitions are not an attempt to summarize the comments that have been categorized as belonging to any one theme. Rather these definitions are an attempt to help provide a more concise framing of the issues contained in the range of comments categorized as belonging to a theme.**

For example, in Theme #1, most responses favored of a “Two-Tier Construct.” However, most responses also included a recommendation to have different gradations within “Continue to Operate”, as well as discussed the importance of clarifying “what the steps are” to become “fit to operate” again. The definition for this theme helps to capture these many responses. **Some of the quotes that helped to define this theme are as follows:**

Frame 2: Major Messages to FMCSA From Participants (*Themes Across Topics*)

- Great for understanding the major overall concerns of participants, both with respect to the proposed model, as well as beyond it.
- Breaks the set of the listening session to *hear* participants in another way.
- Provides a more quantitative basis for decision making.

- *"[I'm] in favor of the two-tiered system for simplification purposes. It's easier for FMCSA to make a simple, one or the other classification." (coding=2,1,1, i.e. Topic 2 Question 1, Response 1)*
- *"The data needs to target the carriers on the low end of the Continue to Operate classification (1-2%)." (2,2,9)*
- *"There is nothing in the model to define what it takes to become "FIT" again. We need to have a green light - how to get back into the system again." (1,8,2)*
- *"Continue to Operate will [should] exist on a grade, depending on the level of deficiency." (2,1,15)*
- *"If a carrier is "unfit" - is the carrier unable to operate? As of now its 30 days you are out until you prove compliance (more of a suspension). If someone is "unfit" then they should be suspended indefinitely until changes are made and compliance is reached." (3,3,9)*

Note: A variety of responses contributed to the development of each theme. Within each theme, there are typically responses “in favor” and “against” certain actions. There are also responses that give greater detail into sub-points of a theme. Nonetheless, these comments were categorized into a theme for which they best contributed important messages. The quote below describes one of these examples for Theme #1.

- *"If there is no tiered system, there are going to be carriers out there that are very close to unfit and will continue to operate. The data that is gathered needs to be utilized in a good system as to how these carriers are rated... take the license away." (3,3,16)*

Themes were re-worded from the facilitators' original within-topic perspective to better fit the across-topic perspective, representing the majority of the responses that spoke to a particular theme. The finalized **2006 Listening Session Themes** of the content analysis and definitions that “capture the gist” of the themes are listed in the exhibit on the following two pages. (These themes are listed in order of the highest number of responses received - across all topics.)

Exhibit 1.13
Themes and Operational Definitions

THEME	DEFINITION OF THEMES
1. Two-Tier Construct with Gradations for "Continue to Operate" (including Frequency of Assessment and Timeline to Re-enter)	A two-tiered construct of "Unfit" or "Continue to Operate" should be implemented – assuming that different gradations within "Continue to Operate" exist. This construct should include a clear description of the frequency of assessment and the necessary steps/timeline to re-enter the "Continue to Operate" status. (i.e., if I am deemed "Unfit", how soon and by what method can I get back into a "Continue to Operate" status?)
2. Quality of Data (including Sufficient Data/Crash Causation Determination/Type of Accident)	It is important to ensure quality data are used to make determinations. To ensure this, it is necessary to define and determine the exact cause/fault of crashes/accidents. Likewise, it is important that the data is sufficient. Quality data ensures accurate reporting. It is important to assess what is currently collected and what should be collected, and make decisions accordingly.
3. Difference Between Carriers by Industries, Types, and Size (i.e. HAZMAT, inter/intra States, large/small, etc)	Carriers should be distinguished by the many different industries, types and sizes. It is very important when collecting and utilizing data to address carriers differently based on these parameters. Often, the impact of data collection or enforcement largely differs between these many types and sizes of carriers.
4. Consistent Data Submission and Enforcement Across States	Currently, data are not submitted consistently across the States or local communities. Some States/local communities report electronically and regularly, others report sporadically and outside of the prescribed format. This makes it difficult for FMCSA to accurately address safety issues because the data is often inconsistent. Clear guidelines about what data should be collected and how it should be used/enforced, should be developed and distributed to all. Likewise, enforcement resulting from these data are not implemented consistently. Across States/local communities, data collection and enforcement should be implemented consistently – as to ensure FMCSA has the important data to make the best decisions for safety.
5. Difference Between Carriers and Drivers/Define BASICs (by BASICs list and/or by weighting BASICs differently, by Data Collection, and/or by Interventions; also includes defining BASICs)	Carriers and drivers have different responsibilities and should be differentiated when defining BASICs or interventions. They should not be held accountable to the same things. Some responsibilities are on the carriers and others on the drivers. These differences could be distinguished through a different list of BASICs or by weighting the BASICs differently between carriers and drivers. Likewise, a more detailed explanation and understanding is needed around what the BASICs mean. Interventions should also be addressed differently between carriers and drivers, based on their responsibility and accountability.
6. Data Immediately Transparent/Visible	Currently, after data are collected, it is not published immediately, and sometimes never at all. These Data should be immediately transparent and visible to all carriers and drivers. These data help carriers and drivers make important decisions about safety, hiring, and enforcement. Making data transparent also increases sharing of information across carriers and drivers, so all parties can learn.

