

2ND EDITION DECEMBER 2014

DataQs

Analyst Guide

Best Practices for Federal
and State Agency Users



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A practical guide for Federal and State data quality practitioners

The *DataQs Analyst Guide* provides practical guidance and best practices to address and resolve Requests for Data Reviews (RDRs) submitted electronically to FMCSA by motor carriers, commercial drivers, and other persons using the DataQs system. The document is designed primarily to assist FMCSA and State agency DataQs analysts by providing uniform, consistent, and reliable procedures for reviewing and resolving data quality inquiries. The document provides policy guidance and delineates best practices, offers tips for implementing those practices, and includes reference to FMCSA resources available to facilitate research and resolution of RDRs.

Acknowledgments

This *DataQs Analyst Guide* was developed through the collaborative efforts of Federal and State agency analysts, DataQs system developers and trainers, and data quality managers who routinely respond to “Requests for Data Review” (RDRs). The DataQs Working Group and contributors identified procedures that would provide uniform, standardized, and fair resolution of RDRs, for both the industry and the managing agencies. FMCSA is indebted for their support of this undertaking and their overall commitment to ensuring the accuracy, consistency, and timeliness of the data used by FMCSA. We appreciate their efforts to continuously improve data quality, as demonstrated by the practices presented herein.

It is anticipated that the *DataQs Analyst Guide* will continue to evolve and expand as new types of RDRs are presented to FMCSA and the States.

Summary of Changes

Important modifications to the January 2011 First Edition of FMCSA's *DataQs User Guide and Manual* are listed and summarized below. This Edition of the Guide has been revised to provide guidance and best practice examples to the FMCSA and State DataQs analysts. Guidance for driver, motor carrier, and general public users of the DataQs system has been removed from this Guide but is provided in the [Help section of the DataQs system](#).

4.9. What Can Be Done to Address the Submission of False Statements by RDR Requestors?

This item discusses a new disclaimer on the online RDR entry form on the DataQs website. It is designed to alleviate the submission of fraudulent information associated with an RDR.

4.12. What are the RDR Types?

This section includes updated guidance around appropriate use of the various RDR types. For example, clarification is provided regarding RDRs pertaining to safety audits and investigations. While the DataQs system does not offer recourse for contesting a failed audit or safety rating, these RDR types are appropriate to request a review of data/violations recorded during a safety audit or investigation and that are believed to be inaccurate or incomplete.

4.14. How Much Supporting Documentation Is Sufficient to Determine Disposition of the RDR?

This section focuses on the importance of accurate, relevant supporting documentation in the RDR review process and provides a brief discussion of the important role the DataQs analysts play in the DataQs process.

4.15. What if the DataQs Analyst Determines That Additional Supporting Documentation Is Required from the RDR Filer?

This section discusses the steps to take when additional supporting documentation is required. The time for the filer to submit proper documentation has been reduced from 60 calendar days to 14 calendar days.

4.17. Should Recently Updated Safety Violation IT Codes Be Applied Retroactively?

This new section discusses current operational and policy issues related to: (1) selection of the appropriate violation cite at the roadside and (2) DataQs requests and historical data.

4.18. How Should the DataQs Analyst Respond to an RDR Involving Intermodal Chassis Violations?

This new section describes a four-step process for resolving an RDR regarding an Intermodal Equipment Provider (IEP) violation.

4.21. Where Can a List of Safety Violations and Their Associated SMS Point Values Be Found?

This new section provides DataQs analysts with important details of Compliance, Safety, Accountability (CSA) and its innovative Safety Measurement System (SMS), interventions process, and state-of-the-art enforcement and compliance process tools. Additional related information is included in [Section 6](#) "Best Practices for Resolving RDRs."

4.22. How Should a DataQs Analyst Respond to an RDR Concerning the CSA Program?

This new section reminds DataQs analysts that RDRs pertaining to CSA and its component SMS, interventions process, and state-of-the-art enforcement and compliance process tools should not be managed through the DataQs process. FMCSA manages questions and comments on CSA through the [CSA feedback](#) form.

