

FMCSA
Michigan Division
Outreach

Agenda:

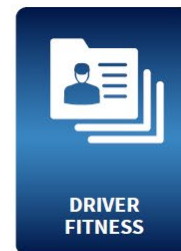
- ❖ **SMS (Safety Management System)**
- ❖ **Overview of the Investigation Process**
- ❖ **Portal, DACH, CPDP etc.**
- ❖ **Questions**

Safety Management System (SMS)

- ◆ SMS is the scoring component of CSA
- ◆ Prioritizes and identifies carriers for interventions (e.g., warning letters, investigations) using:
 - State-reported crash records
 - All roadside inspection safety-based violations
 - Critical / Acute Violations found during previous investigations
- ◆ SMS updates once per month based on the prior 24 months of data (weighted based on severity and when events occurred)
- ◆ **Note:** The SMS is not a safety rating and does not alter a carrier's safety rating
- ◆ **Another Note:** There is no “driver score” for SMS
 - Third parties may offer “driver scores” based on PSP and the SMS Methodology

Safety Management System (SMS)

- ◆ SMS Methodology can be found on FMCSA website:
 - <https://csa.fmcsa.dot.gov/documents/smsmethodology.pdf>
- ◆ Points assigned for violations on roadside inspections and crashes
 - Violation Point Value
 - Time weighted
 - OOS adds 2 points
- ◆ Seven BASICs



Safety Management System (SMS)

- ◆ Total Points within a BASIC compared to all other carriers in your “peer group”
 - “Peer Group” determined by number of relevant inspections
 - This generates percentile within the peer group
- ◆ If that percentile exceeds the threshold (usually 65-75%) for a BASIC, you are considered Deficient in that BASIC
- ◆ SMS scores are important because:
 - Most common reason for Investigations
 - Data reviewed by Insurance companies, brokers, shippers

Safety Management System (SMS)

- ◆ Motor carriers are accountable for their drivers' violations
 - All inspections and violations your drivers receive while they work for you remain part of your carrier record for 24 months (regardless of whether they continue operating for you)
 - Carriers do not inherit past violations of a newly hired driver
- ◆ Roadside inspection data remain part of a driver's record for three years, crash data for five years

DataQs

- If you believe any data listed on FMCSA websites is inaccurate, submit a Request for Data Review (RDR) in DataQs.
- Why?
 - FMCSA uses the data to prioritize enforcement activities
 - the public can view much of it in FMCSA systems.
- <https://dataqs.fmcsa.dot.gov>
- Also available in your Portal

Pre-Employment Screening Program (PSP)

- PSP helps carriers make more informed hiring decisions by providing secure, electronic access to a commercial driver's five-year crash and three-year inspection history
- Cost \$10 to employer (check this); free to driver
- <https://www.psp.fmcsa.dot.gov>
- Also available in your Portal

FMCSA – The Investigation

- ◆ Reasons for Investigation
- ◆ Types of Investigations
- ◆ What do we look at?
- ◆ Safety Fitness Ratings
- ◆ Possible Consequences of an Investigation

Reasons for an Investigation

- ◆ CSA Scores (SMS)
 - Roadside performance
 - Deficient BASICS
 - Previous Investigations
 - Unresolved Critical / Acute Violations
- ◆ Safety Initiatives / Strike Forces
- ◆ Complaints
 - National Consumer Complaint Database (NCCDB)
 - State Partners (MnDOT / MN State Patrol)
- ◆ High Profile Crash
- ◆ Congressionally Mandated Investigations
 - MAP-21 Motor Coach
 - Hazardous Material Safety Permits

Types of Investigation

- ◆ Comprehensive Investigations
- ◆ Focused Investigations
 - Onsite Investigations
 - Offsite Investigations
- ◆ Terminal Investigations

**FMCSA has only Civil Penalty Authority

Not Criminal

•Federal Motor Carrier Safety
Administration

What do we investigate?

