



# Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

November 14, 2014

Secretary Anthony Foxx  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Foxx:

I am writing to you on a matter of tremendous importance to commercial motor vehicle law enforcement, the Federal Motor Carrier Safety Administration's (FMCSA) *Compliance, Safety, Accountability* (CSA) program. The Commercial Vehicle Safety Alliance (CVSA) is aware that a number of stakeholder groups recently wrote to you expressing their concerns about CSA, including the public display of CSA *Safety Measurement System* (SMS) scores. CVSA would like to offer its views on these matters given their importance and relevance to law enforcement.

CSA is a very good program with tremendous potential to improve commercial motor vehicle (CMV) safety. Already, CSA has raised awareness of the importance of safety and has caused motor carriers to devote more attention and resources to safety initiatives than ever before. Of course, CVSA strongly supports the goal of CSA, which is to implement more effective and efficient ways for FMCSA, its State partners, and the trucking industry to reduce CMV crashes, fatalities, and injuries.<sup>1</sup>

CVSA recognizes and appreciates the concerns recently raised by some stakeholders. For instance, some have pointed out that differences in enforcement practices from one jurisdiction to the next can affect motor carriers' SMS scores. These differences in enforcement practices are necessary to address the varying safety challenges that exist in different jurisdictions. However, since SMS scores are based on comparative performance, the environment (i.e., jurisdiction) in which carriers operate can impact the accuracy of their measurements.

Stakeholders have also raised concerns about the relationship between certain violations, carriers' scores and crash risk. Law enforcement has an obligation to enforce all laws and regulations regardless of their statistical relationship to crash risk. For this reason, law enforcement agencies must identify fleets that exhibit patterns of non-compliance. While all non-compliance should be considered, CVSA believes fleets that commit violations shown to have a strong correlation to crash risk should be identified and appropriately prioritized for intervention.

As you are aware, a recent report from the Government Accountability Office (GAO) found CSA SMS scores to be unreliable predictors of individual fleet crash propensity. Specifically, GAO found that (during the period they studied) FMCSA identified many carriers as "high risk" that were not later

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<sup>1</sup> *Safety Measurement System Methodology Version 3.0*, March 2012, Federal Motor Carrier Safety Administration, Washington, D.C.

involved in a crash.<sup>2</sup> In contrast, FMCSA research showed that carriers identified as high risk have higher future crash rates than other active carriers, suggesting that the SMS is effective enforcement prioritization tool.<sup>3</sup>

These findings alert us to an important distinction. FMCSA's analysis focused on the *collective* crash rate of carriers in groups (e.g., all carriers with a particular BASIC percentile score), not *individual* carrier scores. FMCSA acknowledged that "this collective crash rate is not a prediction of the actual crash rate of an individual carrier. In fact, 93 percent of the carriers in the model had no crashes in the post-identification monitoring period."<sup>4</sup>

This distinction leads us to an important conclusion. Since the *collective* crash rates of fleets with SMS scores above thresholds are higher than those below, the SMS is useful as an enforcement prioritization tool. In short, enforcement agencies can focus on these fleets to conduct further investigations and determine which of them are truly risky. On the other hand, since the SMS scores are a poor indicator of an *individual* fleet's propensity to be involved in a future crash, their utility in providing the public with information about fleets' safety performance is limited.

Given the value of the SMS as an enforcement prioritization tool and law enforcement's obligation to enforce compliance with all laws and regulations, CVSA feels strongly that law enforcement's access to SMS data must not be limited. To help further ensure that law enforcement resources are used most efficiently, FMCSA should strive to improve the program so as to better identify those individual fleets that pose the greatest risk of causing future crashes. FMCSA should also take these steps to eventually arrive at scores that are strong measures of an individual fleet's safety performance. Until these improvements are made, however, CVSA echoes stakeholders' call to remove SMS scores from public view.

Your consideration of CVSA's views on these important issues is greatly appreciated. If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6145 or via email at [stevek@cvsa.org](mailto:stevek@cvsa.org).

Sincerely,



Stephen A. Keppler  
Executive Director

Cc: Scott Darling, Acting Administrator, FMCSA

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<sup>2</sup> United States Government Accountability Office, *Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve The Ability to Identify High Risk Carriers*, GAO-14-114, February 2014.

<sup>3</sup> *The Carrier Safety Measurement System (CSMS) Effectiveness Test by Behavior Analysis and Safety Improvement Categories (BASICS)*, Federal Motor Carrier Safety Administration, January 2014.

<sup>4</sup> *Ibid.*