THEME	DEFINITION OF THEMES
7. Carrier Responsibility and Accountability	Carriers should be held accountable for their actions. Often times, carriers know about violations and do not address with their drivers. Other times, carriers are unaware of a problem or violation until they are notified by FMCSA. Carriers should be held responsible for intentional violations or encouraging their drivers to violate FMCSA safety regulations in any way. Carrier behavior must be managed.
8. Stakeholders Involvement and Communication/Pilot Test	Stakeholders appreciate frequent communications and opportunities to provide input. During the development (and the implementation) of the new Operational Model, FMCSA should regularly and more actively involve and communicate with stakeholders. This is something that can be implemented immediately and can help the overall development of the CSA 2010 initiative. Likewise, there should be frequent pilot testing of the proposed Operational Model – in individual elements of the model or by testing the model across certain States/regions.
9. Best Practices and Technologies	FMCSA should study best practices in the industry and then apply those to the proposed Operational Model. Technology is a very important element in improving data collection, transparency, and quality, and should be implemented to support FMCSA and the CSA 2010 Operational Model. Important and new information from those studying best practices in the industry should not be overlooked.
10. Evaluation Process for Interventions	A process for evaluating interventions should be developed and implemented. This is important to determine which interventions are effectively changing behavior and which are not. First, it is important to understand the impact interventions have on compliance. Then, FMCSA should collect data on performance and to continually evaluate the effectiveness of the interventions.
11. More Training/Education	More training and education are needed across carriers, drivers, and inspectors, both for the proposed Operational Model and for other safety measures, data, and definitions. Currently, carriers are not required to train drivers. We should have more meaningful mandatory entry level training. <i>(Within these responses, there were several other topics for training/education recommended.)</i>
12. Positive Incentives	The current system is a “debit” system, not a “credit” system. FMCSA should implement positive incentives for compliance, quality data, data improvements, etc. If carriers/drivers correct actions, they should be rewarded. There should be some pro-active incentives to exceed expectations. Certifications should be recognized and rewarded in some way. Currently, the BASICS are defined as negative measures. Instead there should be some positive elements that could impact scores.
13. More Funding and Resources to States	One of the primary fears of the new Operational Model is that it will be too complex requiring more work with little resources or support. States should receive more funding and resources so they have the means to implement current and future best practices, technology, and initiatives.
14. Pre-Qualification Process/Interventions	There should be more significant barriers for new entrant carriers. One way to do this is to implement a “proactive intervention” or “pre-qualification” process. This pre-qualification would help reduce the number of enforcements and/or interventions later in the process.
15. Unique Identifier - Driver’s License or License Plate	One of the main ways to identify a driver/carrier is by their driver’s license or license plate. By using these numbers, it would reduce or eliminate the need for another unique identifier. One of the challenges now with using the DOT number is that a driver/carrier with a bad record may drop out, move, and re-apply for a DOT number under another name.
16. Other Unique Responses	A variety of unrelated or unrepeated responses.

Results. Once the content analysis was complete, formulas and charts were compiled to produce relevant and meaningful findings. The next few sections explain in more detail some of the important findings of the data analysis. [For the detailed content analysis, see Appendix A.]

