

**NORTH RISK PARTNERS** **ERMA**

# DOT AUDITS: CSA SCORING, TYPES OF AUDITS & PREPARATION

PRESENTED BY  
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DOT COMPLIANCE DIRECTOR  
ERMA

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## PRESENTER



**Marc Nault**  
DOT Compliance Director  
ERMA

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## AGENDA

- **CSA scoring and the safety management process**
  - Registrations-MCS-150
  - Safety Measurement System & the B.A.S.I.C.s
  - Roadside inspections
  - Data-Q system (violation disputing)
  - FMCSA portal and score management
- **Types of Department of Transportation (DOT) Audits**
  - Comprehensive vs. focused
  - Onsite vs. offsite
  - Record retention
- **What is needed to prepare for an audit**
  - Driver qualification files
  - Corrective action
  - Clearinghouse registrations and queries
  - Vehicle and maintenance records
  - Recordable accidents

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**Get Road Smart.**

**SMS** Safety Measurement System

**Safety Rating & OOS Rates**  
 Conditional  
 Out of Service Rates  
 Type: OOS% National Avg %  
 Vehicle: 0.2 0.27  
 Driver: 0.7 0.5

**Licensing and Insurance**  
 Type: Active For Hire Authority  
 Property: No  
 Hours of Service: No  
 Hours of Service: No  
 Hours of Service: No

**On-Road Performance**

8.22 Measure 86% Percentile	0.50 Measure 69% Percentile	0.57 Measure 38% Percentile	6.89 Measure 80% Percentile	0 Measure 0% Percentile	0 Measure 0% placarable vehicle inspections	0.83 Measure Less than 5 driver inspections with violations	N/A
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**Unsafe Driving, Crash Indicator, and HOS Compliance** require score lower than **65%**

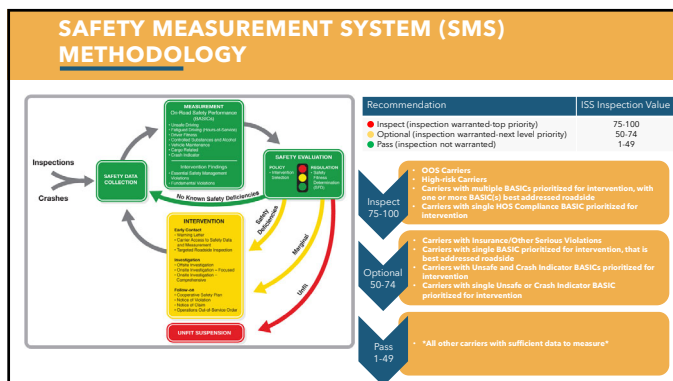
**Remaining BASICS** require score lower than **80%**

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**VIOLATION SUMMARY** Violations: 114

Violations	Description	#	# OOS	Violations	Severity Weight	BASIC
392.16	Falling to use seat belt while operating a CMV	2	0	2	2	Unsafe Driving
392.17	Lane Restriction violation	3	0	3	3	Unsafe Driving
392.2-392.3	Truck not over 14.5 miles per hour over the speed limit	2	0	2	7	Unsafe Driving
392.2-392.3	State/Local Laws - Speeding 15 or more miles per hour over the speed limit	1	0	10	10	Unsafe Driving
392.2	State/Local Laws - Speeding work/construction zone	2	0	10	10	Unsafe Driving
392.15001	Driver failed to have instructions on-board CMV for installed automatic on-board recording device	1	0	1	1	HOS Compliance
392.15	Record of Duty Status violation (general form and transfer)	3	0	3	3	HOS Compliance
392.15(1)	No driver record of duty status when over 100 miles	1	1	3	3	HOS Compliance
392.15(2)	Fake report of driver record of duty status	2	2	7	7	HOS Compliance
392.15(3)	Driver's record of duty status not correct	1	0	5	5	HOS Compliance
392.15(12)	Driver failing to retain previous 7 days records of duty status	2	2	5	5	HOS Compliance
392.17(1)	Failing to submit medical certification documentation as required	1	0	1	1	Driver Fitness
392.15(4)(b)	Releasing a CMV while disqualified. Suspended for safety-related or otherwise reason and in the state of drivers license issuance	1	1	4	4	Driver Fitness
392.412.1	Operating a grossly overloaded vehicle without possessing a valid medical certificate	1	0	1	1	Driver Fitness
392.20C	Wheel (road) flap missing or defective	3	0	1	1	Vehicle Maintenance
392.8	Failing to inspect/repair emergency equipment	1	0	2	2	Vehicle Maintenance
392.9	Driver may not operate a CMV without proper load securement	1	1	1	1	Vehicle Maintenance
392.9(a)(2)	Failing to secure vehicle equipment	2	2	1	1	Vehicle Maintenance
392.100(a)	No or improper load securement	1	1	1	1	Vehicle Maintenance
392.100(b)	Failure to permit cargo shifting	1	1	1	1	Vehicle Maintenance
392.100(a)	Inadequate/damaged securement device/system	1	1	1	1	Vehicle Maintenance
392.100(b)	Excessive force used to restrain/load/unload	4	4	1	1	Vehicle Maintenance
392.100(c)	Loose or unfastened load	1	1	3	3	Vehicle Maintenance
392.100(d)	Insufficient tie-downs to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo	6	6	3	3	Vehicle Maintenance
392.1101	Retrospective material not affixed as required for trailers manufactured after December 1989	1	0	3	3	Vehicle Maintenance
392.111	Truck/Tractor rear mirror (and flag) retroreflective sheeting - reflex reflective material requirements for vehicles manufactured after July 1997	3	0	3	3	Vehicle Maintenance
392.111U	Truck/Tractor upper body mirror requirements for retroreflective sheeting or reflex reflective	1	0	3	3	Vehicle Maintenance

