Drivers’ top 10 problems with CSA

- Scoring is unreliable for very small fleets (37%)
- Driver/law enforcement relationship deteriorating (34%)
- DataQs challenge process still does not take into account whether a citation was adjudicated in court (34%)
- Crash fault/accountability not considered in Crash Indicator BASIC scoring (29%)
- State-to-state disparities in inspections/violations (28%)
- Scores don’t correlate to true crash risk in some BASIC categories (22%)
- Carriers don’t get credit for “pre-screen” or unfinished, otherwise clean, inspections (19%)
- Brokers/shippers use scores as a reason to refuse business (15%)
- Large majority of the smallest carriers, being unscored, often viewed negatively (9%)
- Safety-score competition among carriers reduces sharing of best safety practices (4%)

SOURCE: Overdrive’s 2014 CSA Survey in March yielded results from 718 respondents, among them company drivers, leased owner-operators and independents, both operators and small fleets, running under their own authority.
Three and a half years after Compliance, Safety, Accountability began its radical scrambling of how trucking safety is rated and scored, owner-operators and carriers continue to suffer from its problems, while bureaucrats struggle to repair the complex program.

Among carriers receiving a ranking in any of the CSA BASICs (Behavioral Analysis and Safety Improvement Categories), none feel the program’s inadequacies more than the smallest independents. As one respondent noted in Overdrive’s recent survey on CSA, the “small guys get looked at because a single incident shows up as a bigger percentage” with a more dramatic effect on rankings, and “not because we are unsafe.”

Unreliable small-fleet scoring was ranked the number one CSA problem in the survey.

The Federal Motor Carrier Safety Administration acknowledges CSA problems and strives for improvements. At the same time, the agency rigorously defends the system as is, with confidence in the CSA Safety Measurement System’s numerical evaluation of carriers.

“It is a good tool, and it is one of the factors that should be looked at” by all industry participants to measure carrier safety, says Bill Quade, FMCSA associate administrator for enforcement.

But a growing chorus of drivers, owner-operators and others call for scores to be removed from public view until the agency gets the kinks worked out. In Overdrive’s poll, seven in 10 called for removal of the scores, and nearly half of that group also wants all inspection and violation data to be removed. Such sentiment reflects the reality that shippers and brokers treat the scores as gospel truth, refusing to do business with fleets that, in some cases, are just as safe as they were prior to CSAs activation.

CSA scores: To be or not to be public

It wasn’t so long ago that suppression of CSA scores was an active debate.

In February 2013, a majority of the Motor Carrier Safety Advisory Committee’s CSA Subcommittee came close to officially urging the agency to withhold percentile rankings in the BASICs from public view in the CSA SMS. Removing scores from public view, however, was not an option on the table when the CSA subcommittee met this past April.

Removing the scores might not even be feasible as long as the program exists, said subcommittee member Todd Spencer, executive vice president of the Owner-Operator Independent Drivers Association. That’s because there’s a “cat’s-out-of-the-bag” effect in third-party reliance on the scores. If the scores were available only to law enforcement and carriers themselves, Spencer said, some shippers then likely would require disclosure as part of carrier contracts.

Another potential consequence would be a piling on of further workload for an already taxed federal agency with a flood of Freedom of Information Act requests for carrier SMS BASIC scores, said MC-SAC member John Lannen of the Truck Safety Coalition of public safety advocates.

Tom Sanderson, chief executive officer of broker/3PL Transplace, told the CSA Subcommittee that “several large shippers have told us that even one
BASIC over the intervention threshold knocks a carrier out of their service.”

Cream of the Crop Transportation’s Hours of Service BASIC score went beyond the intervention threshold a couple of years ago, and owner J. Webb Kline says the small fleet lost as much as $1.5 million in annual sales. It was “a glaring example of just what an economic disaster this program is for companies like ours that fall through the cracks of the system,” Kline says.

After Cream of the Crop went more than a year without an hours violation, his small fleet no longer showed any percentile ranking or score whatsoever in that BASIC, so the FMCSA warning triangle disappeared.