1.5.1 Themes with the Most Responses

The table below lists the themes ranked by the frequency of responses. It shows the percentages and number of total responses across all topics by theme. This data describes the most popular themes - regardless of topic.

**Exhibit 1.14
Themes with the Most Responses**

THEME	% of Total Responses	# of Responses
1. Two-Tier Construct with Gradations for "Continue to Operate" (including Frequency of Assessment and Timeline to Re-enter)	17%	105
2. Quality of Data (including Sufficient Data/Crash Causation Determination)	16%	99
3. Difference Between Carriers by Industries, Types, and Size (e.g. HAZMAT, large/small)	15%	91
4. Consistent Data Submission and Enforcement Across States	14%	85
5. Difference Between Carriers and Drivers/Define BASICS (by BASICS list and/or by weighting BASICS differently, by Data Collection, and/or by Interventions; also includes defining BASICS in more detail)	11%	65
6. Data Immediately Transparent/Visible	9%	56
7. Carrier Responsibility and Accountability	9%	53
8. Stakeholders Involvement and Communication/Pilot Test	7%	44
9. Best Practices and Technologies	7%	42
10. Evaluation Process for Interventions	4%	26
11. More Training/Education	4%	24
12. Positive Incentives	4%	22
13. More Funding and Resources to States	2%	12
14. Pre-Qualification Process/Interventions	2%	11
15. Unique Identifier - Driver's License or License Plate	2%	10
16. Other Unique Responses	1%	4
<p><i>NOTES:</i> 1 - The total number of responses is 611. This is denominator for the percentages above. Because one response may have contributed to multiple themes, the total number of responses for all topics totals 749. Consequently, the percent of Total Responses is greater than 100%. [See Appendix A for actual data.] 2 - These numbers represent total responses, including the three Operational Model questions addressed in every breakout session.</p>		

1.5.2 Most Common Themes per Topic

Themes with Highest Percent of Responses per Topic. The chart below presents responses totaled by topic across themes (i.e. the columns each sum to 100%). The percentages in **bold** indicate the highest responses for each topic. This data indicates that within each topic, certain themes were more relevant than other themes.

**Exhibit 1.15
Most Common Themes per Topic**

THEMES	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5/ Ops Model
1. Two-Tier Construct with Gradations for "Continue to Operate" (including Frequency of Assessment and Timeline to Re-enter)	7%	37%	9%	0%	9%
2. Quality of Data (including Sufficient Data/Crash Causation Determination/Type of Accident)	14%	15%	2%	26%	11%
3. Difference Between Carriers by Industries, Types, and Size (i.e. HAZMAT, inter/intra States, large/small, etc)	12%	19%	13%	10%	5%
4. Consistent Data Submission and Enforcement Across States	6%	1%	13%	26%	15%
5. Difference Between Carriers and Drivers/Define BASICS (by BASICS list and/or by weighting BASICS differently, by Data Collection, and/or by Interventions; also includes defining BASICS in more detail)	26%	5%	3%	2%	9%
6. Data Immediately Transparent/Visible	9%	3%	9%	12%	7%
7. Carrier Responsibility and Accountability	12%	4%	17%	0%	2%
8. Stakeholders Involvement and Communication/Pilot Test	0%	0%	3%	2%	26%
9. Best Practices and Technologies	4%	1%	5%	16%	5%
10. Evaluation Process for Interventions	1%	8%	4%	0%	3%
11. More Training/Education	6%	1%	5%	2%	3%
12. Positive Incentives	3%	3%	5%	2%	2%
13. More Funding and Resources to States	1%	0%	2%	3%	3%
14. Pre-Qualification Process/Interventions	0%	4%	2%	1%	0%
15. Unique Identifier - Driver's License or License Plate	0%	0%	7%	0%	0%
16. Other Unique Responses	0%	0%	2%	0%	1%
Number of Responses	139	185	151	125	149

Notes: Topic 1=Measurements, 2=Safety Fitness Determination, 3=Intervention Selection, 4=Safety Data & Validation, 5=Ops Model.

Bold % = Highest number of responses for topic.

This data indicates that certain topics addressed many themes, but had a few “major” themes – which were most important and had the highest response rates for that topic’s discussion.