- ◆ Every investigation:
 - Operating Authority
 - Level of Insurance (MCS-90)
 - Driver's Licenses
 - Red Flag Drivers

- ◆ Depending on Type of Investigation:
 - Driver Qualification Files
 - Hours of Service
 - Drug and Alcohol Program
 - Vehicle Maintenance
 - Hazardous Materials Regulations, if applicable

Types of Violations

◆ Acute

- May affect the Safety Fitness Rating
- Generally results in Civil Penalties

◆ Critical (Pattern)

- May affect the Safety Fitness Rating
- Generally results in Civil Penalties

◆ Non-Critical

◆ Appendix B to Part 385—Explanation of Safety Rating Process

Safety Fitness Ratings

- ◆ Satisfactory
- ◆ Conditional
 - Will remain until approved upgrade request or another rated investigation
- ◆ Unsatisfactory
 - Corrective Action must be approved by FMCSA within 45/60 days or carrier placed OOS
 - If approved, carrier's rating upgraded
- ◆ Unrated

When is a Safety Fitness Rating Issued?

- ◆ Must be Interstate activity within last 365 days
 - Exception -- HMSP
- ◆ Comprehensive Investigations – always get a rating
- ◆ Focused Investigation – Only if the proposed rating is less than Satisfactory
- ◆ All other investigations will be “unrated”



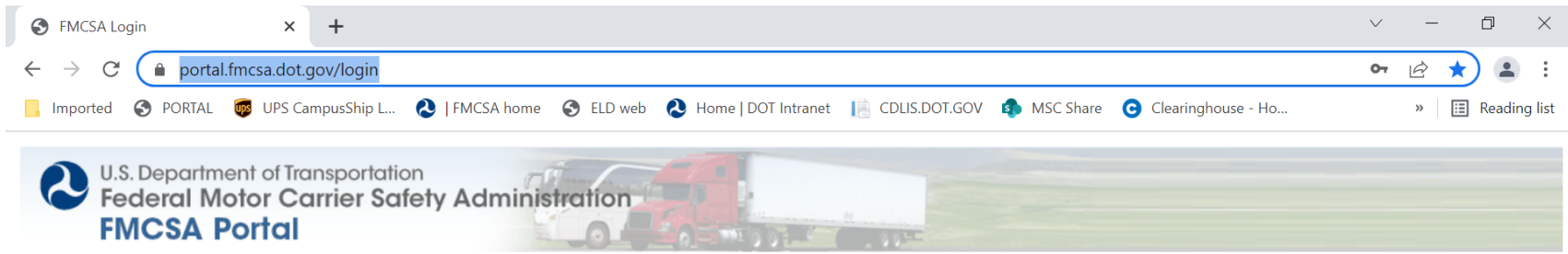
Results of Investigations

- ◆ Safety Fitness Rating
 - Upgrade may result from Corrective Action
- ◆ Acute / Critical Violations
 - Public for a year
- ◆ Enforcement
- ◆ Carrier Placed Out of Service
 - Unsatisfactory Rating
 - Failing to Pay Fine

Portal Registration

<https://portal.fmcsa.dot.gov/login>

Portal Cont'



Login to Access the FMCSA Portal

User ID:

Password:

[Login](#)

[Forgot your Password?](#) [Forgot your User ID?](#) [Unlock your Account?](#)

To register for a portal account, please click [here](#).

To access portal training, please click [here](#).

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Portal Cont'

The screenshot shows the FMCSA Portal web application. At the top, there is a navigation bar with the following menu items: HOME, ASSIGNMENTS, ACCOUNT MANAGEMENT, RESOLUTION MANAGEMENT, MANAGE ADMIN FUNCTIONS, TECHNICAL SUPPORT, COMPANY VIEW, REPORTS/QUERIES, OAM, and FEEDBACK. Below this is a sub-menu for UNIFIED REGISTRATION SYSTEM.

