USDOT/FMCSA Update

Southern States Energy Board

Joint Meeting of the Radioactive Materials Transportation Committee and the Transuranic Waste Transportation Working Group

November 2012
Strategic Plan Initiatives

• Raise the bar for motor carriers to enter the industry
• Maintain a high standard of safety and compliance to remain in the industry
• Remove unsafe drivers and carriers from the roadways
Top 3 HM Activities to Support the Initiatives

- Hazardous Materials Safety Permits: Change in Crash and OOS Rates
- Compliance, Safety and Accountability (CSA): HM Compliance BASIC
- MAP-21 for FMCSA
Hazardous Materials Safety Permits

1. Highway Route Controlled Class 7;
2. >55 lbs.: 1.1, 1.2 or 1.3 Explosives, or Placarded 1.5;
3. PIH Zone A - >1 liter / package;
4. PIH Zone B – Bulk Package >119 gal.;
5. PIH Zones C or D – Bulk Package ≥ 3,500 gal.; or
6. Compressed or Refrigerated Liquefied Methane, Liquefied Natural Gas, or Other Liquefied Gas with a Methane Content of at least 85 percent – Bulk Package ≥ 3,500 gal.

FR /June 27, 2012 /38215:
– Fixed Rates for
  • Crash: 0.136
  • Driver OOS: 9.68
  • Vehicle: 33.33
  • HM: 6.82

• www.safersys.org/HazMatRates.aspx
CSA Changes: July / November 2012

- Strengthening the Vehicle Maintenance BASIC
- Changing the Cargo-Related BASIC to the Hazardous Materials (HM) Compliance BASIC
- Better aligning the SMS with Intermodal Equipment Provider (IEP) regulations
- Aligning violations that are included in the SMS with Commercial Vehicle Safety Alliance (CVSA) inspection levels
CSA Changes: Continued

- More accurately identifying carriers involved in transporting HM.
- More accurately identifying carriers involved in transporting passengers.
- Modify the SMS display.
CSA Changes: Website URLs

• Download the foundational document at: https://csa.fmcsa.dot.gov/Documents/SMS_FoundationalDoc_Final.pdf ; or

• Review the entire SMS Methodology document at: http://csa.fmcsa.dot.gov/Documents/SMS_Methodology_Carrier_V3-0.pdf.
# CSA BASIC THRESHOLD PERCENTILEs

<table>
<thead>
<tr>
<th>BASIC</th>
<th>Passenger Carriers</th>
<th>HM Carriers</th>
<th>All Other Carriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe Driving</td>
<td>50</td>
<td>60</td>
<td>65</td>
</tr>
<tr>
<td>Fatigued Driving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crash</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Driver Fitness

| Controlled Sub/Alc            | 65                 | 75          | 80                 |
| Vehicle Maintenance           |                    |             |                    |

Hazmat Compliance

|                  | 80                 | 80          | 80                 |

---

Federal Motor Carrier Safety Administration

U.S. Department of Transportation
Change the Cargo-Related BASIC to the HM BASIC

• Removes load securement violations so that only HM violations remain.
• Provides a more objective comparison with respect to HM compliance; consequences of crashes and cargo spills are increased when HM are involved.
• Enables enforcement staff to better identify and address HM safety and compliance issues.
• FMCSA intends to make the HM BASIC public; however, a final decision will be made at end of preview period.
• Does the proposed HM BASIC identify HM risk better than the current Cargo-Related BASIC?
  – Effectiveness testing indicates the proposed HM BASIC results in a higher HM violation rate than the current Cargo-Related BASIC.

<table>
<thead>
<tr>
<th>BASIC</th>
<th>HM Inspections</th>
<th>HM Violation Rate</th>
<th>HM Out-of-Service (OOS) Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cargo-Related (current)</td>
<td>37,675</td>
<td>29.08%</td>
<td>4.03%</td>
</tr>
<tr>
<td>HM (proposed)</td>
<td>36,188</td>
<td>33.75%</td>
<td>5.42%</td>
</tr>
</tbody>
</table>

*for the entire population, the HM violation rate is 23% and the HM OOS rate is 3.4%.
SMS HM Threshold Definition

• Received 2 roadside inspections within last 24-months, with 1 in last 12-months, where “placarding required” is indicated;
• Placarded inspections must represent at least 5% of total inspections for the carrier; or
• Holds a valid Hazardous Materials Safety Permit per 49 CFR Part 385
SMS HM BASIC Carrier Definition

- Received 5 inspections in last 24-months where placards were indicated
- CVSA Inspection Levels:
  - I – Full Inspection
  - II – Driver / Vehicle Walk-Around
  - V – Vehicle Only
  - VI – RAM
HM Carriers in SMS: Sept. 2012

- Total: 21,559
- High Risk: 514
- Mandatory: 971
- Direct Notice of Claim: 44
- Warning letter: 161
- Focused Review: 1,796
- Full Review Required: 296
- Full Review Recommended: 267
Hazardous Materials (HM) Overview

BASIC Overall Status
Does not exceed intervention threshold based upon On-road Performance and Investigation Results.
(Based on a 24-month record ending March 23, 2012)

On-road Performance Overview

Measure: 1.29
Percentile: 69.5%
(Threshold 80%)

U.S. DOT # 12345 is subject to the HM Placardable Threshold for all BASICS. See the HM Placardable pop-up for carrier-specific details. Please note that it is possible to have a percentile in the HM BASIC and not be subject to the HM Threshold.