In Topic 1 - Measurements, the most common themes were:

- **5. Difference Between Carriers and Drivers/Define BASICS** (either by BASICS list and/or by weighting BASICS differently, by Data Collection, and/or by Interventions; also includes defining BASICS in more detail) **(26%)**
- **2. Quality of Data** (including Sufficient Data/Crash Causation Determination/Type of Accident) **(14%)**
- **3. Difference Between Carriers by Industries, Types, and Size** (i.e. HAZMAT, inter/intra States, large/small, etc.) **(12%)**
- **7. Carrier Responsibility and Accountability** **(12%)**

In Topic 1, the four themes above represented 64% of the total responses. Eight other themes accounted for the other 36%.

In Topic 2 – Safety Fitness Determination, the most common themes were:

- **1. Two-Tier Construct with Gradations for "Continue to Operate"** (including Frequency of Assessment and Timeline to Re-enter) **(37%)**
- **3. Difference Between Carriers by Industries, Types, and Size** (i.e. HAZMAT, inter/intra States, large/small, etc) **(19%)**
- **2. Quality of Data** (including Sufficient Data/Crash Causation Determination/Type of Accident) **(15%)**

In Topic 2, the three themes above represented 71% of the total responses. Eight other themes represented 29%.

In Topic 3 – Intervention Selection and Entity Characteristics, the most common themes were:

- **7. Carrier Responsibility and Accountability** **(17%)**
- **3. Difference Between Carriers by Industries, Types, and Size** (i.e. HAZMAT, inter/intra States, large/small, etc) **(13%)**

- **4. Consistent Data Submission and Enforcement Across States (13%)**
- **15. Unique Identifier - Drivers License or License Plate** (while this theme had only 2% of the total responses for the topic, all 10 of the responses were uniquely from topic 3 breakout session participants)

In Topic 3, the three themes above represented 43% of the total responses. Thirteen other themes represented 57%. As such, Topic 3 had the most diverse set of comments.

In Topic 4 – Safety Data and Validation, the most common themes were:

- **2. Quality of Data** (including Sufficient Data/Crash Causation Determination/Type of Accident) **(26%)**
- **4. Consistent Data Submission and Enforcement Across States (26%)**
- **9. Best Practices and Technologies (16%)**
- **6. Data Immediately Transparent/Visible** (across carriers and drivers) **(12%)**

In Topic 4, the four themes above represented 80% of the total responses. Seven other themes represented 20%. As such, this topic had the most focused set of themes.

In Topic 5 (Operational Model), the most common themes were:

(Note: There were three questions in every topic-specific breakout session that pertain to the proposed Operational Model. These were deemed as Topic 5/Operational Model.)

- **8. Stakeholders – Involvement and Communication/Pilot Test (26%)**
- **4. Consistent Data Submission and Enforcement Across States (15%)**
- **2. Quality of Data** (including Sufficient Data/Crash Causation Determination/Type of Accident) **(11%)**

In Topic 5/Operational Model, the three themes above represented 52% of the total responses. Eleven other themes represented 48%. This topic was relatively diffused across themes. This would be expected as the three questions about the operational model that composed this topic were asked at the end of each of the four topic-specific sessions. Consequently, comments that crossed topics and themes came up in these close-out questions.

Highest Percent of Responses per Theme. The chart on the following page presents responses totaled by theme across topics (i.e. the rows sum to 100%). Since some themes had relatively fewer responses overall, this table provides a different perspective on key messages in each of the four topical breakout sessions. Those percentages in **bold** indicate the highest responses for each theme. This data indicates that within each theme, certain topics were more relevant than other topics.

This perspective is particularly useful when considering the *lower frequency* themes. For example, **Theme 15 - Unique Identifier - Driver's License or License Plate**, is unique to Topic 3, *Intervention Selection and Entity Characteristics*, i.e. 100% of the responses (n=10) relative to that theme came from participants who attended the topic 3 breakout session. Reading the specific responses to breakout session topic-specific questions will provide clarity to each of the percentages below.

