

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
DOCKET # FMCSA – 2022-0066**

**Revised Carrier Safety Measurement System**

**SUBMITTED BY:**

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Driver iQ submits these comments to the Department of Transportation (DOT) in response to their February 15<sup>th</sup>, 2023, Notice, and request for comments “Revised Carrier Safety Measurement System. “Driver iQ is a professional background screening company devoted exclusively to helping trucking companies conduct thorough and accurate driver background checks, including those required by FMCSA. Driver iQ mainly serves the truckload carrier community and provides services to 24 of the top 25 largest truckload carriers in the U.S, in addition to many other smaller carriers. As such, Driver iQ is vitally interested in matters impacting the motor carrier industry.

**Summary of Driver iQ's Position** – Driver iQ continues to be supportive of using roadside inspection data to identify the least safe motor carriers for potential enforcement intervention. The industry, including ATA has long advocated for improvements to CSA SMS since it was initially rolled out. We are aware there have been stakeholders, many being Driver iQ carrier clients who have identified inadequacies in the current system and have provided suggestions for improvement. We understand this has included work with many outside researchers such as the American Transportation Research Institute, the Government Accountability Office, and the Independent Review Team sponsored by a former Secretary of Transportation. Driver iQ applauds and commends the Federal Motor Carrier Safety Administration (FMCSA) in addressing these proposed changes which are recognizing the current struggles with the concerns for accuracy of the CSA scoring system. Driver iQ is in alignment with the American Trucking Associations and most truckload carriers. That is the importance of being able to easily explain CSA SMS methodology to drivers and motor carriers alike. Therefore, shareholders can easily understand the correlation between a roadside inspection violation and the score provided in CSA SMS. Driver iQ supports FMCSA's position to end pursuit of other means, rather focus on improvements that can be made to CSA SMS using experience.

Also of considerable concern is the potential practice of public transparency of CSA SMS related data and the ability for the public to view this data. We will provide more detail further along in our comments however significant emphasis is warranted.

Driver iQ offers the following specific comments on some of the outlined changes.

### **Reorganizing and updated safety categories**

Driver iQ supports the Agency's proposal to reorganize the Behavior Analysis and Safety Improvement Category (BASICs). We support renaming the BASICs, we also suggest the Agency refer to the reorganized categories as "Compliance Categories" and not "Safety e Categories" as ATA has suggested. Like ATA, we also believe CSA SMS is an assessment of a motor carriers' compliance with the Federal Motor Carrier Safety Regulations (FMCSRs), and as previously proven, does not necessarily indicate a motor carrier's overall safety record. Referring to the BASICs as "Compliance Categories" simplifies the terminology to make a more understandable and relatable reference. It also will allow motor carrier operations and the enforcement community to more accurately pinpoint and address compliance concerns.

Driver iQ mirrors ATA's comments regarding this subject. Driver iQ agrees that combining the violations related to Controlled Substances and or Alcohol use into the Unsafe Driving safety category makes solid sense. We believe the goal of FMCSA's drug and alcohol testing regulations is to deter and prevent an individual from operating a CMV while impaired. Impaired driving is obviously unsafe driving, and the combination of these categories makes sense. In addition, FMCSA's decision to include violations for operating under an Out of Service (OOS) order is appropriate. When putting all violations of this type under one category - unsafe driving - authorities are now able to more easily detect motor carriers who have OOS violations.

Driver iQ supports the Agency's proposal to consolidate violations in SMS. This is even more pronounced by way the agency shares that SMS violations have grown from an initial 650 violations to 959 violations. We believe the increase is largely due to more specific coding of a particular violation type rather than new violation types being included. Industry leaders like ATA have shared the need for improvements in violation, inspection, and crash data.

Regarding the Agency's proposal to reduce the scale of severity weights from a 1 through 10 scale to a more simplified scale, Driver iQ generally agrees.

The importance of focusing on recent violations needs to be considered. As time progresses the older violations drop off or expire from the system. The ability to obtain additional inspections does not come easy. Enforcement authorities usually focus on roadside inspection selection with motor carriers with obvious violations. In other words, the glaring ones get the focus. Driver iQ carriers favor FMCSA's proposal to only calculate percentages if the motor carrier has received at least one roadside violation in that category in the past 12 months assuming this proposed approach should only apply to Safety categories. Applying this rule, a motor carrier with a safety violation that is past 12 months old would not be assigned a percentile and therefore not prioritized for intervention in the safety category. Driver iQ carriers like ATA members believe this is important in identifying motor carriers who are currently and most recently experiencing violations as opposed to a motor carrier who took corrective action (over 12 months previously) and has experienced clean inspections since that time.