Request a data correction review

Hazardous Materials (HM) Violations

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
<th># Total Violations</th>
<th># OOS Violations</th>
<th>Severity Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>107.620B</td>
<td>No copy of US DOT Hazardous Materials Registration Number</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>171.2A</td>
<td>Failure to comply with HM regulations</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>172.202A/S</td>
<td>Total quantity not listed</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>172.401</td>
<td>Prohibited labeling</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>172.406F</td>
<td>Label obscured by marking or attachment</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

Displaying 1 to 5 of 13 violations

Inspection History

Inspection Filter Options: Relevant Inspection, Inspections with violations
## HAZARDOUS MATERIALS (HM) VIOLATIONS

<table>
<thead>
<tr>
<th>Violations</th>
<th>Description</th>
<th># Total Violations</th>
<th># OOS Violations</th>
<th>Severity Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>107.620B</td>
<td>No copy of US DOT Hazardous Materials Registration Number</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>171.2A</td>
<td>Failure to comply with HM regulations</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>172.202A5</td>
<td>Total quantity not listed</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>172.401</td>
<td>Prohibited labeling</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>172.406F</td>
<td>Label obscured by marking or attachment</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

### INSTRUCTION HISTORY

**Inspection Filter Options:**
- Relevant Inspection
- Inspections with violations

**Report**
- **Driver**
- **Vehicle**
- **Measure**

<table>
<thead>
<tr>
<th>Inspection Date</th>
<th>ST</th>
<th>#</th>
<th>Name</th>
<th>State</th>
<th>Lic #</th>
<th>Lic ST</th>
<th>Plate #</th>
<th>Type</th>
<th>Severity Weight (A)</th>
<th>Time Weight (B)</th>
<th>Time Severity Weight (AxB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/24/2011</td>
<td>CT</td>
<td>MV01600408</td>
<td>JOHN DOE</td>
<td>CT</td>
<td>012345878</td>
<td>CT</td>
<td>01234A</td>
<td>Truck Tractor</td>
<td>3</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>8/17/2011</td>
<td>CT</td>
<td>SP0520067</td>
<td>JOHN DOE</td>
<td>CT</td>
<td>012345878</td>
<td>CT</td>
<td>01234A</td>
<td>Straight Truck</td>
<td>12</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>7/25/2011</td>
<td>MA</td>
<td>NN0001199</td>
<td>JOHN DOE</td>
<td>CT</td>
<td>012345878</td>
<td>CT</td>
<td>01234A</td>
<td>Straight Truck</td>
<td>10</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>7/12/2011</td>
<td>CT</td>
<td>SP07100025</td>
<td>JOHN DOE</td>
<td>CT</td>
<td>012345878</td>
<td>CT</td>
<td>01234A</td>
<td>Straight Truck</td>
<td>3</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>5/13/2011</td>
<td>CT</td>
<td>MV02300499</td>
<td>JOHN DOE</td>
<td>CT</td>
<td>012345878</td>
<td>NJ</td>
<td>01234A</td>
<td>Straight Truck</td>
<td>5</td>
<td>2</td>
<td>10</td>
</tr>
</tbody>
</table>

**Violation:** 107.620B No copy of US DOT Hazardous Materials Registration Number (Non-OOS)

**Violation:** 172.202A5 Total quantity not listed (Non-OOS)

**Violation:** 172.406F Label obscured by marking or attachment (Non-OOS)

**Date:** 10/24/2011

**Time:** 3:00 PM

**Severity Weight:** 3

**Time Weight:** 3

**Time Severity Weight:** 9
MAP-21 For FMCSA

There are 91 sections that require FMCSA to:

– Initiate Rulemaking
– Initiate Policy
– Amend Existing Policy
– Change an Existing Program
– Change or Add an IT Requirement
– Change or Add Penalty Assessments
MAP-21 For FMCSA: HM Specific

– Section 33008 – Hazmat Enforcement Training
– Section 33009 – Perishable Loads
– Section 33013 – Highway Routing of HM
  • Addition of State requirements for reporting new routes
  • Requires States to supply POC information for routing
– Section 33014 – HM Safety Permits
  • Report to Congress on whether rulemaking is necessary
  • Rulemaking, if study shows that it is necessary
Cargo Tank Rollovers and Incidents

What’s Wrong Here?
National Transportation Safety Board Recommendation

- To the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration:

   *Implement a comprehensive rollover prevention program.*
The Goal

To reduce the number of serious highway incidents and fatalities that involve cargo tank rollovers.
Summary

• Raise the bar to entry
• Raise the bar for continuing operations
• Remove bad drivers from the road
Contact Information

James Landrum
Hazardous Material Program Specialist
Georgia Division
1745 Phoenix Blvd. Suite 380
Atlanta, GA 30349
Phone 678-284-5130
Cell 678-215-5294