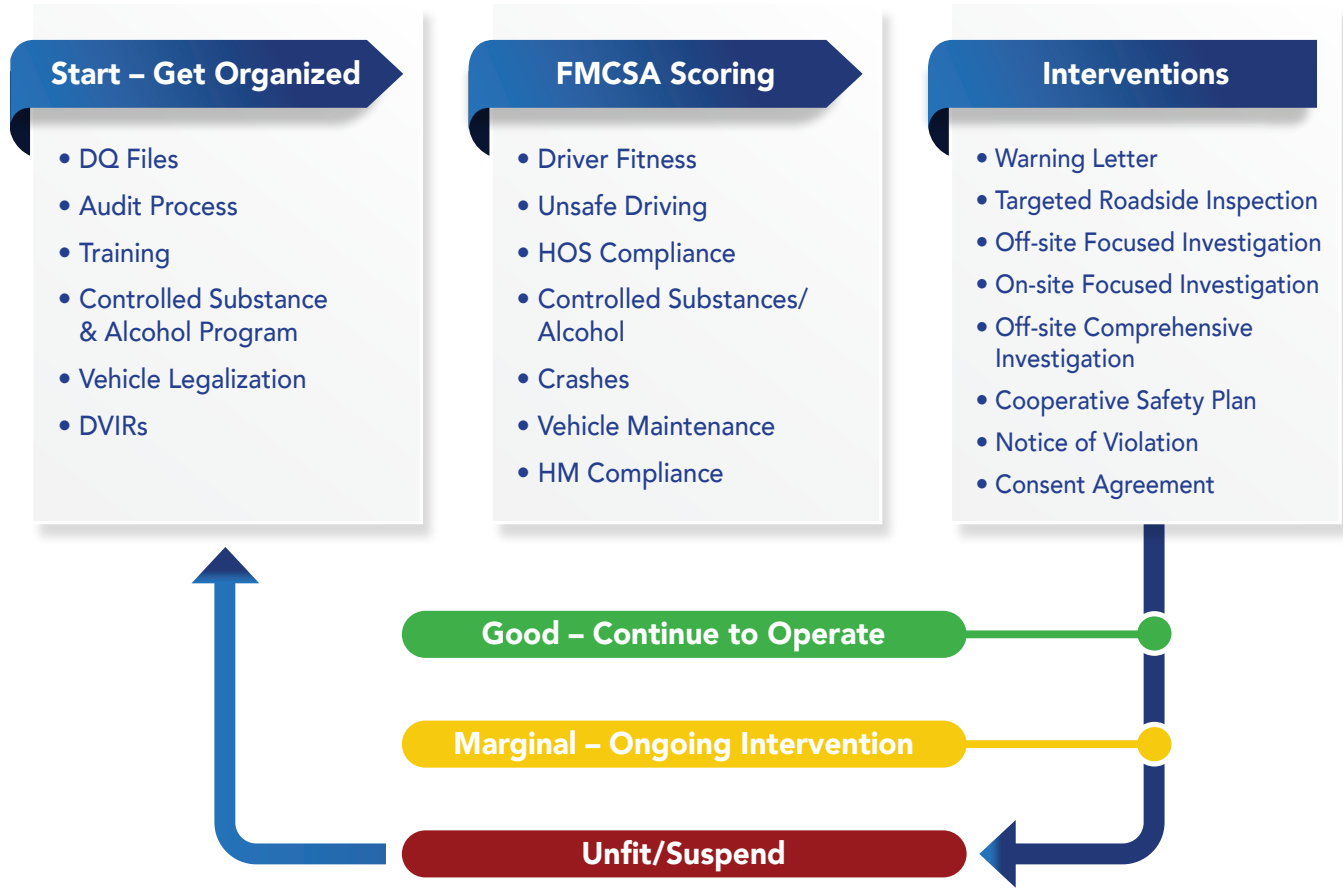




# A Company Assessment

Understand Compliance Requirements & Prepare For Enforcement



Compliance, Safety, Accountability (CSA) is an enforcement tool used to track driver and motor carrier compliance and safety. Through CSA, the FMCSA closely monitors, measures and evaluates your on-road safety performance and steps in when it appears that you're operating vehicles unsafely — before your accident rate goes sky high.