Public View of Data is the most important and significant concern for Driver iQ carriers. Concerns regarding public transparency of CSA SMS related data, and the ability for the public to view this data have existed throughout the life span of CSA SMS. The

motor carrier industry has long voiced concerns regarding the ease with which the public can obtain and access this very sensitive data, without clear explanation as to how one should evaluate and interpret the data. It is worth noting again the concerns that were raised by the 2014 DOT commissioned Independent Review Team. As ATA has also reiterated, the Team stated:

“Safety ratings should obviously be a fair reflection of a motor carrier’s operation: and the more accurate they become the more useful they will be in informing public choice and enhancing safety. SMS data reflects safety versus unsafe operations, FMCSA should take steps to clearly identify for the public the other information that can be tied reliably to safety; and to distinguish it from other information that may be useful for other reasons but does not relate to crash risk. “

We share ATA position that while FMCSA has taken the appropriate steps to enhance the reliability and accuracy of CSA SMS, the changes proposed in this notice must not assume an immediate return of public display data. Before the FMCSA releases any data to the public, it has a duty to ensure data quality. There needs to be time after the implementation of the proposed changes to verify the data quality, more specifically, to verify there are appropriate correlations with crash risk. We support the Agency’s proposed consolidation of violations. Consolidating violations and providing more specific descriptions for violation codes is a step forward in preventing inconsistencies with citations pertaining to similar underlying issues. However, researchers have consistently expressed concern that the violation data that exists in SMS suffers from a weak statistical relationship to crash risk or the predictability that the carrier will be involved in a crash. The lack of frequency of many violations has resulted in the inability to correlate that violation to crash risk. The proposed consolidations will not immediately change the bad to good the GAO’s conclusion in its 2014 report: “less than 14 were consistently associated with crash risk across statistical models.” Also, violation rates are calculated for the individual carrier and then those rates are compared to other carriers. But there remain carriers with insufficient data for a reliable comparison. The proposed changes to the severity weights and proportionate percentiles will enhance the comparison methodology. Even so, after the proposed revisions are implemented, it will take time to establish statistically significant correlation. Likewise, the 2017 NAS study recommended “The Federal Motor Carrier Safety Administration should undertake a study to better understand the statistical operating characteristics of the percentile ranks be significantly associated with crash risk for an individual carrier, the ATA as well as Driver iQ strongly recommend that the FMCSA refrain from making all SMS data and scores available to the public.

Supporting and reiterating more ATA views, the fundamental purpose of the CSA program is to improve public safety and reduce crashes involving commercial motor vehicles. The program is intended to be rehabilitative, not punitive. Nevertheless, different people can interpret the same data in different ways thereby distorting the rehabilitative intention of the program. The IRT cautioned that the public transparency of the data “may be causing more problems than it solves” by stifling information sharing and development of innovative safety practices. Again, more reinforcement around the concern for making this data public. FMCSA leans to this concern as it posts a disclaimer on its SMS website, as it did with SafeStat. Unfortunately, these disclaimers are often ignored or disregarded in civil litigation after a crash involving a commercial motor vehicle. In the context of civil litigation plaintiff attorney may use the SMS data to infer deficiencies about an individual carrier and the likelihood that the motor carrier will be involved in a crash. A plaintiff attorney may misuse the SMS data to make erroneous comparisons, misconstrue the data and form improper conclusions about the individual carrier’s overall performance and record. Simply looking at one data point in a table leaves out nuances related to any specific crash and/or nuances related to inspections. We firmly believe as does ATA that allowing the public consumption of all data points is more prejudicial than probative.

Again, we appreciate the opportunity to provide our thoughts, positions, and feedback regarding this very important program for motor carriers. Roadside inspection data is a valuable element in prioritizing motor carrier safety scores. There are several good improvements suggested in the FMCSA comments. We urge FMCA to strongly consider the concerns we have outlined and the potential unintended consequences that may result.

Sincerely,

Todd Hensley

President, Driver iQ