**Exhibit 1.16
Highest Percentage of Responses per Theme**

THEMES	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5/ Ops Model	No. of Responses
1. Two-Tier Construct with Gradations for "Continue to Operate" (including Frequency of Assessment and Timeline to Re-enter)	10%	66%	12%	0%	12%	105
2. Quality of Data (including Sufficient Data/Crash Causation Determination/Type of Accident)	19%	28%	3%	32%	17%	99
3. Difference Between Carriers by Industries, Types, and Size (i.e. HAZMAT, inter/intra States, large/small, etc)	18%	40%	22%	13%	8%	91
4. Consistent Data Submission and Enforcement Across States	11%	1%	24%	38%	27%	85
5. Difference Between Carriers and Drivers/Define BASICs (by BASICs list and/or by weighting BASICs differently, by Data Collection, and/or by Interventions; also includes defining BASICs in more detail)	55%	14%	6%	5%	20%	65
6. Data Immediately Transparent/Visible	23%	9%	23%	27%	18%	56
7. Carrier Responsibility and Accountability	30%	15%	49%	0%	6%	53
8. Stakeholders – Involvement and Communication/Pilot Test	0%	0%	9%	5%	86%	44
9. Best Practices and Technologies	12%	5%	19%	48%	17%	42
10. Evaluation Process for Interventions	4%	54%	23%	0%	19%	26
11. More Training/Education	38%	4%	29%	8%	21%	24
12. Positive Incentives	18%	23%	36%	9%	14%	22
13. More Funding and Resources to States	8%	0%	25%	33%	33%	12
14. Pre-Qualification Process/Interventions	0%	64%	27%	9%	0%	11
15. Unique Identifier - Driver's License or License Plate	0%	0%	100%	0%	0%	10
16. Other Unique Responses	0%	0%	75%	0%	25%	4

Notes: Topic 1=Measurements, 2=Safety Fitness Determination, 3=Intervention Selection, 4=Safety Data & Validation, 5=Ops Model

Bold % = Highest number of responses for theme.

1.5.3 “Hottest” Themes in Multiple Topics – Subtopics/Storylines

The topic-specific questions had purposeful overlap and interconnection, while at the same time focusing general content on a specific topic. For example, a question about BASICS was asked in both topical sessions 1 and 2, but each had a slightly different focus. As such, to get a big picture sense of comments made by participants, both across breakout sessions and within sessions, comments on each of the four topics were coded into one of 16 general themes.

However, of the 16 themes, four of the themes both cut across multiple topics and had a high percentage of responses for that topic. These are the important general themes that a large percentage of the participants discussed no matter what topical session they had attended. These themes portray an important set of messages across topics, across questions, and across participants for FMCSA. The themes that cut across multiple topics, and have a high percentage of responses for a respective topic, are noted by **shaded yellow boxes** below:

**Exhibit 1.17
“Hottest” Themes in Multiple Topics – Subtopics/Storylines**

Topics	Theme 2: Quality of Data (including Sufficient Data/Crash Causation Determination/ Type of Accident)	Theme 3: Difference Between Carriers by Industries, Types, and Size (i.e. HAZMAT, inter/intra States, large/small, etc.)	Theme 4: Consistent Data Submission and Enforcement Across States	Theme 7: Carrier Responsibility and Accountability
Measurements	✓	✓	N/A	✓
Safety Fitness Determination	✓	✓	N/A	N/A
Intervention Selection and Entity Characteristics	N/A	✓	✓	✓
Safety Data and Validation	✓	N/A	✓	N/A
Operational Model	✓	N/A	✓	N/A

* The 5th Topic represents the responses to the proposed Operational Model questions asked at the end of each breakout session.

Throughout the content analysis, it was discovered that there were more detailed subtopics/storylines for some of the themes. These are important to understand, in order to accurately connect themes with what actions might be taken by FMCSA. Listed below are the subtopics/storylines for each of the four themes most common across topics. Also included is a list of responses which best describes these themes. While this summary is useful to get the big picture, familiarity with the detailed responses per topic is still warranted for a full understanding of participant input.

