

FMCSA Reaches Settlement Agreement in *National Association of Small Trucking Companies* Litigation on the Compliance Safety Accountability Program

Washington, DC – The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) today announced it has reached a settlement agreement with three trucking associations that will end litigation over information published on the website of FMCSA’s motor carrier enforcement program, Compliance Safety Accountability (CSA).

"CSA is a safety-critical program that helps to reduce commercial motor vehicle-related crashes and save lives," said FMCSA Administrator Anne S. Ferro. "Through this settlement agreement, we addressed the concerns raised by petitioners without compromising the CSA program and its safety benefits."

The National Association of Small Trucking Companies, Inc. (NASTC), the Expedite Alliance of North America (TEANA) and the Air & Expedited Motor Carriers Association (AEMCA) filed suit on Nov. 29, 2010 challenging FMCSA’s CSA program. Under the agreement, FMCSA will make changes to CSA’s Safety Measurement System (SMS) public website to address concerns regarding the display of information on a commercial motor carriers’ safety performance.

The key changes that FMCSA will make to the SMS public website by March 25, 2011 are as follows:

- Replace any ALERT symbol currently displayed in orange on the SMS website with the following symbol of the exclamation mark inside a yellow triangle 
- Revise the disclaimer language on the SMS website to read:
"The data in the [Safety Measurement System \(SMS\)](#) is performance data used by the Agency and enforcement community. A  symbol, based on that data, indicates that FMCSA may prioritize a motor carrier for further monitoring. The  symbol is not intended to imply any federal safety rating of the carrier pursuant to 49 USC 31144. Readers should not draw conclusions about a carrier’s overall safety condition simply based on the data displayed in this system. Unless a motor carrier in the SMS has received an UNSATISFACTORY safety rating pursuant to 49 CFR Part 385, or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation’s roadways. Motor carrier safety ratings are available at <http://safer.fmcsa.dot.gov> and motor carrier licensing and insurance status are available at <http://li-public.fmcsa.dot.gov>."

On Dec. 13, 2010, FMCSA launched its CSA enforcement program that is used to analyze all safety-based violations from roadside inspections and crashes to measure a commercial motor carrier's on-road safety performance. CSA allows FMCSA to reach more carriers earlier and deploy a range of corrective interventions to address a carrier's specific safety problems before crashes can occur.

To learn more about the CSA settlement agreement, visit the CSA website at <http://csa.fmcsa.dot.gov/>.

The current Safety rating, moved to the initial SMS screen from its original location, states:

The Federal Motor Carrier Safety Administration’s (FMCSA) Safety Management System (SMS) is an automated data system used by FMCSA to monitor motor carrier on-road safety performance. FMCSA analyzes safety performance by grouping carrier data in the SMS into seven Behavioral Analysis and Safety Improvement

Categories (BASICS) which are, in turn, used to identify potential safety problems with individual carriers and determine when an enforcement intervention might be appropriate.

The data and BASICS are used by the enforcement community to prioritize investigations and roadside inspections. The SMS data system is not a Safety Fitness Determination (SFD), is not a Safety Rating pursuant to 49 C.F.R. Part 385, and does not represent FMCSA's final determination regarding the accuracy of the data contained in the SMS.

Use of the SMS data system for purposes other than those identified above may produce unintended results and inaccurate conclusions. FMCSA highly recommends that all motor carriers periodically review the SMS data system and when necessary verify the accuracy of their SMS data through DataQs, an electronic data correcting system in which carriers can request a data review. The DataQ system is available online at <http://dataqs.fmcsa.dot.gov/>.