

CMV safety: From “my” seat | Q&A follow up

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1. What is the agency’s action on the broker/freight forwarder bond and level of bond required?

I believe this question stems from the Moving Ahead for Progress in the 21st Century Act (MAP-21), specifically language under Section 32918 and the financial security requirements of brokers and freight forwarders. The MAP-21 established in § 32918(b)(3) for brokers and § 32918(c)(4) for freight forwarders a minimum financial security requirement of \$75,000. The FMCSA will be issuing a federal register notice to implement the requirements specified under § 32918 of MAP-21.

Section 32918

(3) MINIMUM FINANCIAL SECURITY — each **broker** subject to the requirements of this section shall provide financial security of \$75,000 for purposes of this subsection, regardless of the number of branch offices or sales agents of the broker.

(4) MINIMUM FINANCIAL SECURITY—each **freight forwarder** subject to the requirements of this section shall provide financial security of \$75,000, regardless of the number of branch offices or sales agents of the freight forwarder.

2. What is the agency’s direction with respect to preventable/non-preventable crashes in CSA?

FMCSA is assessing the feasibility of evaluating crashes to determine the motor carrier’s role in the crash (i.e. preventability) before they are used by the Safety Measurement System in the Crash Indicator Behavior Analysis and Safety Improvement Category. This would allow FMCSA to better concentrate intervention efforts on motor carriers that have high preventable crash rates. More information on this research can be found here: http://csa.fmcsa.dot.gov/documents/CrashWeightingResearchPlan_7-2012.pdf

In the short term, the Crash Indicator Behavior Analysis and Safety Improvement Category percentile ranking is excluded from public websites because FMCSA understands that some crashes are unpreventable on the part of the motor carrier.

For more information or questions about CSA, visit <http://csa.fmcsa.dot.gov/FAQs.aspx>.

3. What is the agency’s analysis of CSA? Specifically, has FMCSA evaluated the effectiveness of CSA in reducing crashes?

FMCSA launched an independent study of the CSA program to examine its effectiveness. In this study SMS was evaluated to determine to what extent the SMS identifies unsafe carriers. Crash rates were calculated for carriers that exceeded the BASIC thresholds, and were compared to the crash rates of carriers that did not exceed any BASIC thresholds. Crash rates were also calculated for carriers identified under the current SafeStat system and compared to those under the SMS. In addition, scatter plots were made to assess associations between BASIC percentiles and crash rates. To provide a large sample of carriers, crash rates were calculated using 473,847 carriers not participating in the CSA 2010 test.

For all BASICs, crash rates were higher for carriers exceeding SMS thresholds than for carriers not exceeding thresholds. The crash rate was highest for carriers exceeding the Unsafe Driving threshold. Rates were also high for the Fatigued Driving BASIC and the Controlled Substance and Alcohol BASIC. The SMS also identified many more carriers for intervention than did SafeStat. Scatter plots indicate that all of the BASIC measures have positive associations with crash rates, except for the Driver Fitness and Loading/Cargo Securement BASICs. Excluding the Crash Indicator, the Unsafe Driving BASIC has the strongest association with crash rates.

You may find the results of the independent evaluation of CSA at <http://csa.fmcsa.dot.gov/about/UMTRI.aspx>.

4. What is the agency's position on driver's medical qualification/certification during a sleep apnea study and the 30-days of treatment evaluation?

In January 14, 2008, the agency published the Expert Panel Recommendations on Obstructive Sleep Apnea and Commercial Motor Vehicle Driver Safety with respect to Conditional Certification:

“The Medical Expert Panel recommended that individuals with obstructive sleep apnea be allowed to conditionally drive a CMV. Individuals recently diagnosed with OSA may be conditionally certified for one month during which time they will be started on CPAP therapy. At the end of this month, they can be conditionally certified for 3 months if compliance to CPAP is documented in the two previous weeks. Compliance should be reassessed at three months. If at the three-month assessment such an individual demonstrates treatment compliance, that individual may be certified for a period of one year. The commercial driver needs to receive information that if they stop using their CPAP during this one year period, they should stop driving a commercial vehicle. They should be warned that if they stop using their CPAP and are involved in a crash, then it is likely that they will be considered liable by the legal community. At one year, future recertification should be dependent upon proof of continued compliance with treatment. At the end of one year the certifying physician should review all compliance data for that year. Ideally, in time, with newer CPAP machines, these data will include not only compliance but information about efficacy of treatment. It is conceivable that, if at the end of one year the individual is no longer compliant with therapy, certification may not be renewed or only renewed for a brief period to allow compliance with therapy to be re-established.”

You may find this and other medical reports at <http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm>.