In **Theme 2, Quality of Data**, one of the most important elements expressed was to first ensure crashes are accurately assessed and responsibility is assigned accordingly. Often times, that which is initially determined as the cause of a crash, is not always accurate. Consequently, carriers and/or drivers are held responsible for actions outside of their control (e.g. weather or bad car drivers). **Some of the responses best illustrating this are listed below:**

- *“The data that’s being supplied now is through a regulatory mechanism (official government action) - there are a lot of unregulated behaviors, such as the design of a roadway, weather, congestion, etc. Since this is a behavior-based approach, what steps need to be taken to incorporate these factors?”*
- *“You must take action on preventability determination - could the driver have prevented the crash? Or was he/she in the wrong place at the wrong time? Currently, you are holding the driver accountable for something he/she may have not been able to control.”*
- *“The law enforcement agency needs to be involved to make that [crash causation] determination.”*
- *“Causation - who is at fault?”*

Another subtopic of **Theme 2** has to do with the quality and sufficiency of the data received. This includes determining what data should be collected and what data are currently collected versus what is currently used. **Some of the responses that best illustrate this follow:**

- *“There needs to be some research done to show the relationship between “fault.” FMCSA should be sure to base [decisions] on research and data. Right now, we may not have the data we need to make this determination.”*
- *“There will be data coming in from other sources - it’s not just safety data - good inspection of data are necessary to prevent unnecessary actions/burden.”*
- *“Some of the work is going to be tracking down a lot of the data. Suggestion is that before the proposed model is implemented, we should plan for tracking all of this data down.”*

- *“Right now, our system is not based on scientific measures. We need to put in a system that is based on a measuring system based on scientific data.”*
- *“Accuracy isn't just about what's in there - but also what is still needed/valid.”*
- *“The larger set of interventions would be more effective if/when the technology does what it is supposed to do. It all must work and provide good quality data for this to work.”*
- *“Clarification: collected but not used (i.e. drug and alcohol data, information on convictions) ”*

The main point of **Theme 3, Difference Between Carriers by Industries, Types, and Size**, is to treat carriers differently based on their different characteristics. Certain data collection, regulations, and consequences affect carriers differently based on their different industries, size, or types of materials. This should also address the difference between interstate and intrastate carriers, and/or U.S., Canadian, and Mexican carriers. **Some of the responses that best illustrate this follow:**

- *“There needs to be a distinction between the dangerous goods and HAZMAT carriers.”*
- *“Representing the firework carriers, a mechanism in place to consider a different type of carrier is important. We don't always have a lot of data. We should discuss further with more detail. We need to discuss more other unique carriers. We may only drive 6 times a year. We have several drivers that are also the display operators - so we need some exceptions.”*
- *“Most of the current BASIC measures are absolutes - the measure should focus on rates - they should be relative to the size.”*
- *“[We need] systems availability to measure - Mexican and Canadian carriers.”*
- *“The current system does not have enough compliance reviews to assign an accurate classification to each carrier.”*
- *“The type of company (or industry) will result in different types of weighting.”*
- *“Unfit threshold should be "easier to achieve" for HAZMAT carriers or passenger carriers.”*
- *“Bus industry has become overrun by "phantom bus operations" which are very hard to track ownership and leadership, due to constant changes. This is a challenge for the industry and should be addressed.”*

- *“We need to think about other characteristics (i.e. a fleet that operates in a high crash corridor). We might want to treat that carrier differently...Not just the type of carrier. If you have a high percent of non-CMV drivers, that should be part of the classification. Higher risk equals higher interventions.”*
- *“Is FMCSA strictly tracking intrastate trucking? If so, what is going on with interstate?”*

Theme 4, Consistent Data Submission and Enforcement Across States, has to do with ensuring that data are submitted accurately and consistently by and across States, and that the data are used to accurately and consistently enforce the regulations across States. Currently, there is too much variation in how data are both submitted and used. Participants expressed a strong concern in making things consistent across States. **Some of the responses that best illustrate this follow:**

- *“Enforcement is difficult because the review process is broad.”*
- *“Usage of the data should also be consistent or uniform.”*
- *“[There should be] consistent data fields used for and by everyone.”*
- *“Use the available data to its fullest.”*
- *“States need to enforce their own rules.”*
- *“Methodology should differentiate between intrastate and interstate commerce. How do States address these problems?”*
- *“There should be a standard for submission of data. Push States and Locals to comply.”*
- *“Lack of uniformity in accident reporting - States use different forms and formats.”*

Theme 7, Carrier Responsibility and Accountability, focuses on increasing carrier responsibility and accountability based on the data known and received. **Some of the responses that best illustrate this follow:**

