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## SAFETY BULLETIN

# SMS Safety Measurement System



January 15, 2016

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## Revised CSA Safety Measurement System NOW Available for Public View!

The Federal Motor Carrier Safety Administration has returned an altered CSA Safety Measurement System to public view. The recent changes follow the system's removal from publication with the SMS scoring for the BASICs following the passage of the FAST Act highway bill in December. The FAST Act also requires a substantive review and reworking of the program before SMS scores for property carriers can be allowed to be made public again.

You can now access the inspection and crash data for any carrier but you will NOT see the BASIC scoring.

Following the Tuesday update to SMS information, FMCSA spokesman Duane Debruyne says that, with the exception of a "couple more IT issues to work through, ... all the most substantive changes" to the interim public display have been made.

[CLICK HERE](#) to check Motor Carrier Safety and Performance Data

## FMCSA Proposes New Rule for Determining Safety Fitness of Motor Carriers

Today the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced a rulemaking proposal designed to enhance the Agency's ability to identify non-compliant motor carriers. The Safety Fitness Determination (SFD) Notice of Proposed Rulemaking (NPRM), to be published in the Federal Register, would update FMCSA's safety fitness rating methodology by integrating on-road safety data from inspections, along with the results of carrier investigations and

### The National Transportation Safety Board Releases the 2016 "Most Wanted List"

The National Transportation Safety Board released its annual Most Wanted List of safety regulations this week, and six of the 10 items on the list could have an impact on the trucking industry and truckers. NTSB, while a government agency, has no regulatory power. Its job is so to recommend to regulators ways to prevent crashes and deadly accidents across all modes of transportation, based on studying accidents that have occurred and programs and technologies available.

The six recommendations on its 2016 most wanted list related to trucking include:

crash reports, to determine a motor carrier's overall safety fitness on a monthly basis.

"Ensuring that motor carriers are operating safely on our nation's roadways is one of our highest priorities," said U.S. Transportation Secretary Anthony Foxx. "Using all available information to achieve more timely assessments will allow us to better identify unsafe companies and get them off the road."

"This update to our methodology will help the agency focus on carriers with a higher crash risk," said FMCSA Acting Administrator Scott Darling. "Carriers that we identify as unfit to operate will be removed from our roadways until they improve."

The proposed SFD rule would replace the current three-tier federal rating system of "satisfactory–conditional–unsatisfactory" for federally regulated commercial motor carriers (in place since 1982) with a single determination of "unfit," which would require the carrier to either improve its operations or cease operations.

Once in place, the SFD rule will permit FMCSA to assess the safety fitness of approximately 75,000 companies a month. By comparison, the agency is only able to investigate 15,000 motor carriers annually – with less than half of those companies receiving a safety rating.

The proposed methodology would determine when a carrier is not fit to operate commercial motor vehicles or affecting interstate commerce based on:

1. The carrier's performance in relation to a fixed failure threshold established in the rule for five of the agency's Behavior Analysis and Safety Improvement Categories (BASIC);
2. Investigation results; or
3. A combination of on-road safety data and investigation information.

The proposed rule further incorporates rigorous data sufficiency standards and would require that a significant pattern of non-compliance be documented in order for a carrier to fail a BASIC.

When assessing roadside inspection data results, the proposal uses a minimum of 11 inspections with violations in a single BASIC within a 24-month period before a motor carrier could be eligible to be identified as "unfit." If a carrier's individual performance meets or exceeds the failure standards in the rule, it would then fail that BASIC. The failure standard will be fixed by the rule. A carrier's status in relation to that fixed measure would not be affected by other carriers' performance.

Failure of a BASIC based on either crash data or compliance with drug and alcohol requirements would only occur following a comprehensive investigation.

FMCSA estimates that under this proposal, less than 300 motor carriers each year would be proposed as "unfit" solely as a result of on-road safety violations. Further, the agency's analysis has shown that the carriers identified through this on-road safety data have crash rates of almost four times the national average.