Violations reported on roadside inspection reports (and other interventions) and crash reports will be placed into one of seven categories called Behavior Analysis and Safety Improvement Categories, or BASICS. This document presents a total of eight “checklists” to help you assess where your company stands on the BASICS. The first checklist, called “General Compliance Review,” applies to all the BASICS. Following that is an individual checklist for each of the seven BASICS. Many of the individual checklist items actually affect more than one BASIC. Not every potential safety and compliance violation is covered in this document – only the areas deemed most critical, in terms of the impact a violation may have on your company.



These checklists will help you assess your effort for dealing with CSA. There is one key point to keep in mind when conducting any kind of assessment or self-audit: You either need to be prepared to be truthful, or have someone else conduct the assessment for you. It won't do you much good if you look at something and decide that it is not important, or you simply say that “we always do that” or “no one around here would do that.” Having a neutral third party conduct the assessment allows for objectivity.

## How to Use these Checklists

Go through each area and check off all the items that are covered or have been addressed. Leave any item blank that is not relevant to your operation. Any checklist item that is not checked may indicate a compliance or safety gap, which may leave you vulnerable to a CSA intervention.

## General Compliance Review

CSA applies to all commercial carriers (private and for-hire) that have U.S. DOT numbers and operate commercial motor vehicles (CMVs) in interstate commerce, as defined in 49 CFR 390.5. This definition includes both CDL and non-CDL commercial vehicles. CSA also applies to the transportation of hazardous material in intrastate commerce. Safety and compliance are the key words with this program. Strategies that will help you have a successful outcome include a strong policy/procedure framework, good training and communications programs, ongoing monitoring of company data in the federal government databases, and a process for updating and challenging data that is out of date or inaccurate.

**Check the areas that are addressed at your company:**

- Our company has policies that are designated as “safety policies.”
- A person is designated to download and verify all data in the FMCSA systems pertaining to the company on at least a monthly basis.
- No driver is allowed to operate company equipment until the completion of orientation and “certification” as a company driver.
- Orientation includes signed statements that clearly explain to the drivers that compliance with regulations and company policies is a requirement of employment.
- Training is documented, and the driver signs an attendance sheet or training receipt.
- Any driver involved in a safety incident (citation, accident, complaint, out-of-service, violations on roadside inspections, violation of company policies, etc.) is immediately retrained.
- Drivers are given a driver handbook, which they sign for.
- The driver handbook includes a list of current supervisors and managers, and their contact information.
- The driver handbook includes information on the disciplinary system.
- There is a scheduled update mechanism to keep the driver handbook current.
- Operations personnel are trained on Hours of Service, driver qualification, drug and alcohol supervision, and vehicle requirements.
- Mechanisms are in place to track supervisor performance in the areas of driver turnover, driver compliance with regulations and policies, and driver production.
- Our company has a disciplinary system for supervisors (including dispatchers) who do not follow company and safety policies.
- Drivers are recognized for “perfect performance” (no violations, accidents, out-of-service, etc.).
- Drivers are trained on roadside inspection procedures.
- Drivers immediately report (via live call-in) roadside inspections and traffic violations to a designated carrier official.
- Drivers submit or send all inspection reports within 24 hours. The designated carrier official then verifies that a call-in was received, that all violations noted have been corrected (including driver violations), and records the details in a roadside inspection tracking database.
- All repairs and driver corrections for violations noted on roadside inspection forms are documented.
- CSA data for roadside inspections (driver and vehicle) are reviewed and verified monthly.



## Unsafe Driving BASIC

Unsafe driving practices are a major contributor of commercial motor vehicle (CMV) accidents. Reckless driving, speeding, failing to yield the right-of-way, and other violations are closely related to a driver's risk of getting into a crash. Because unsafe driving is one of three BASICS with more stringent standards, making it easier to fail, it's important to focus on the violations that could hurt the most, both for the company and for individual drivers. Use refresher and new-driver training programs to help prevent unsafe driving and its consequences.

### Check the areas that are addressed at your company:

- Orientation and recurrent training includes defensive driving training.
- Our company handbook includes directions to company facilities and high-risk customer locations, and commonly used routes and hazards along primary traffic lanes.
- Drivers are recognized for each year of safe driving.
- Our company has a "Hall of Fame" for long-term safe drivers.
- Drivers know and understand railroad crossing requirements (Sections 392.10, 392.11, and 392.12).
- Our company has a policy for dealing with drivers convicted of moving violations.
- Our company has a policy prohibiting cell phone use and texting while operating a commercial motor vehicle.
- Our company has a policy prohibiting radar detectors in commercial motor vehicles.
- Our company has a policy prohibiting the scheduling of runs that would require drivers to violate speed limits.
- Our company conducts orientation and recurrent training on driving skills connected with common moving violations.