“Many of our old customers told me they checked every month to see if they could use us again, and they called as soon as we lost the triangle,” Kline says. “Our sales shot up from an average of $4,000 a week to well over $5,000, and often exceeding $6,000 per week per truck.”

It’s not just small carriers that take issue with the public nature of SMS scores. Irwin Shires of all-owner-operator Panther Expedited Services says he’s “fought very hard” to expose fundamental flaws in CSA’s percentile ranking approach. Among the worst, he says, is the scores’ public nature.

In Panther’s small Safety Event Group of comparison (with just 73 of the largest straight-truck carriers), the percentile-ranking basis of scores in the Unsafe Driving BASIC “dooms approximately 25 carriers to never being able to improve their score to a point where their golden triangle goes away,” Shires says. That’s because in all of the BASIC categories, the system grades on a curve, so that the weakest carriers, no matter how safe they are, fall prey to those who score better.

“It’s like a scarlet letter that brokers and shippers are using in determining whether to put their freight on a carrier’s truck,” Shires says.

**SMS, safety rating system disconnect compounds problems**

CSA was intended as an improvement to FMCSA’s Safestat rating system that used primarily out-of-service violations uncovered during onsite company investigations in determining a carrier’s rating. Given the agency’s small staff relative to the size of the motor carrier population, the system was limited in the number of carriers it could rate, as well as its ability to update those ratings.

Today, Safestat remains the official rating element of FMCSA’s safety program, using ratings of Satisfactory, Conditional and Unsatisfactory. The CSA SMS runs alongside it, giving more of a real-time window into inspections, violations and crashes.

However, the difference in results produced by each system is marked. In some quarters, eliminating that disconnect is seen as at least a partial solution to public confusion over what the scores mean. It’s a key component of why critics feel use of the scores in business decisions is so onerous.

The discrepancies are likely to remain until a Safety Fitness Determination rulemaking is proposed and completed, which will take years. Slated for proposal late this year, according to recent estimates, the SFD would use roadside inspection violation and crash data to rate carriers with enough data in the system; the grading would not be on a curve and would replace the current Safestat rating model.

This would give entities such as brokers, shippers and insurance companies a more hard-and-fast indication of a carrier’s safety performance. Given SMS reliability problems at the small-carrier level, however, respondents to Overdrive’s CSA Survey showed only a 20 percent approval for the notion of using inspections and crashes toward establishing the SFD.
One initiative to improve CSA scoring was an April 30 draft report issued by the CSA Subcommittee of FMCSA’s Motor Carrier Safety Advisory Committee. Principle areas of recommendation are as follows:

**Violation severity weights**

The current weightings given to individual violations in the SMS are point values on a scale of 1-10, with 10 the most severe. A presentation to the subcommittee by Dave Madsen of the Volpe National Transportation Systems Center, a chief architect of the SMS, illustrated what he called the “ugly little secret” of the system: It implies “a level of precision that doesn’t exist.” Only broad groupings of violations, in FMCSA’s view, correlate to crash risk statistically. Severity weighting, Madsen said, might be better if simplified to a basic low, medium and high system.

Tests of such a three-tiered system show that “the companies that move in and out” of alert status in the individual categories don’t change much, Madsen said. Nevertheless, the current system has the added problem of contributing to misperceptions about how the SMS works. “Everyone’s focused on the individual violation and the points assigned to it. People think ‘points on licenses,’ and third parties take this stuff and create driver scores. ... We don’t calculate driver scores,” at least not for public consumption, Madsen added. “In general, we’re trying to get patterns, and we’re losing the forest for the trees with what we have now.”

The CSA Subcommittee recommended such a modification of the weighting system, but its chief concern with the quality of the system went further. “FMCSA should explore further improving correlation of violation groupings within BASICs to crash risk,” its report reads. This would be in keeping with the ultimate goal of identifying unsafe carriers more effectively.

Subcommittee members also offered other things to test relative to violation severity weights — from an even simpler low-high system, with only two weights, to a more detailed examination of what enters the measurement system in the first place.

**Carrier peer groupings in the BASICs**

One CSA problem is that a carrier can experience a dramatic swing in its percentile ranking when it moves from one peer group to another. It’s often a particularly hard reality at the small-carrier level.