The main content area is divided into several sections:

- AVAILABLE FMCSA SYSTEMS:** A list of systems to select from: MCMIS, NCCDB, EMIS, A&I (NAS), Query Central, and A&I (SMS). A "Go" button is present.
- PENDING ACCOUNT REQUESTS:** A table with columns: View Details, First Name, Last Name, Organization, Request Date, and Type. It displays "No records found."
- BROADCAST MESSAGES:** A section displaying "No records found."
- PUBLIC LINKS:** A "Quick Browse" list including CASTLE, DACH, FITT, FMCSA Home Page, L&I, and NRCME. A "Go" button is present. Below this is a "Uri:" field with the value "http://" and a "Go" button.
- OPERATING AUTHORITY MANAGEMENT:** A section with links for "Insurance" and "Licensing".
- ASSIGNMENTS SUMMARY:** A section with tabs for "Totals" and "Open Assignments". It shows "Total Open: 170" and "Total Overdue: 82". Below this is a link for "Open Full View".
- My ASSIGNMENTS:** A section with a note: "Note: Only assignments that are beyond their due date or due within the next 30 days are listed here. Open Full View to see all." Below the note is a table with columns: View, USDOT, Assgm Type, Review Type, Safety Audit Type, Reason for Inclusion, Assgn Status, Assgmt Due Date, and Days Left.

The bottom of the screenshot shows a Windows taskbar with various application icons, a system tray showing "37°F Sunny" and the date "9:33 AM 3/21/2022".

The Clearinghouse Final Rule

- ◆ Mandated by Congress (MAP-21, Section 32402)
- ◆ Published December 5, 2016
- ◆ Implemented on **January 6, 2020**



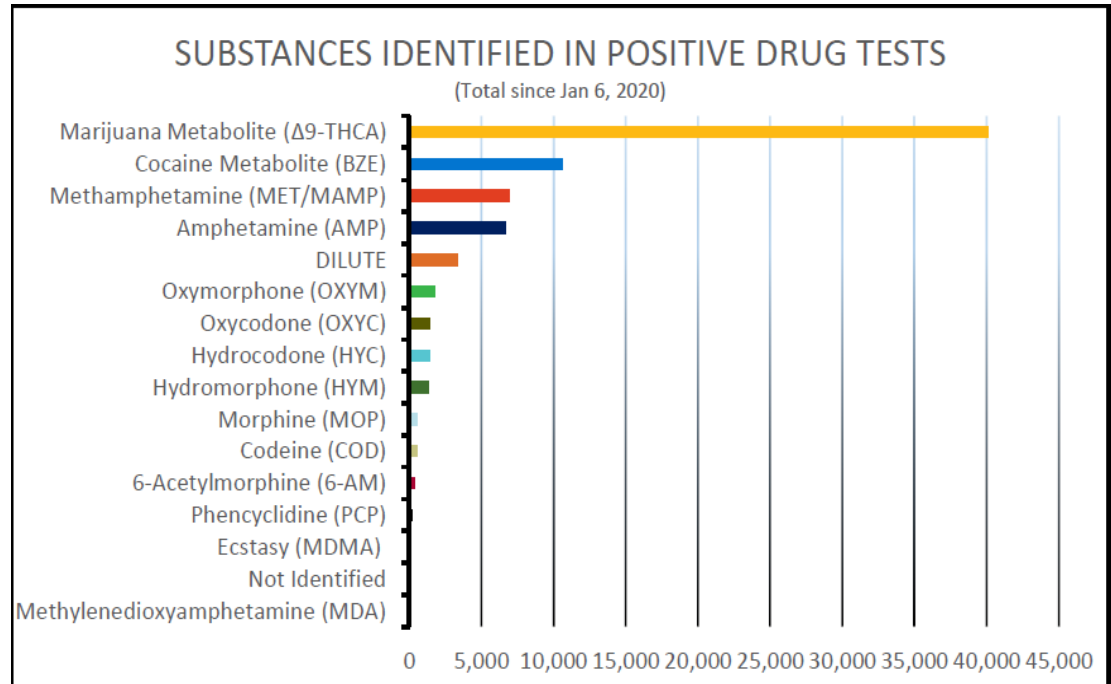
Register

For information to get started, visit
<https://clearinghouse.fmcsa.dot.gov/Register>







DACH Stats

- ◆ 1.9 million
- ◆ 237,589
- ◆ 61,779
- ◆ 57,510



Positive drug tests reported as of 5/1/2021

Consent Requirements Based on Type of Query

Reason for Query	Type of Query	Consent Required
<p>Annual query</p> 	<p>Limited Query</p> 	<p>General consent, done outside the Clearinghouse</p> <p>May be electronic or wet signature, one time or unlimited</p> <p>Limited consent form must specify time range</p>
<p>Pre-employment query</p> 	<p>Full Query</p> 	<p>Specific consent, provided electronically within the Clearinghouse</p> <p>Required for each full query of an individual driver</p>