FMCSA encourages the public to review the NPRM and to submit comments and evidentiary materials to the docket following its publication in the Federal Register. The public comment period will be open for 60 days. FMCSA will also be providing a reply comment period allowing for an additional 30 days for commenters to respond to the initial comments.

For more information on FMCSA's Safety Fitness Determination proposed rule, including a full copy of the NPRM, an instructional webinar, and a Safety Fitness Determination Calculator, [CLICK HERE](#)

See more information: [CLICK HERE](#)

- Reducing fatigue-related accidents
- Promoting availability of collision avoidance technologies in highway vehicles..
- Disconnecting drivers from distractions
- Ending substance impairment by vehicle operators
- Expanding medical fitness for truck drivers
- Expanding use of video and event recorders

For additional information on each of these recommendations [CLICK HERE](#)

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## FMCSA Sends Pre-Rulemaking Notice on Sleep Apnea to OMB

On December 15, 2015, the Federal Motor Carrier Safety Administration sent a pre-rulemaking document entitled "Medical Certification of Transportation Workers in Safety Sensitive Positions; Individuals Exhibiting Risk Factors for Moderate-to-Severe Obstructive Sleep Apnea" to the White House Office of Management and Budget for review.

According to the OMB website listing, this is neither a proposed rule nor an advance notice of proposed rulemaking. The Federal Railroad Administration submitted a similar titled document to OMB for review on the same day.

According to the DOT list of significant rulemakings, the agencies "request data and information concerning the prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in rail and highway transportation. FMCSA and FRA also request information about the potential economic impact and safety benefits associated with regulatory actions that would result in transportation workers in these positions, who exhibit multiple risk factors for OSA, undergoing evaluation by a healthcare professional with expertise in sleep disorders, and subsequent treatment."

The FMCSA had previously proposed guidelines for qualification of commercial motor vehicle drivers with sleep disorders, including sleep apnea, but withdrew the proposal when Congress mandated that any such standards must go through the notice and comment rulemaking process. The current document on review at OMB is most likely the first step in such a rulemaking process. There is no deadline for any action on the docket.

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## The Pre-Employment Screening Program of the FMCSA has released a New Disclosure and Authorization Form

A new [disclosure and authorization form](#) was released in December 2015. This form must be reviewed and signed by prospective drivers before their PSP records are requested. See our [one-page audit guide](#) for more information.

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## Fuel Additive Use during Cold Weather Conditions

Fuel additives to prevent jelling should be added anytime the ambient temperature is below 32. Power Service and Penray are popular manufacturers of fuel additives and both companies have two different products available through Navistar and Idealease locations.



### Power Service:

- The "Red Bottle" is Power Service 911 and is to be used only when the fuel in a unit has been jelled.
- 911 is NOT to be used as a fuel additive that you would regularly put in the fuel tank to keep the fuel from jelling.

### Penray has:

- Power Service Diesel Fuel Supplement + Cetane "White Bottle" is to be added to the fuel at each fill when the ambient temperature is < 30 degrees F.
- This is the additive you should use on a regular basis during the winter months.

### Penray:

#### **Winter Thaw Emergency Diesel Fuel Supplement**

Dissolves already gelled fuel fast. Reduces clogging of fuel filters. Prevents ice crystal build-up in fuel lines and filters by disbursing moisture. Eliminates hard starting, pounding, excessive smoking and helps improve combustion. 100% compatible with low sulfur fuel and fuel blends.



#### **Winter Pow-R Plus Diesel Fuel Supplement**

ULSD compliant. Prevents gelling of diesel fuel. Prevents ice crystal formation. Reduces cold filter plug point b as much as 30°F. Helps enhance cetane. Helps improve fuel economy. Utilizes HAFI® technology. Improves cold weather starting. Stabilizes and prevents corrosion. Helps reduce emissions. Helps improve lubricity

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