- *“Are there measures of carrier behavior in management that can be tracked prior to and after a compliance review? There should be. Are there indicators that are more directly related to the carrier behavior to hold them accountable?”*
- *“There should be a separate category for Carrier Management Behavior. These management functions impact the driver-carrier relationship.”*

- *“Shippers who put pressure on the trucking industry to do things that are unsafe need to be addressed.”*
- *“The issue is: What do the carriers do about violations?”*
- *“If a carrier is found to be promoting fatigue driving (in violation), more weight should be placed on that. (Results of Crash Causation showed this.)”*
- *“On labor hour issues, the driver is responsible. The carrier needs to be held accountable if he/she knows.”*
- *“Carriers who go “out of business”/Change names - need to be considered for whatever reason.”*
- *“Vehicle maintenance can influence the frequency of crashes, thus the carrier must be held accountable for maintenance.”*
- *“Some drivers are driven to do certain company policies to keep their jobs.”*
- *“Responding to warning letters: Carriers need to be required to respond to warning letters in some fashion. This notifies the carriers that they are now being monitored at a different level.”*

1.5.4 Certain Themes Unique to Certain Topics – “Stand-Alones”

There are certain themes that are uniquely related to certain topics because of their very high **percentage of responses in that theme and minimal percentage of responses in other themes**. Because each topic had a set of specific key questions (related to the topic) one theme may only be applicable to a specific topic because a question was only addressed in that one breakout session.

Although most every topic is touched by most every theme in some way, certain themes had high percentages of responses for certain topics and were recognized as being primarily and **uniquely related** to that topic. For Topic 3, Theme 15 had only 10 responses. However, these responses were all made by participants during the Topic 3-Intervention Selection and Entity Characteristics breakout session. See the following chart for what unique themes belong to these topics.

Exhibit 1.18
Certain Themes Unique to Certain Topics

TOPIC 1	TOPIC 2	TOPIC 3	TOPIC 4	TOPIC 5/Ops Model
Theme 5 – Difference Between Carriers and Drivers/Define BASICS	Theme 1 – Two-Tier Construct with Gradations for "Continue to Operate"	Theme 15 – Unique Identifier - Drivers License or License Plate	Theme 9 –Best Practices and Technologies Theme 6 – Data Transparent and Immediately Visible	Theme 8 – Stakeholders Involvement and Communication /Pilot Test

Note: Topic 1=Measurements, 2=Safety Fitness Determination, 3=Intervention Selection, 4=Safety Data & Validation, 5=Ops Model. [See Appendix A for more information.]

1.6 Docket Comments and Associated Topics

In addition to the data received during the breakout sessions, Appendix I includes comments officially submitted through the DOT Docket Management System. Listed below are the nine docket submissions and their associated themes. Not all of the docket comments were in favor of the themes listed – but rather spoke on specific points – supporting or not supporting these themes. The docket comments are over 65 pages long and cover every topic and question in the Federal Register Notice.

These comments cut across many topics. Because they contain relevant and important comments – unique and unrelated to a specific theme – the theme, “Other Unique Responses” was chosen for each docket comment.

Likewise, **six of the nine** docket comments were submitted by organizations which had staff who attended the 2006 CSA 2010 Listening Session. In these cases, many of the docket comments were also included in the comments made by the company’s participant in the listening session and were included in the various analyses above.

From Trescott Intermodal Rail Service, the comments reflected the following themes:

- Theme 2 – Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States
- Theme 6 – Data Transparent and Immediately Visible
- Theme 7 – Carrier Responsibility and Accountability
- Theme 13 – More Funding and Resources to States
- Theme 15 – Unique Identifier - Driver’s License or License Plate
- Theme 16 – Other Unique Responses

From Oregon State Department of Transportation, the comments reflected the following themes:

- Theme 2 – Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 5 – Difference Between Carriers and Drivers/Define BASICS
- Theme 7 – Carrier Responsibility and Accountability
- Theme 15 – Unique Identifier - Driver's License or License Plate
- Theme 16 – Other Unique Responses

From Greyhound Lines, Inc., the comments reflected the following themes:

- Theme 1 – Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Quality Data
- Theme 3 – Difference Between Carrier by Industries, Types, and Sizes
- Theme 5 – Difference Between Carriers and Drivers/Define BASICS
- Theme 6 – Data Transparent and Immediately Visible
- Theme 8 – Stakeholders Involvement and Communication/Pilot Test
- Theme 11 – More Training/Education
- Theme 14 – Pre-Qualification Process/Interventions
- Theme 15 – Unique Identifier - Driver's License or License Plate
- Theme 16 – Other Unique Responses

From C.R. England, Inc., the comments reflected the following themes:

- Theme 1 – Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States
- Theme 5 – Difference Between Carriers and Drivers/Define BASICS
- Theme 6 – Data Transparent and Immediately Visible
- Theme 8 – Stakeholders Involvement and Communication/Pilot Test
- Theme 12 – Positive Incentives
- Theme 15 – Unique Identifier - Driver's License or License Plate
- Theme 16 – Other Unique Responses

From Maryland State Highway Administration, the comments reflected the following themes:

- Theme 1 – Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States

- Theme 5 – Difference Between Carriers and Drivers/Define BASICs
- Theme 6 – Data Transparent and Immediately Visible
- Theme 8 – Stakeholders Involvement and Communication/Pilot Test
- Theme 11 – More Training/Education
- Theme 12 – Positive Incentives
- Theme 13 – More Funding and Resources to States
- Theme 15 – Unique Identifier - Driver’s License or License Plate
- Theme 16 – Other Unique Responses

From American Trucking Associations, the comments reflected the following themes:

- Theme 1 – Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States
- Theme 5 – Difference Between Carriers and Drivers/Define BASICs
- Theme 6 – Data Transparent and Immediately Visible
- Theme 8 – Stakeholders – Involvement and Communication/Pilot Test
- Theme 11 – More Training/Education
- Theme 12 – Positive Incentives
- Theme 15 – Unique Identifier - Driver’s License or License Plate
- Theme 16 – Other Unique Responses

From Road Safe America, the comments reflected the following themes:

- Theme 1 – Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 5 – Difference Between Carriers and Drivers/Define BASICs
- Theme 6 – Data Transparent and Immediately Visible
- Theme 7 – Carrier Responsibility and Accountability
- Theme 9 – Best Practices and Technologies
- Theme 11 – More Training/Education
- Theme 15 – Unique Identifier - Driver’s License or License Plate
- Theme 16 – Other Unique Responses

From Public Utilities Commission of Ohio, the comments reflected the following themes:

- Theme 1 – Implement Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Ensure Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States
- Theme 5 – Difference Between Carriers and Drivers/Define BASICs
- Theme 6 – Data Transparent and Immediately Visible
- Theme 7 – Carrier Responsibility and Accountability

- Theme 8 – Stakeholders – Involvement and Communication/Pilot Test
- Theme 12 – Positive Incentives
- Theme 13 – More Funding and Resources to States
- Theme 16 – Other Unique Responses

From Advocates for Highway and Auto Safety, the comments reflected the following themes:

- Theme 1 – Implement Two-Tier Construct with Different Gradations for “Continue to Operate”
- Theme 2 – Ensure Quality Data
- Theme 3 – Difference Between Carriers by Industries, Types, and Sizes
- Theme 4 – Consistent Data Submission and Enforcement Across States
- Theme 5 – Difference Between Carriers and Drivers/Define BASICS
- Theme 6 – Data Transparent and Immediately Visible
- Theme 7 – Carrier Responsibility and Accountability
- Theme 8 – Stakeholders – Involvement and Communication/Pilot Test
- Theme 9 – Best Practices and Technologies
- Theme 10 – Evaluation Process for Interventions
- Theme 11 – More Training/Education
- Theme 12 – Positive Incentives
- Theme 13 – More Funding and Resources to States
- Theme 14 – Pre-Qualification Process/Interventions
- Theme 15 – Unique Identifier - Driver’s License or License Plate
- Theme 16 – Other Unique Responses.

2.0 APPENDICES

- A. Data By Topic
- B. Federal Register Notice
- C. Plenary Presentation
- D. Moderator's Guide Template
- E. Program
- F. Press Kit
- G. List of Participants
- H. List of Acronyms
- I. Docket Comments