Common Issues – Registration

- **Incorrect Role**

- **Employer registered as a C/TPA**

- Cannot designate a C/TPA
 - Cannot purchase a query plan

- **Employer registered as an Assistant, not as an Admin**

- Cannot designate a C/TPA
 - Cannot invite Assistants

- **Employer registered as a Driver**

Request and Review Process

CRASH PREVENTABILITY DETERMINATION PROGRAM



- 1** Eligible Crash Occurs
- 2** Submit Request with Police Accident Report
- 3** FMCSA Reviews Request
- 4** FMCSA Posts Final Determination

Requesting a Data Review

- ◆ FMCSA is accepting **Requests for Data Review (RDRs)** through the DataQs system for crashes that occurred on or after August 1, 2019.
- ◆ RDRs **must** include a police accident report (PAR) as evidence that a crash is Not Preventable.
- ◆ Drug and alcohol test results are **required** for fatal crashes.
- ◆ Other suggested documentation includes, but is not limited to:
 - Videos (max 5 MB)
 - Pictures
 - Court documents

Eligibility Guidelines

- ◆ The crash must meet at least one of the eligible crash types, occur on or after August 1, 2019, and be in FMCSA's system to be considered. Otherwise, the RDR will be closed by DataQs.
- ◆ If the crash is not eligible under one crash type, it may be eligible under another.
 - FMCSA will change it to a qualified type, if possible
- ◆ The most common reason for not qualifying for the program is that the crash is not one of the 16 crash types.
- ◆ Resources regarding crash type eligibility can be found on FMCSA's website:
<https://www.fmcsa.dot.gov/crash-preventability-determination-program>

Eligible Crash Types

The following crash types are eligible for submission to the program.

Struck in the Rear type of crash when the CMV was struck by a vehicle operating behind the CMV:

- in the rear; or
- on the side at the rear.

Wrong Direction or Illegal Turns type of crash when the CMV was struck:

- by a motorist driving in the wrong direction; or
- by another motorist in a crash when a driver was operating in the wrong direction; or
- by a vehicle that was making a U-turn or illegal turn.
 - Improper turns are not illegal turns

Parked or Legally Stopped type of crash when the CMV was struck:

- while legally stopped at a traffic control device (e.g., stop sign, red light, or yield); or while parked, including while the vehicle was unattended.

Eligible Crash Types

Failure of the Other Vehicle to Stop type of crash when the CMV was struck:

- by a vehicle that did not stop or slow in traffic; or
- by a vehicle that failed to stop at a traffic control device.

Under the Influence type of crash when the CMV was struck:

- by an individual under the influence (or related violation, such as operating while intoxicated), according to the legal standard of the jurisdiction where the crash occurred, where the individual was charged or arrested, failed a field sobriety or other test, or refused to test; or
- by another motorist in a crash where an individual was under the influence (or related violation such as operating while intoxicated), according to the legal standard of the jurisdiction where the crash occurred, where the individual was charged or arrested, failed a field sobriety test or other tests, or refused to test.

Eligible Crash Types

Medical Issues, Falling Asleep, or Distracted Driving type of crash when the CMV was struck:

- by a driver who experienced a medical issue which contributed to the crash; or
- by a driver **who admitted** to falling asleep or **admitted to** distracted driving (e.g., cellphone, GPS, passengers, other).

Cargo/Equipment/Debris or Infrastructure Failure type of crash when the CMV:

- was struck by cargo, equipment, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road); or crash was a result of an infrastructure failure.

Animal Strike type of crash when the CMV:

- struck an animal.