## Hours-of-Service (HOS) Compliance BASIC

The HOS Compliance BASIC is one of three BASICS with more stringent standards, making it easier to fail. Points are assigned in this BASIC if a driver operates a commercial motor vehicle while ill, fatigued, or in violation of the Hours-of-Service rules. This includes violating any of the rules relating to drivers' logs, whether done on paper or on electronic logging devices (ELDs). Professionals in the transportation industry are well aware of the consequences of fatigued driving. Like unsafe driving, fatigued driving is viewed as such a major contributor of crashes under CSA that HOS Compliance violations alone may lead to a motor carrier being investigated. Many believe that if you are unwilling to invest in the programs, policies and procedures necessary to ensure that drivers comply with Hours of Service, you cannot effectively operate the fleet safely.



### Check the areas that are addressed at your company:

- Our company has policies pertaining to Hours of Service compliance and has an individual designated as responsible for Hours of Service compliance.
- Hours of Service regulations and policies are covered as part of orientation and recurrent training.
- Our company has a policy stating drivers shall not drive if driver's ability or alertness is impaired due to illness or fatigue (Section 392.3).
- Our company has a designated log auditor(s) and ELD account manager(s).
- Our company has an individual assigned the responsibility of counseling, retraining and disciplining drivers for noncompliance with Hours of Service regulations and policies.
- Supervisors are held accountable for their assigned drivers' Hours of Service compliance.
- The auditor(s) audit over 10 percent of the logs and supporting documents generated by the fleet for false logs.
- The auditor checks form and manner violations on 100 percent of driver logs.
- Drivers using ELDs are trained on their use, including procedures for log completion, edits, log review and submittal, data transfers, and malfunctions.
- Drivers certify their logs each day and submit logs to the company within 13 days.
- All logs submitted are audited for over-hours violations.
- All unassigned ELD driving events are quickly reviewed and either assigned or explained.
- The audit system is able to locate violations, counsel and discipline (if necessary) the driver within 15 days of an error or violation.
- Drivers receiving roadside violations are retrained on the compliance item involved in the violation.
- Our company had no drivers placed out of service for Hours of Service violations during roadside inspections in the last 24 months.
- Drivers placed out of service are retrained on the compliance item(s) involved in the out-of-service order.
- Our company has a firm "no hours = no dispatch" policy.
- Our company has a method of tracking current Hours of Service information on all drivers, and the information is checked prior to each dispatch.
- Route plans are compared to actual performance to verify compliance.
- Our company has a policy stating that drivers placed out of service are not allowed to operate a commercial motor vehicle until the out-of-service condition has been satisfied.



## Driver Fitness BASIC

One of the greatest risks faced by any carrier is hiring and keeping an unqualified, unsafe or untested driver. Driver problems begin at the point of hire. Not fully training a newly hired driver can lead to serious repercussions at a later date. There is an adage that when it comes to drivers, carriers hire their own problems. Use this checklist to help you evaluate your process for making sure you hire and retain safe, qualified drivers.

### Check the areas that are addressed at your company:

- There are written standards for applicant screening.
- The hiring standard requires no accidents in the last five years.
- The hiring standard requires no citations in the last five years.
- The hiring standard includes a minimum of two years' experience.
- The hiring standard requires the applicant to list 10 years of past employment and provide addresses and phone numbers of past employers, as well as the reason(s) for leaving each.
- All gaps in an applicant's employment history are documented by an authoritative third party.
- All applicants meeting the standards receive a standard interview.
- A complete employment background check is performed verifying the previous five years (minimum) for all accepted applicants.
- At least two individuals are involved in the hiring process.
- No driver applicant is accepted into orientation until the screening process is complete.
- Road testing is conducted during orientation, after training, after a safety incident involving driving (citation, accident, verified complaint, etc.). Drivers who do not pass the road test are either released or trained. All road tests include vehicle inspection and low-speed maneuvering (turning and backing).
- Drivers are trained on the driver qualification requirements and what credentials must be with them on the road.
- Drivers receiving violations are retrained on the compliance item involved in the violation.
- Our company has a policy stating that drivers placed out of service are not allowed to operate a commercial motor vehicle until the out-of-service condition has been satisfied.
- Drivers placed out of service are retrained on the compliance item involved in out-of-service order.
- Our company has a policy stating that drivers must only possess one driver's license, which must be from their state of residence.
- Our company has a policy stating that drivers must notify us and not drive a commercial motor vehicle if their license has been suspended/revoked, etc.
- Only drivers that meet the qualification criteria in Section 391.11(b) (21 years of age; read, understand, and can converse in English, etc.) are hired.
- Our company has a policy requiring drivers to notify us of traffic convictions within 30 days.
- Our company has a policy prohibiting drivers from driving when they are disqualified.