4.23. How Does the RDR Filer Keep Informed of the Status of the RDR During the Review and Resolution Process?

This section has been revised to include a table showing updated RDR Status Options along with definitions for each RDR Status Option. The RDR Status Options described in this edition of the Analyst Guide conform to those appearing currently on the DataQs website.

Summary of Changes

[4.30. How Should a DataQs Analyst Respond When a Requestor Is Not Satisfied with their Determination of an RDR?](#)

A modification to the original guidance from the First Edition encourages DataQs analysts to be as clear and concise as possible in responding to RDRs.

[4.31. Establishing a DataQs Review Council](#)

This new section discusses the option of creating a “DataQs review council/committee” at the State level to assist in resolving particularly problematic RDRs. It includes issues a State should consider when setting up such a council.

[Section 5 Inspection-Citations Associated with an Inspection](#)

This is an entirely new Section for this edition of the Guide. A [Federal Register \(FR\) Notice](#) was published on June 5, 2014, announcing the Agency’s plans to move forward with improving the quality and uniformity of inspection violation data in the Motor Carrier Management Information System (MCMIS). An initial notice ([78 FR 72146](#)) was published on December 2, 2013 that outlined the proposed process. The June 5th Notice clarified the proposed process and responded to more than 100 public comments received by the Agency.

Effective August 23, 2014, motor carriers and drivers may use the DataQs system to request that Agency data systems reflect outcomes of judicial proceedings related to citations issued during roadside inspections. Motor carriers and drivers may request the addition of adjudication results to State and Federal data systems when a citation related to a roadside inspection violation is adjudicated, whether by a judge, administrative tribunal or prosecutor, or as part of a plea agreement or otherwise. The RDR must contain adequate documentation of the adjudication results. Such results, when documented in MCMIS, will impact the use of roadside violation data in other FMCSA data systems, such as SMS and the Pre-employment Screening Program (PSP). When a citation results in a plea or conviction of a lesser or different charge, that will be reflected in MCMIS and other FMCSA data systems.

The new policy applies only to adjudicated citations related to violations cited in roadside inspections occurring on or after August 23, 2014.

Section 5 provides expanded guidance for State DataQs system analysts regarding the new policy and includes examples of the review and resolution of RDRs pertaining to court adjudication of citations related to roadside inspection violations and how they would be addressed under this new process.

[Section 6](#)

This section provides DataQs best practices for resolving RDRs. The scenarios previously found in [Section 3](#) of the Guide are now included in this section.

[Appendix I. Background on FMCSA Crash Data](#)

This update provides a detailed discussion of the characteristics of State and Federal crash data.

[Appendix II. Additional Resources to Facilitate DataQs Research and Resolution](#)

I. SMS Methodology and Violation Severity Weight Tables. Along with [Section 4.21](#), this item discusses all the roadside violations considered by SMS, broken down by Behavior Analysis and Safety Improvement Category (BASIC), with their associated point values. It provides a link to FMCSA’s SMS Methodology.

J. National Driver Register (NDR). This entry describes the NDR, a National Highway Traffic Safety Administration (NHTSA) computerized database of information about drivers who have had their licenses revoked or suspended, or who have been convicted of serious traffic violations such as driving while impaired by alcohol or drugs.

K. National Driver Register Problem Driver Pointer System (PDPS). This entry describes NHTSA’s NDR Master File (database), which is populated with pointer information supplied by States as a result of convictions and license revocations/ withdrawals pertaining to highway safety violations.

L. PSP. This entry discusses FMCSA’s PSP, designed to help motor carriers make more informed hiring decisions by providing electronic access to a driver’s crash and inspection history contained in MCMIS.