Madsen gave the MCSAC subcommittee the example of a carrier in the smallest peer group in the Hours of Service Compliance BASIC, which includes carriers getting five to 10 relevant inspections. Assume a carrier with 10 inspections and an absolute measure score of 2.39, putting it right on the 65th percentile in the BASIC, or at the level of FMCSA’s intervention/alert threshold.

If that carrier then gets a clean inspection, what is typically advised as a way to improve BASIC scores, its absolute measure score falls to 2.25 in Madsen’s example. However, its percentile ranking in the Hours BASIC, its hours-performance face to the public, shoots up to 76 because it’s now being compared to the next-highest carrier peer group, those with 11-20 relevant inspections.

Madsen also presented on so-called “dynamic peer groups” — a concept FMCSA has considered to guard against such severe changes. The idea is that the lines separating peer groups are not set in stone, but are more fluid and narrowly defined.

Say a carrier has five inspections, he said. “In a dynamic safety event group, [that carrier is] compared to those with five, and I look to those immediately to the left and right” with four to six inspections as well.

The CSA Subcommittee adopted the recommendation to implement such a peer grouping system. It also offered these suggestions for testing:

- Changing the peer group being compared more broadly beyond current exposure measures (i.e., number of inspections/power units/vehicle miles traveled). Other peer grouping considerations could include characteristics of operations, routes, number of violations, geography of where carriers received inspections, etc.
- Consider separating motorcoach operations from truck operations.
- Achieve more uniform crash reporting from states.
- Crash exposure should be taken into account in the Crash Indicator BASIC, and not just vehicle miles traveled. In more high-traffic areas, crash risk is higher.

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**PODCAST: CSA’S GOLDEN TRIANGLE MORE LIKE A ‘SCARLET LETTER’?**

Search the title above on OverdriveOnline.com to hear remarks from Panther’s Irwin Shires and Transplace CEO Tom Sanderson during the public comment period following the April 29 meeting of the MCSAC’s CSA Subcommittee.
In the brokerage realm, ambulance-chasing attorneys are promoting ways to get courts to rule a broker as negligent if the broker contracts with a carrier with a bad CSA score and the carrier later gets in an accident. Using the CSA SMS has thus become due diligence for some, but Tucker Company Worldwide General Counsel Darin Day hammers on the difficulties some brokers and shippers have with the system, particularly given the safety rating/SMS disconnect.

Day came into the April 29-30 CSA Subcommittee meeting with a long list of carriers with four or more BASICs at alert status. Such carriers in many cases would fall clearly into FMCSA’s “High Risk Carrier” category, prompting an automatic intervention/review. All of the carriers in his list, however, were rated Satisfactory under Safestat. “Who’s safe?” he said. “I have no idea.”

FMCSA’s Quade explains that, minus the SFD rulemaking, the agency’s stuck with the SMS/rating disconnect. Putting expiration time limits on carrier safety ratings in the old system, which also has been discussed, likely would require more time-consuming rulemaking, he says. And the current rating system is so far entrenched in the trucking business that doing such would have unintended consequences of its own – expiring Satisfactory ratings would be missed by those carriers.

Legislation introduced in the House of Representatives in May and supported by the Transportation Intermediaries Association of freight middlemen aims to cut down on negligent-selection lawsuits by establishing a motor-carrier “hiring standard” that specifically excludes the CSA BASICs. The legislation stops well short of calling for removal of the SMS scores from public view, however.

Quade says he’d have more confidence in the CSA SMS than in the old rating system: “I would use a Conditional [rated] carrier with good performance data [in the CSA SMS] before I would use a Satisfactory carrier with bad performance data.”

Such public use of the data beyond law enforcement, and FMCSA’s encouragement of it, is the subject of long-ongoing litigation brought by the Alliance for Safe, Efficient and Competitive Truck Transportation, which represents motor carriers, shippers and brokers, among others.

FMCSA continues to be unmoved by CSA-use realities, given its investment in the program. Yet many in the industry would agree with transportation attorney Henry Seaton’s assessment of CSA: “The closest thing to it is over on the military side where you spend 10 years and however much money, and the plane doesn’t fly.”