## Controlled Substances and Alcohol BASIC

According to the FMCSA, the Controlled Substances and Alcohol BASIC is meant to address the operation of commercial motor vehicles while the driver is in possession of alcohol or controlled substances, or is impaired due to alcohol, controlled substances, or misuse of prescription or over-the-counter medications, or is listed as "prohibited" in the Drug & Alcohol Clearinghouse. This BASIC covers 10 violations that can be detected at the roadside, including using or possessing controlled substances while on duty; possessing, using or being under the influence of alcohol while driving; using or being under the influence of alcohol within four hours of going on duty; or violating an out-of-service order related to drug or alcohol use. The following checklist items will help you stay on top of this BASIC.

### Check the areas that are addressed at your company:

- Our company has a controlled substances and alcohol program in place that meets or exceeds the regulations.
- All company personnel that supervise drivers have received reasonable suspicion training in accordance with Section 382.603.
- Our company has a policy that does not allow drivers to use or be in the possession of drugs while on duty (except for prescription drugs that have been cleared by the doctor).
- Our company has a policy that does not allow drivers to have, use, or have any measured presence of alcohol while on duty.
- Our company has a policy that prohibits drivers from using alcohol within four hours of going on duty.
- Our company has a policy stating that drivers placed out of service for violating the alcohol prohibitions are not allowed to operate a commercial motor vehicle until the 24-hour time period has elapsed.
- The driver's handbook includes (either as part of or as a separate document) the company's substance abuse policy (CDL drivers only).
- All drivers selected for a random test are tested in the correct time frame (CDL drivers only).
- Drivers are not notified of random tests in advance (CDL drivers only).
- Drivers who fail or refuse a test are immediately removed from performing safety-sensitive functions, including driving (CDL drivers only).
- Our company has a policy of no alcohol in the CMV even in off-duty status.
- When the company has actual knowledge of a violation of FMCSA's testing rules, the driver is immediately removed from performing safety-sensitive functions, including driving (CDL drivers only).
- Our company has a policy that prohibits a new driver from operating a CMV until a CDL Drug and Alcohol Clearinghouse pre-employment query is received (CDL drivers only).
- Our company has policies and procedures in place to request annual Clearinghouse queries on current drivers (CDL drivers only).
- Our company has policies and procedures in place to ensure failed DOT alcohol tests, actual knowledge, and refusal to test are reported to the Clearinghouse within 3 business days of the event (CDL drivers only).
- Our company policy communicates to drivers that failing to provide consent for Clearinghouse queries restricts them from performing a safety-sensitive function (CDL drivers only).
- Our company has a policy of not using a driver in a safety-sensitive function if a Clearinghouse query indicates an unresolved DOT testing violation (CDL drivers only).

## Vehicle Maintenance BASIC

The Vehicle Maintenance Basic includes two areas of regulations: failure to properly maintain a commercial motor vehicle and failure to prevent shifting loads.

### Maintenance

Maintenance of a complex machine is not easy. It requires a program structured around the original equipment manufacturer's specifications, with additional requirements and procedures based on the company's experience. Lack of an effective maintenance program and the lack of tracking maintenance performance will result in violations, lower equipment availability, more breakdowns, and accidents. This checklist will help you shore up your maintenance program.

