

August 22, 2014

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

Dear Secretary Foxx:

We are writing on behalf of the many diverse segments of the motor carrier industry to alert you to recent research conducted on the Federal Motor Carrier Safety Administration's *Compliance, Safety, Accountability* program. Given the results of this research we urge you to direct FMCSA to remove motor property and passenger carriers' CSA Safety Measurement System scores from public view. Also, recognizing the merits of raising public awareness of fleets' true safety performance in the future, we also call on you to direct FMCSA to make CSA improvements a high priority.

In December 2010, FMCSA launched its new safety and compliance measurement system, CSA, nationwide. Our organizations strongly support the *goal* of CSA which, as the CSA Safety Measurement System Methodology points out, is to implement more effective and efficient ways to prevent commercial motor vehicle crashes, fatalities and injuries. The SMS methodology also states that the publicly available SMS data is intended to help stakeholders involved with the motor carrier industry make safety-based business decisions.

Our organizations understand and appreciate the merits of using safety measurements to publicly distinguish carriers that are involved in crashes or cited for violations that are related to crashes from those that are not. Such measurements, if fair and accurate, could leverage the marketplace (i.e. shippers, brokers, passengers and consignees) to further incentivize safe operating practices. Further, it would cause more business to flow to those carriers who do not crash or commit violations related to crashes. This was certainly an original intent of CSA, and an objective broadly supported by our organizations and others in the motor carrier industry. For these reasons, the needed improvements to support public display of accurate scores must be a high priority. We recognize that assignment of accurate and consistently reliable scores is a very difficult goal for FMCSA to achieve, but is nonetheless one that the agency must be committed to attaining.

Of course to realize these marketplace benefits, the system must be robust and accurate. However, a recent report from the Government Accountability Office found that SMS suffers from fundamental data sufficiency and methodology issues that seriously affect the reliability of motor carriers' scores. For instance, of the 750 violations used to measure carrier performance, only thirteen had been violated enough to draw some discernable relationship to crash risk and only two of those had an identifiable relationship to crash risk that could be characterized as "substantial and statistically reliable."¹ Also, more than 70% of active motor carriers did not have enough violation data to be assigned a score in the system.²

¹ 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, page 15.

² *Ibid*, page 28.

In short, for most active carriers GAO found that FMCSA lacks sufficient safety performance information to reliably compare them with other carriers. The report went on to say that the lack of data “creates the likelihood that many SMS scores do not represent an accurate or precise safety assessment for a carrier.”³ This was found to be especially true for small carriers who comprise more than 90% of the industry.⁴ Moreover, GAO discovered that (for the period studied) FMCSA identified many carriers as “high risk” that were not later involved in a crash.

In a separate 2014 report on the transportation of hazardous materials issued by the Department of Defense, GAO reiterated its findings with respect to SMS data. Specifically, GAO said:

“DOD uses Safety Measurement System scores to determine safety performance of its Transportation Protective Services carriers. However, both our February 2014 report and the Federal Motor Carrier Safety Administration state that these scores should not be used to draw safety conclusions about a carrier’s safety condition.”⁵

Faced with a similar situation, the Federal Aviation Administration wisely acknowledged that since records and metrics are such poor predictors of crashes, they should not be posted on the Internet. For instance, the FAA’s website states that:

“While there may be apparent differences in carrier safety records at any particular time, due largely to the infrequent but catastrophic nature of an air accident, there is no evidence that such distinctions do not persist nor that they are predictive of future safety performance. Rankings of airlines based on past accident records therefore provide no information to consumers seeking to make safety-enhancing comparisons for current or future travel choices.”⁶

Accordingly, all requests for safety records on accidents, enforcements and maintenance difficulties must be made to FAA in writing. Unfortunately, though CSA SMS scores can cause third parties to make erroneous “safety-enhancing comparisons,” FMCSA continues to make them available on the Internet.

We anticipate that FMCSA will contend, as it has done in the past, that other research shows that carriers with high scores in some categories are more likely to be involved in a future crash. However, please know that this FMCSA argument ignores the fact that these analyses are focused on industry-wide *averages*. In contrast, GAO’s analysis found scores to be unreliable predictors of *individual* fleet crash performance. As mentioned above, GAO found that many carriers labeled as “high-risk” by FMCSA due to SMS scores were not later involved in a crash. Of course, the “high-risk” label is not generally assigned to those who have merely been prioritized for intervention, but those with even higher scores and/or with multiple scores above thresholds.⁷

³ Ibid, page 16.

⁴ Ibid, page 16.

⁵ United States Government Accountability Office, *DOD Needs to Take Actions to Improve the Transportation of Hazardous Material Shipments*, GAO-14-375, May 2014, page 30.

⁶ See http://www.faa.gov/passengers/fly_safe/safety_record/

⁷ A carrier is considered “high risk” if it either: a) has an SMS score of 85 or higher in the Unsafe Driving BASIC or the Hours of Service Compliance BASIC, or the Crash Indicator, and is at or above the intervention threshold in one other BASIC; or b) exceeds the intervention threshold in any four BASICs (or more).

Many of the data problems identified by GAO have been felt directly by motor carriers. For instance, each year fleets submit thousands of requests through FMCSA's DataQs system for correction of roadside inspection and crash records. FMCSA readily acknowledges that a large number (e.g., > 60%) of these requests are, in fact, honored – validating claims that frequent data problems exist. Naturally, not all erroneous data gets challenged, so it is likely that there are thousands more records deserving correction.

Though accurate safety measurement scores can have numerous positive impacts, as discussed above, inaccurate scores, like those assigned to carriers by the CSA SMS, have detrimental and counter-productive consequences. Naturally, scores that erroneously paint otherwise safe and responsible carriers as more likely to be involved in a crash are harmful to those operations. But since scores are based on comparative performance, carriers that actually have a pattern of crash involvement or of committing violations that correlate to crash involvement may subsequently be portrayed as having better performance. Of course, suggesting that such carriers are actually safer, by comparison, will have the unintended effect of driving either passengers or freight to them and is poor public policy.

Given the many identified data sufficiency and reliability issues outlined by the Government Accountability Office, we urge you to direct FMCSA to remove carrier's SMS scores from public view. Doing so will not only spare motor carriers harm from erroneous scores, but will also reduce the possibility that the marketplace will drive business to potentially risky carriers that are erroneously being painted as more safe.

Thank you for your consideration of this request.

Sincerely,



Bill Graves
President & CEO
American Trucking



Peter J. Pantuso
President & CEO
American Bus Association



Linda Bauer Darr
President & CEO
American Moving & Storage Association





Jim Johnston
President
OOIDA



Gary Petty
President & CEO
National Private Truck Council



Ronna Weber
Executive Director
National School Transportation Association



Dan Furth
President & CEO
National Tank Truck Carriers



Joel M. Dandrea
Executive Vice President
Specialized Carriers & Rigging



Shepard Dunn
Chairman
Truckload Carriers Association



Victor S. Parra
President & CEO
United Motorcoach Association