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**ROADSIDE INSPECTIONS & THE MCSAP**

**What are the national MCSAP elements?**

1. Driver inspections
2. Vehicle inspections
3. Traffic enforcement
4. Investigations
5. New entrant safety audits
6. Accurate, complete, timely, and corrected data
7. Public education and awareness

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**ROADSIDE INSPECTIONS & THE MCSAP**

**Roadside Inspections**

- There are 8 levels of inspections
  - Roadside Level 1, 2, and 3 are the main inspections
    - L-1: paperwork, walk around and underneath the vehicle
    - L-2: paperwork and walk around vehicle
    - L-3: just paperwork
- Conducted by CVSA certified Officers
  - The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit organization comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials, and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries, and fatalities and believes that collaboration between government and industry improves road safety and saves lives. **They interpret the regulations and provide guidance.**
    - CVSA sets the standards for roadside inspections
    - Certifies Officers participating in the Commercial Motor Vehicle Program (CMV)

Officers do not  
need probable  
cause to  
inspect a CMV

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**DATAQS**



For filing concerns about Federal and State data released to the public by the (FMCSA). With this system, data concerns are automatically forwarded to the appropriate office for resolution. The system also allows filers to monitor the status of each filing.

- Commercial drivers may file challenges to their commercial driver data located on the Pre-Employment Screening Program (PSP) website at [www.psp.fmcsa.dot.gov](http://www.psp.fmcsa.dot.gov)
- Motor carrier users may file challenges to data found on their carrier profile, SAFER information, and SMS Online record at [www.ai.fmcsa.dot.gov/SMS/](http://www.ai.fmcsa.dot.gov/SMS/)

**A Users Guide and Manual can be downloaded at [dataqs.fmcsa.dot.gov](http://dataqs.fmcsa.dot.gov)**

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## FMCSA PORTAL

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

**Must have FMCSA issued pin number**

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## FMCSA INTERVENTIONS

- The Federal Motor Carrier Safety Administration (FMCSA) has a variety of interventions to contact and work with motor carriers that have safety performance and compliance problems.
- Using the Safety Measurement System (SMS), FMCSA identifies and prioritizes for interventions motor carriers that do not comply with safety rules and regulations. You may receive a warning letter from FMCSA when you have safety performance and compliance problems. If you do not improve your safety performance and compliance after you receive the warning letter, then FMCSA will likely prioritize you for another kind of intervention-typically, an investigation.

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## FMCSA INTERVENTIONS

Intervention	Intervention Description
Warning Letter	A letter sent to a carrier's place of business that identifies potential safety performance and compliance issues based on SMS data. A warning letter is an opportunity for a carrier to improve its safety performance and compliance without further intervention from FMCSA.
Targeted Roadside Inspection	Inspectors may use the data in SMS to identify vehicles for inspection.
Offsite Investigation	A non-ratable investigation conducted remotely, rather than at the carrier's place of business. An offsite investigation will not result in a safety rating, but penalties may be assessed for any violations found. An Offsite Investigation may be converted to an Onsite Focused or Comprehensive Investigation.
Onsite Focused Investigation	An investigation conducted at the carrier's place of business that targets specific areas of regulatory compliance. A focused investigation will not result in a Satisfactory safety rating because not all regulatory parts are examined. A focused investigation may be unrated or may result in a Conditional or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Onsite Comprehensive Investigation	An investigation conducted at the carrier's place of business that examines all areas of regulatory compliance under 49 CFR 385, Appendix B. A comprehensive investigation may result in a Satisfactory, Conditional, or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Notice of Violation (NOV)	A document alleging that a carrier has safety violations for which corrective action is recommended. If the violations are not addressed, formal enforcement action may be taken.
Notice of Claim (NOC)	The initial document issued by FMCSA to assert a civil penalty for alleged safety violations.
Unsafe/Operations Out-of-Service Order (OOSO)	If a proposed Unsatisfactory safety rating becomes final, FMCSA will issue an order placing out-of-service the carrier's operations in interstate and intrastate commerce.