#### Check the areas that are addressed at your company:

- Our company has an inspection regimen in place for all components of brake systems.
- Our company has a firm "vehicle defect = no dispatch" policy.
- Drivers know which brake inspection and maintenance tasks they are qualified and allowed to perform.
- Out-of-service vehicles are not allowed to be operated until corrective action is taken and documented.
- Vehicles receiving violations are not allowed to be operated until corrective action is taken and documented.
- Drivers are instructed how to and when to complete and turn in Driver Vehicle Inspection Reports.
- A procedure is in place for Driver Vehicle Inspection Reports to be routed and signed in accordance with Section 396.11.
- Drivers are trained on pre-trip, post-trip, and enroute inspections.
- Drivers are informed (in writing) regarding procedures for on-road repairs.
- There is a written maintenance schedule that is followed by drivers and operations personnel.
- Maintenance records show a systematic method of inspection, maintenance, lubrication and repair of all equipment.
- All maintenance personnel are, by virtue of training or experience, considered as qualified by an outside organization (SAE, ACE, OEM, etc.).
- All maintenance personnel that perform brake inspections or repairs exceed the training and experience requirements listed in the regulations, and the training and experience is documented.
- All maintenance personnel that perform annual vehicle inspections exceed the training and experience requirements listed in the regulations, and the training and experience is documented.
- All maintenance personnel follow known procedures when servicing vehicles (such as TMC Recommended Practices, OEM technical instructions, etc.).
- A repair order tracking and reporting system is in use.
- Safety defects found during maintenance that were not reported by the driver are discussed with the driver by a designated individual. If repeated, the driver is retrained on vehicle inspections.
- A federal annual/periodic inspection program is in place, and documentation of an annual inspection is on or in the vehicle.
- A procedure is in place to comply with any mandated state inspection program



## Cargo Securement

Improper cargo handling, loading and securement can have serious consequences for motor carriers, their drivers, and the traveling public. The Federal Motor Carrier Safety Administration (FMCSA) holds professional drivers and their employers accountable for such violations. Distinct violations in this area include: failing to use enough securement devices, using a knotted tiedown, and using worn or defective cargo securement devices. The following checklist items will help you keep cargo violations to a minimum.

### Check the areas that are addressed at your company:

- Our company has a policy requiring drivers to find out the weight of the freight to be loaded, and pre-determine freight positioning to correctly distribute weight and allow for proper securement.
- Our company has a policy requiring drivers to check and make sure that all cargo securement devices and equipment meet strength requirements and are in good working order.
- Our company has a policy requiring drivers to verify that cargo is properly distributed and secured before driving the commercial motor vehicle.
- Our company has a policy requiring drivers to make sure any projecting load is marked in accordance with Section 393.87.
- Our company has a policy requiring drivers to proceed to the nearest scale and weigh the vehicle to determine total gross weight as well as axle weight. This should be done on the shipper's premises if possible.
- After scaling the vehicle, if an overweight problem exists, the driver has instructions on who to contact for further instructions.
- Our company has a policy requiring drivers to inspect cargo and securement devices within the first 50 miles of the trip.
- Our company has a policy requiring drivers to inspect cargo and securement devices whenever they make a change of duty status, when the vehicle is driven for 150 miles, or when the vehicle is driven for three hours, whichever occurs first.
- Our company has a policy requiring drivers to ensure that all vehicle equipment is adequately secured.
- Our company has a policy requiring drivers to make sure their view is not obstructed in any way and their movement is not restricted or obstructed when driving a commercial motor vehicle.
- Our company has a policy requiring drivers to make sure that baggage/freight does not obstruct their operation, block exits, or fall on passengers (Motorcoach/bus only).



## Hazardous Materials (HM) Compliance BASIC

The Hazardous Materials (HM) Compliance BASIC is the unsafe handling of HM on a commercial motor vehicle – including transportation in intrastate commerce. Violations include leaking containers, improper placarding, or improperly packaged HM.

### Check the areas that are addressed at your company:

- Our company has policies regarding safe and compliant transportation of any HM the company transports.
- Our company has developed a security plan according to regulations, including the requirement for appropriate security awareness and in-depth security training, if required.
- Our company has developed a policy addressing regulatory requirements for HM-transportation training registration, recordkeeping, packaging, securement, marking, labeling, placarding, reporting, documentation, security and emergency response.
- Our company has developed a policy for hazmat employees to conduct effective verification, certifications, and sequencing of documentation, packaging, marking, labeling, placarding, and inspection tasks.
- Our company has developed a policy for testing and inspecting cargo tanks according to federal and state requirements and for preparing the appropriate reports and marking requirements; appropriate tests include external visual, leakage, internal visual, thickness, lining and pressure.
- Our company has established procedures for handling, loading, and securing hazmat packages, including oxygen canisters, in accordance with Federal Motor Carrier Safety Regulations and Pipeline and Hazardous Materials Safety Administration regulations (Motorcoach/bus only).



