

# NEWSLETTER

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First, many thanks to all of our friends who checked on us after the recent tornados ripped through Oklahoma. Having moved here from California over 20-years ago, I'm still trying to get more used to the tornado sirens blaring their warnings that bad things are on their way. For many here, that means its time to go outside and start taking pictures! Me, I'm looking for cover!

I decided to write about the recent history of the "CSA Scores". It used to be that a "Satisfactory" rating was issued to all carriers entering the industry. It was theirs to lose. If a carrier showed cause for concern, the FMCSA might intervene and place a "Conditional" rating on the carrier and the carrier had opportunity to correct its behavior. If it did so, it could earn its "Satisfactory" rating back. If it failed, it would be issued an "Unsatisfactory" rating or have its authority revoked. The FMCSA gave a green, caution and red light we could all use as a guide while it carried out its historical role of determining the safety fitness of a carrier.

The FMCSA launched "CSA 2010" a little over 5-years ago. Their primary goal was to predict which carriers showed a higher crash risk. Using "SMS" methodology to measure a carrier's behavior, they would use that information to target intervention. However, they made that information available for public viewing with the philosophy that all of us in the supply chain have a responsibility in determining a carrier's safety fitness. Very soon after, buyers of truck transportation became targets of vicarious liability litigation. Since the information was available for public view, it has been argued that there exists an implied responsibility for all of us to use that information in the carrier selection process.

Last year and under intense scrutiny, the FMCSA removed its SMS scores from public view after being grilled by Congress. It was ordered to fix its flawed methodology and "misleading" data. It was also ordered to more completely study the effects of all of this to our industry. In addition, Congress mandated "Unless a motor carrier has received an unsatisfactory rating or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation's highways."

However, just last month the FMCSA published and released for public view their new "Absolute Performance Measures" using much of the same flawed and old data as before. By calling it "Absolute Measures", they are able to keep the information in public view while the ordered corrective action is taken. The FMCSA has admitted such corrections will take years.

The FMCSA has a \$668.5 million budget. It continues to hand out and collect applications for new carriers. It issues operating authority after collecting their fees. It gathers data on all government interactions with a carrier including inspections, citations and crashes. As in the past, they have all the information needed to make a final safety determination. Yet, they say they do not have adequate staff to issue safety ratings and want to do away with the Satisfactory/Conditional/Unsatisfactory system altogether. In the meantime and over the past several years, scores of new carriers have been issued authority and operate to this day with no safety rating.

Until May 23<sup>rd</sup>, we have the opportunity to file comments in response to the FMCSA's Notice of Proposed Rulemaking. The Alliance for Safe, Efficient Competitive Truck Transportation (ASECTT) has spearheaded the campaign against the FMCSA's actions and rulings. Please read more at [asectt.blogspot.com](http://asectt.blogspot.com). Lets make the FMCSA do their job.

Be Safe,

Mark



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### BLOG ARCHIVES

> December 2015

> Fall 2015

> Spring 2015

> February 2015

> November 2014

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