

Larry Dannemiller

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Subject: Fw:

DANNEMILLER BULLETIN

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Safety Fitness Determination (SFD) - In an effort to reduce costs to the government associated with on-site compliance reviews (audits) the Federal Motor Carrier Safety Administration (FMCSA) proposes to change the method by which carrier safety ratings are determined. Presently a safety rating can only be determined or changed as the result of full on-site compliance review addressing all categories of safety compliance. The full compliance review can result in one of three possible ratings: *Satisfactory*, *Conditional* or *Unsatisfactory*.

A carrier assigned an *Unsatisfactory* rating can not operate commercial vehicles. While some factors of roadside inspection results are a part of the scoring process of the present compliance review, it is presently impossible to be assigned an *Unsatisfactory* safety rating based solely on roadside inspection results - there would have to also be either "Acute" violations or a pattern of "Critical" violations found during the compliance review.

The proposed methodology would allow the FMCSA to assign safety ratings based solely on roadside inspections and accidents as reflected in CSA scores. It is not known the precise inclusion, weighting and threshold scoring criteria intended, but if it is anything resembling the present structure this is a very, very bad idea from a carrier standpoint. For instance, at present, any recordable accident, regardless of fault, is scored against the carrier.

Think about this - if your truck is sitting in the proper lane at a red light and someone runs into the back of the trailer, that incident is scored against you unless, and this is the only exception, you are in an active compliance review and that accident would put you over the limit for scoring that factor. In that case the FMCSA will review the circumstances and decide whether to take that off your record. It is almost for sure that if your truck was in an accident while moving, regardless of who was cited, that accident would not be removed from your record. Also, at present so-called "form and manner" violations assigned in roadside inspections and costing CSA points would

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never affect your scoring in a compliance review; however they are a major contributor to CSA point scoring even though they are merely recordkeeping violations with absolutely no safety ramifications.

This is obviously an issue that needs to be watched very closely. I will keep you advised.

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