## Crash Indicator BASIC

Motor vehicle accidents are sometimes unavoidable. But in some cases, a CMV crash is the consequence of something that was done poorly or not at all, such as training, maintenance or compliance with safety rules. That's why a motor carrier's crash history plays a central role in the FMCSA's CSA program. The CSA program is designed to prevent CMV crashes through close monitoring of driver and motor carrier on-the-road safety performance, and preemptive enforcement to try to correct unsafe behaviors. Review your accident program using the following checklist.

### Check the areas that are addressed at your company:

- All accidents and injuries are investigated, and a root cause and other causal factors are established.
- A unique incident file is created for each accident or injury. The file contains all documents and correspondence pertaining to the accident or injury.
- A company safety committee reviews all accidents and injuries, and rules on the preventability of each.
- The company safety committee reviews all accidents and injuries, and advises management on future prevention strategies.
- All drivers involved in an accident or injury are reviewed.
- All drivers involved in preventable accidents and injuries are retrained (if retained).
- A database of all accidents and injuries is maintained and the data is used to stop trends.
- There are disciplinary measures in place for the non-reporting of accidents and injuries (up to and including termination).
- There are disciplinary measures in place for repeated preventable accidents and injuries (up to and including termination).
- There are disciplinary measures in place to deal with accidents and injuries that can be attributed to driver negligence or a knowing violation of a company safety policy (up to and including termination).
- Road testing following a safety incident is customized to match the safety incident.
- The company has a policy of using DataQs to challenge all non-preventable crashes to have them removed from CSA calculations and the company's crash rate.



## CSA High-Severity Point Violations

Many of the individual checklist items in this document affect more than one BASIC. By not having proper policies and procedures in place, you are more likely to have higher CSA scores, which isn't a good thing. Below are specific violations that have the highest point values; you should focus on these areas, but keep in mind this does not cover all violations. J. J. Keller Business Services can assist with managing issues you have regarding CSA.

## CSA BASICS

Unsafe Driving Violations	Severity
Reckless driving	10
Texting while driving a CMV	10
Speeding by 15+ mph or in work/construction zone	10
Speeding by 11-14 mph over limit	7
Failing to use a seat belt	7
Failure to obey traffic control device	5
Following too close	5
Improper lane change	5
Improper passing	5
Railroad grade crossing violation	5
Improper turns	5
Failure to yield right of way	5
HOS Compliance Violations	Severity
Driving after being placed out of service	10
Driving while ill or fatigued	10
Violating federal or state Hours of Service limits	7
Submitting a false log	7
Failing to complete a log, or logging improperly	5
Failing to keep log current	5
Failure to retain previous 7 days' logs	5
General log "form and manner" violation	1
Driver Fitness Violations	Severity
Operating a CMV while possessing a fraudulent medical certificate	10
Driving a CMV with more than one license	8
Driving a CMV with the wrong class of CDL	8
Learner's permit violations	8
Failing to have proper endorsement(s)	8
Driving while disqualified for safety reasons	8
Wrong license type	8
Driving a CMV under age 21	4
Failing the English Language Standard	4
Failing to have proper hazmat training	4

Controlled Substance and Alcohol Violations	Severity
Violating an out-of-service order related to drug or alcohol use	10
Using or possessing controlled substances	10
Prohibited from safety-sensitive functions per the Drug & Alcohol Clearinghouse	10
Possessing, using, or being under the influence of alcohol 4 hours prior to duty	5
Possessing intoxicating beverage while on duty or driving	3
Vehicle Maintenance Violations	Severity
Driving an out-of-service vehicle	10
Pushing or towing a loaded bus	10
Tire defects	8
Suspension defects	7
Required lights not working or obscured	6
Steering defects	6
Brake defects	4
Inspection report violations	4
Using damaged securement systems	1
Using a knotted or improperly repaired tiedown	3
Failing to use flag on projecting load	1
Inadequate cargo/baggage/freight securement	1
Bus exits obstructed	1
Driver's view or movement is obstructed	1
HM Compliance Violations	Severity
Inadequate hazardous materials securement	10
Hazmat package integrity violations	8
Hazmat package testing violations	7
Hazmat fire hazard violations	6
Hazmat marking violations	5
Crash History — Crash Type	Severity
Injury or fatality with hazmat release	3
Injuries or fatalities	2
Tow-away with hazmat release	2





# Expert Analysis & Advisement

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