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## EXAMPLES OF INTERVENTIONS

- **Warning Letters**
  - Alert motor carriers early on to safety performance and compliance problems and the consequences of not improving, which may include either Offsite or Onsite Investigations
- **Investigations**
  - Safety Investigators (SIs) conduct three types of investigations on motor carriers. Investigations take place at the carrier's place of business or remotely. During the investigation, SIs use FMCSA's Safety Management Cycle to diagnose safety performance and compliance problems and identify actions a carrier can take to improve safety.
    - **Offsite:** An SI requests copies of documents from a carrier for review remotely, to identify specific safety performance and compliance problems
    - **Onsite Focused:** An SI focuses on specific safety performance and compliance problems at the carrier's place of business and may interview employees and perform vehicle inspections.
    - **Onsite Comprehensive:** An SI reviews the entire safety operation at the carrier's place of business and may interview employees and perform vehicle inspections.

**SATISFACTORY**  
The carrier received an Onsite Comprehensive Investigation indicating that safety controls are sufficient to ensure compliance with the safety fitness standard. Only an Onsite Comprehensive Investigation may result in a Satisfactory rating.

**CONDITIONAL**  
The carrier received an Onsite Comprehensive or Focused Investigation indicating that safety controls are inadequate but have not yet resulted in violations of the safety fitness standard.

**UNSATISFACTORY**  
The carrier received an Onsite Comprehensive or Focused Investigation indicating that safety controls are inadequate have resulted in violations of the safety fitness standard, pursuant to 49 CFR 385.3. A motor carrier with a final rating of Unsatisfactory is prohibited from operating a commercial motor vehicle in interstate commerce, pursuant to 49 CFR 385.13(a).

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## REASONS FOR CARRIER INTERVENTION AND INVESTIGATIONS

- The Federal Motor Carrier Safety Administration (FMCSA) identifies and investigates carriers that – based on roadside performance data and investigation result–pose the greatest safety risk. This report tracks FMCSA's progress in investigating these High-Risk carriers pursuant to the Fixing America's Surface Transportation Act (FAST Act) Section 5305.

Carrier Type	High-Risk Criteria
Passenger Carriers	<ul style="list-style-type: none"> <li>• 2 or more of the following Behavior Analysis and Safety Improvement Categories (BASICs) at or above the 90<sup>th</sup> percentile for one month: Unsafe Driving, Crash Indicator, Hours-of-Service (HOS) Compliance, and Vehicle Maintenance. These are the BASICs most closely correlated with crash risk; AND</li> <li>• Have not received an Onsite Investigation in the previous 12 months.</li> </ul>
Non-Passenger Carriers	<ul style="list-style-type: none"> <li>• 2 or more of the above BASICs at or above the 90<sup>th</sup> percentile for 2 consecutive months; AND</li> <li>• Have not received an Onsite Investigation in the previous 18 months.</li> </ul>

**Other Reasons That Could Trigger an Investigation**

- Accident Involving a Fatality
- Haz-Mat Spill
- Not responding back to OVI's issued by a State Agency
- A complaint reported to the FMCSA

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## SAFETY MANAGEMENT CYCLE FOR THE DRIVER FITNESS BASIC

The SMC is a tool used by the Federal Motor Carrier Safety Administration (FMCSA) to help identify and address motor carrier safety and compliance issues. Motor carriers are encouraged to use the SMC within their own businesses to determine which of the Safety Management Processes (SMPs) that they may need to improve by looking at the processes, management and controls associated with each SMP.

This identifies tools motor carriers can use to establish and improve appropriate safety management controls, thereby reducing or eliminating violations. Motor carriers and drivers are reminded, however, that they are ultimately responsible for ensuring compliance with all applicable regulations.

