

ISSUE NUMBER

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ISSUE NAME

Operational Policy 5 - Requests for Inspections

STATUS

Closed

Policy and Regulatory Affairs Committee

NAME

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AGENCY

Non-Member

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CVSA recently revised Operational Policy 5 based on a request by California Highway Patrolman Josh Clements to deny voluntary inspections when requested by carriers. The revised Operational Policy 5 impacts the 739,727 of 813,944 (per FMCSA in 2022) carriers with 10 trucks or less.

Currently there are 372,730 small carriers sans CSA roadside inspection data as of March 2024. Brokers are refusing to offer freight to the small carriers sans CSA data.

JUSTIFICATION OR NEED

March 2024 CSA data columns B, C and D indicates there are 401,891 of 774,621 carriers with "1" roadside inspection in the previous two years. Operational Policy 5 is severely impacting trucking as 48.12% of carriers struggle to acquire freight as some brokers refuse to offer freight to carriers with no roadside inspection data. ISS does not take the carriers' needs into consideration:

Carriers with Zero Roadside Inspections

The ISS-CSA Insufficient Data Algorithm also recommends 'Optional' for carriers with no roadside inspections and prioritizes them based on their relative lack of exposure - carriers with more power units or drivers are prioritized above carriers with fewer.

REQUEST FOR ACTION

MCSAP officers should always use ISS or CSA to determine the potential issue of fraud. As a Motor Carrier Safety Specialist 10/1999 to 06/2010 I am aware of the fraudulent practices of carriers using good trucks for inspections, while having bad trucks by-pass scales; however, to punish 48.12% of carriers that need CSA data to improve their abilities to acquire freight is harsh. I am requesting that Operational Policy 5 be revised in a manner that encourages MCSAP officers to utilize the tools provided by FMCSA to identify the carriers that are sans data to allow voluntary inspections. The action will allow the FMCSA better data to access carriers' Safety Fitness Determination (SFD;) whereas, more carriers will have CSA roadside inspection data. With the new experimental Level VII rolling inspection program the honoring of conducting inspections on carriers volunteering with no CSA data will enhance

the FMCSA's SFD program.

SUPPORTING DOCUMENTS/PHOTOS

- [Understanding-the-North-American-Standard-Inspection-Program.pdf](#)
- [Request-Op-Policy-5-be-revised.pdf](#)
- [iss_algorithm.pdf](#)
- [FMCSA-Pocket-Guide-2023-FINAL-508-April-2024.pdf](#)
- [SMS_AB_PassProperty_2024Mar1.xlsx](#)

ACTION TAKEN BY COMMITTEE

The committee reaffirmed its decision to add language to Ops. Policy 5 on voluntary inspections because the goal of the inspection program is to identify safety violations.

Also, the committee discussed that voluntary inspections are prohibited in eFOTM and in the MCSAP Comprehensive Policy.

Changing what was previously added to Ops. Policy 5 would cause Ops. Policy 5 to be in conflict with what is included in eFOTM and the MCSAP Comprehensive Policy. The committee chose to take no further action on the issue.