[Appendix III: Sample State DataQs Review Councils](#)

This appendix provides information about the composition of and processes employed by the DataQs review councils/committees established by the States of Arizona and Minnesota. The best practice examples included herein are entirely new for this edition of the Guide

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List of Acronyms

A&I	Analysis and Information	MCSAP	Motor Carrier Safety Assistance Program
ANSI	American National Standards Institute	MPR	Master Pointer Record
BASIC	Behavior Analysis and Safety Improvement Category	MVA	Motor Vehicle Agencies
CDL	Commercial Driver's License	NCCDB	National Consumer Complaint Database
CDLIS	Commercial Driver's License Information System	NCIC	National Crime Information Center
CMV	Commercial Motor Vehicle	NGA	National Governors Association
CSA	Compliance, Safety, Accountability	NHTSA	National Highway Traffic Safety Administration
CVSA	Commercial Vehicle Safety Alliance	NICB	National Insurance Crime Bureau
DA	Division Administrator	NLETS	National Law Enforcement Telecommunication System
DIR	Driver Information Resource	OMB	Office of Management and Budget
DMV	Department of Motor Vehicles	OOS	Out-of-Service
FMCSRs	Federal Motor Carrier Safety Regulations	PAR	Police Accident Report
FMCSA	Federal Motor Carrier Safety Administration	PII	Personally Identifiable Information
FOIA	Freedom of Information Act	PIN	Personal Identification Number
GCWR	Gross Combination Weight Rating	PRISM	Performance and Registration Information Systems Management
GVWR	Gross Vehicle Weight Rating	PSP	Pre-Employment Screening Program
HHG	Household Goods	RCMP	Royal Canadian Mounted Police
HM	Hazardous Material	RDR	Request for Data Review
HMRs	Hazardous Materials Regulations	SAFER	Safety and Electronic Records
HMSP	Hazardous Materials Safety Permit	SMS	Safety Measurement System
HOS	Hours of Service	SOI	State of Inquiry
IRR	Inspection Report Request	SOR	State of Record
IEP	Intermodal Equipment Provider	SDLA	State Driver Licensing Agency
IRP	International Registration Plan	TECS	Treasury Enforcement Communications System
IT	Information Technology	USDOT	United States Department of Transportation
L&I	Licensing and Insurance	VIN	Vehicle Identification Number
LESC	Law Enforcement Support Center	VMT	Vehicle Miles Traveled
MCMIS	Motor Carrier Management Information System		



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Introduction

Introduction

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce the number and severity of crashes involving large trucks and buses. FMCSA activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle (CMV) drivers; improving safety information systems and CMV technologies; strengthening CMV equipment and operating standards; and increasing safety awareness. FMCSA works with Federal, State, and local enforcement agencies, the motor carrier industry, and labor and public safety interest groups to accomplish these activities.

The foundation of FMCSA's data-driven safety activities is the **Motor Carrier Management Information System (MCMIS)**. MCMIS is a computerized system in which FMCSA maintains a comprehensive record of the safety performance of motor carriers (trucks and buses) and hazardous materials (HM) shippers that are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). MCMIS contains crash, registration, inspection, investigation, and enforcement information.

Improving FMCSA's Safety Monitoring, Evaluation, and Intervention Processes through Compliance, Safety, Accountability.

FMCSA launched its Compliance, Safety, Accountability (CSA) program on December 13, 2010. The program is designed to improve large truck and bus safety and ultimately reduce crashes. The centerpiece of CSA is the Safety Measurement System (SMS), which analyzes all safety-based violations from inspections and crash data to determine a commercial motor carrier's on-road performance. This safety program allows FMCSA to reach more carriers earlier and deploy a range of corrective interventions to address carriers' specific safety problems. SMS evaluates the safety of individual motor carriers by considering all safety-based roadside inspection violations (not just out-of-service violations) and State-reported crashes, using 24 months of performance data. SMS assesses a carrier's safety performance in each of the Behavior Analysis and Safety Improvement Categories (BASICS): Unsafe Driving, Hours-of-

Service (HOS) Compliance, Driver Fitness, Controlled Substances/Alcohol, Vehicle Maintenance, HM Compliance, and Crash Indicator. SMS calculates a measure for each BASIC by combining the time- and severity-weighted violations/crashes (more recent violations are weighted more heavily), normalized by exposure (e.g., number of power units, vehicle miles traveled [VMT], or number of relevant inspections). SMS converts each carrier's BASIC measures into percentiles based on rank relative to peers. SMS is updated monthly