1. **Policies and Procedures** define the "what" and "how" of a motor carrier's operations. Policies establish guidelines for how motor carriers and their employees behave in a given situation. Procedures explain how to accomplish policies. The other five SMPs focus on how to implement the policies and procedures.
2. **Roles and Responsibilities** clearly define what each employee should do to successfully implement the policies and procedures.
3. **Qualification and Hiring** discusses recruiting and screening applicants to fulfill the roles and responsibilities for positions.
4. **Training and Communication** outlines a motor carrier's communication of its policies, procedures, roles, and responsibilities so that everyone understands the expectations and has the adequate skills and knowledge to perform their assigned function.
5. **Monitoring and Tracking** concentrates on the need to have a system in place to monitor and track employee performance that enables companies to be aware of their employees' safety performance and compliance with its policies and procedures and how they execute their roles and responsibilities. Monitoring represents the motor carrier looking at the performance of the operation, and Tracking is assessing the data collected leading to Meaningful Action.
6. **Meaningful Action** gives motor carriers the tools to correct or improve employee behavior, including, for example, refresher training and positive reinforcement such as rewards or bonuses, to improve the motor carrier's overall safety performance.

You are encouraged to review FMCSA's Safety Management Cycle (SMC) diagnostic process that Safety Investigators use, and that you can adopt to identify—and correct—practices that can lead to noncompliance in each BASIC. To learn more about the SMC, visit <https://www.fhwa.dot.gov/operations/>

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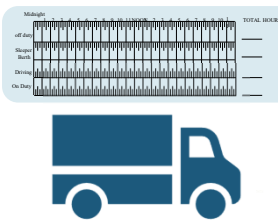


## DRIVERS' HOURS OF SERVICE

### Who must comply with the Hours-of-Service Regulations?

In general, it is a truck or a truck-tractor with a trailer that is involved in commerce and:

- Weights (including any load) 10,001 lbs. (4,536 kg) or more, or
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 lbs. (4,536 kg) or more, or
- Is transporting hazardous materials in a quantity requiring placards



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## THE TRUTH ABOUT ELDs

### 1. What are the key requirements of the Electronic Logging Device (ELD) rule?

- The ELD rule:**
  - Requires ELD use by commercial drivers who are required to prepare hours-of-service (HOS) records of duty status (RODS).
  - Sets ELD performance and design standards and requires ELDs to be certified and registered with FMCSA.
  - Establishes what supporting documents drivers and carriers are required to keep.
  - Prohibits harassment of drivers based on ELD data or connected technology (such as fleet management system). The rule also provides recourse for drivers who believe they have been harassed.

### 2. What is the mandate in the Moving Ahead for Progress in the 21st Century Act (MAP-21) for the Electronic Logging Device (ELD) rule?

- Section 32301(b) of the Commercial Motor Vehicle Safety Enhancement Act, enacted as part of MAP-21, mandates the ELD rule. It calls for the Secretary of Transportation to adopt regulations requiring ELD use in commercial motor vehicles (CMVs) involved in interstate commerce, when operated by drivers who are required to keep RODS.



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## THE TRUTH ABOUT ELDs

### 3. Who must comply with the electronic logging device (ELD) rule?

- The ELD applies to most motor carriers and drivers who are currently required to maintain RODS per Part 395, 49 CFR 395.8(a). The rule applies to commercial buses as well as trucks, and to Canada and Mexico-domiciled drivers.
- The ELD rule allows limited exceptions to the ELD mandate, including:
  - Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs.
  - Drivers who use paper RODS for not more than eight days out of every 30-day period.
  - Drivers who conduct drive-away-tow-away operations, in which the vehicle being driven is the commodity being delivered.
  - Drivers of vehicles manufactured before 2000.

### 4. What ELD user documentation must be onboard a driver's commercial motor vehicle?

- Beginning on December 18, 2017, a driver using an ELD must have an ELD information packet onboard the CMV containing the following items:
  - A user's manual for the driver describing how to operate the ELD;
  - An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hour-of-service records to an authorized safety official;
  - An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
  - A supply of blank driver's RODS graph-grids sufficient to record the driver's duty status and other related information for a minimum of eight days.

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## CELL PHONES

**IT'S THE LAW**

### NO CELL PHONES WHILE IN A COMMERCIAL MOTOR VEHICLE

The Federal Motor Carrier Safety Administration (FMCSA) rule prohibits commercial drivers from **reaching for, holding or dialing a cell phone while operating a CMV**. Drivers who violate these restrictions would face federal civil penalties of up to **\$2,750 for each offense** and disqualification of their commercial driver's license (CDL) for multiple offenses. Additionally, states would suspend a driver's CDL after two or more violations of any state law on hand-held cell phone use.

Motor carriers that allow their drivers to use hand-held cell phones while driving would face a maximum penalty of \$11,000.



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## QUESTIONS? REACH OUT TO YOUR NORTH RISK ADVISOR



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