Eligible Crash Types

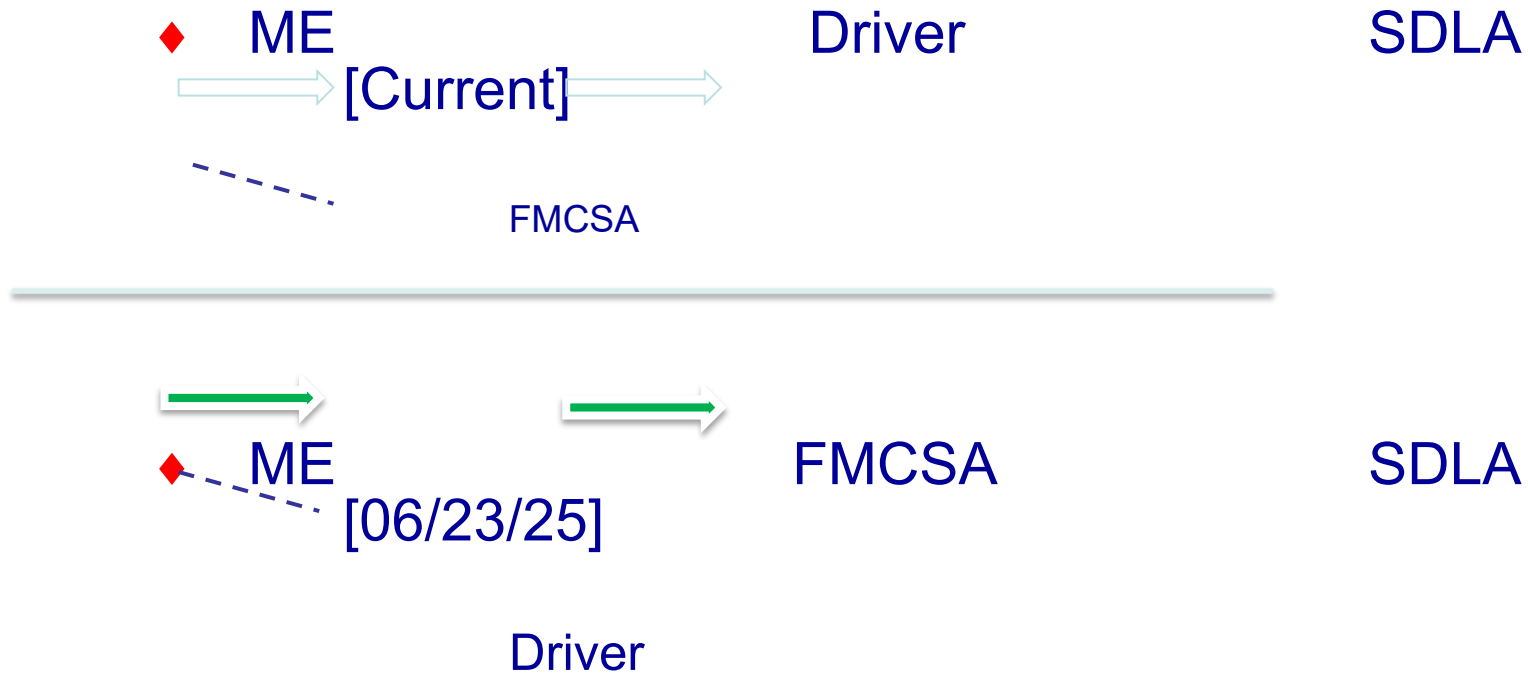
Suicide type of crash when the CMV:

- struck an individual committing or attempting to commit suicide.

Rare or Unusual type of crash when the CMV:

- was involved in a crash type that seldom occurs and does not meet another eligible crash type (e.g., pedestrian incident, non-motorized vehicles, being struck by an airplane or skydiver or being struck by a deceased driver).

Med Cert Integration Rule



Motor carrier maintains in DQ file copy of MVR report showing the medical status as "certified".

Auto CDL downgrade or denial – DACH status

- ◆ SDLA's will not issue, renew, upgrade or transfer a CDL or CLP for any individual prohibited in the DACH.

- ◆ SDLA will remove CDL or CLP privileges of those prohibited until they complete the return-to-duty process.

- ◆ Today SDLA's are not aware if a CDL or CLP holder is prohibited.
 - This closes the loophole.
 - Rule requires states to downgrade the CDL within 60 days of being notified.

Questions?