FMCSA is committed to ensuring the integrity of State- and federally-reported safety data in MCMIS. Pursuant to Motor Carrier Safety Assistance Program (MCSAP) grant conditions, States must collect and report accurate, complete, and timely motor carrier safety data and they must participate in DataQs, which is FMCSA's prescribed national motor carrier safety data correction system. And, while FMCSA maintains State safety data in MCMIS and uses and disseminates the data contained therein, each State's lead MCSAP agency is considered the "owner" of all CMV crash and inspection data generated by its agency and/or sub-agencies. The State MCSAP agency is responsible for reviewing and resolving all RDRs or disputes pertaining to the collection and reporting of State-reported safety data into MCMIS. The State submits data to the State SAFETYNET system, which uploads the data into MCMIS. The DataQs system is the electronic means that motor carriers, commercial drivers, and others have at their disposal to request a review of the quality and correctness of the data maintained and disseminated by FMCSA.

The purpose of this document is to assist FMCSA and State agency DataQs system users by describing policy, standardized processes, and techniques for addressing and resolving Requests for Data Reviews (RDRs) generated by motor carriers, commercial drivers, FMCSA and State agencies, and others submitted electronically, along with supporting documentation, to FMCSA's [DataQs system](#). The document is organized into six main sections and three appendices, as follows:

- **Section 3: Background**
What is DataQs and what is the purpose of this guide?
- **Section 4: DataQs Administration**
“How-to” guidance and information on administering DataQs.
- **Section 5: Inspection—Citations Associated with an Inspection**
- **Section 6: DataQs Best Practices for Resolving RDRs**
- **Appendix I: Background on FMCSA Crash Data**
This appendix provides information intended to broaden DataQs analysts' understanding of FMCSA crash data. It compares the FMCSA crash standard to the American National Standards Institute (ANSI) D16 crash standard, and explains why the FMCSA standard should prevail when in conflict with ANSI D16. This appendix also provides examples of commercial and non-commercial vehicle operations and, when involved in a crash, whether said crash is reportable or not reportable to MCMIS via SAFETYNET.
- **Appendix II: Additional Resources to Facilitate DataQs Research and Resolution**
Presents a description of core operational information systems and websites maintained (or interoperated with) by FMCSA to assist DataQs analysts in researching and resolving RDRs.
- **Appendix III: Sample State DataQs Review Committees**
This appendix provides information about the composition of and processes employed by the DataQs review committees established by the States of Arizona and Minnesota.



3

Background

3.1. What Is the DataQs System?

DataQs is the online system for drivers, motor carriers, Federal and State agencies, and others to file concerns about Federal and State data maintained in MCMIS and released to the public by FMCSA. FMCSA established the DataQs system in February 2004, in accordance with the Office of Management and Budget (OMB) Guidelines for Implementing Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (P.L. 106-554). OMB directed Federal agencies subject to the Paperwork Reduction Act (44 U.S.C. Chapter 35) to establish and implement written guidelines to ensure and maximize the quality, utility, objectivity, and integrity of the information they disseminate. In accordance with Section 515 and the OMB guidelines, the DataQs system provides affected commercial motor carriers, commercial drivers, and others an opportunity to seek and obtain correction of information maintained and disseminated by FMCSA. The DataQs website is an evolving resource and is being updated continuously to ensure that DataQs users receive the most current information and assistance available.

Specifically, DataQs:

- Provides an Internet website to accept RDRs and supporting documentation (fax and/or file upload capability).
- Acknowledges receipt of RDRs.
- Notifies FMCSA and/or State personnel when RDRs are received.
- Accepts FMCSA and/or State postings and responses related to RDRs.
- Provides automated notification capability including receipt of input and status changes.
- Provides reporting capability based on pre-set parameters.
- Tracks RDRs from submission through resolution.

3.2. What Data Are Eligible for DataQs Review and Possible Correction?

DataQs system users may request the review of various types of data including: crash data reflecting a CMV involved in a reportable crash; data documented during a roadside safety inspection; data collected during investigations; registration data; data included in complaints filed against household goods (HHG) carriers via the National Consumer

Complaint Database¹ ; etc. These data may include information about commercial drivers, vehicles, and motor carriers. States collect and report crash data and roadside inspection data, including violations documented during such inspections, into State data systems. The State data systems transmit the State-reported crash and roadside inspection data into MCMIS. RDRs pertaining to State-reported data are therefore transmitted to the reporting State agency for resolution. As a matter of policy, FMCSA considers the State's determination on the RDR as the final resolution of the request and will not change State-provided data without State consent. Data that are collected and reported by FMCSA during FMCSA inspections, safety investigations and compliance reviews are reviewed and resolved by FMCSA.

3.3. What Requests Are Ineligible for DataQs Review and Possible Correction?

The DataQs system should not be used to address the following:

- Alleged errors in a safety rating determination. 49 CFR 385.15 provides that a motor carrier may request that FMCSA conduct an administrative review if it believes FMCSA committed an error in assigning its proposed safety rating. Part 385.17 provides that a motor carrier that has taken action to correct the deficiencies that resulted in a proposed or final rating of "conditional" or "unsatisfactory" may request a rating change at any time. Issues related to safety rating determinations should be addressed under the above-listed regulations.

- Allegations in a notice of claim. 49 CFR 386.14 provides rules of practice for responding to notices of claim issued by FMCSA.
- Questions concerning CSA or SMS, including the interventions process and the CSA enforcement and compliance process tools (see [Section 4.22](#) for more detail).
- Determinations on crash preventability. Crash preventability is not considered under the reportable crash criteria. While an RDR may be appropriate to question whether a crash is reportable, DataQs is not the appropriate venue to seek a determination on whether a crash was or was not preventable (see [Section 6.2](#) for further information).

The State DataQs analyst should respond to these requests by directing the RDR filer to the appropriate State or FMCSA office and closing the RDR with the status of "Closed – No Data Correction Made."

¹ The *National Consumer Complaint Database* provides a place for consumers to file a complaint after experiencing a safety, service or discrimination issue with a moving company, bus or truck company, including hazardous materials carriers, or at a cargo tank facility. This site is publicly accessible 24 hours per day, 7 days per week at <https://nccdb.fmcsa.dot.gov/>.

4

DataQs Administration

4

DataQs Administration

The ability to effectively, efficiently, and fairly respond to inquiries about data integrity requires consistent application of uniform standards and reasoned analysis by State and Federal agency personnel assigned to respond to DataQs RDRs. This section sets forth DataQs Administrative Best Practices that State and Federal agency DataQs analysts are encouraged to employ in their efforts to resolve DataQs RDRs effectively and efficiently. The following information, presented in a question and answer format, explores essential requirements of the DataQs system. While several subsections pertain to general use and functionality of the system, Section 4 includes guidance pertaining to the application of published FMCSA policy requirements (e.g., 4.10) for use of the DataQs system and provides direct user guidance.

4.1. Who May Register?

DataQs has four levels of users: (1) the general public; (2) commercial drivers and motor carriers; (3) FMCSA/State agency personnel; and (4) FMCSA administrative users (FMCSA headquarters and support staff). Each of the user levels follows a separate DataQs process, which begins with required registration. A user's initial registration information is used to identify the requestor for all subsequent RDRs. By default, new users are assigned general public access. Access to some DataQs reports is limited based on user level. Depending on the user level, some reports are *view only*, while others can be edited.

Once registered, an RDR may be entered into the secure online system. Specific instructions on registering and submitting RDRs are available on the DataQs website. When an RDR is entered, the system automatically forwards it to an organization based on the type of RDR and the location information provided. DataQs then sends an email notification to the receiving organization.

FMCSA and State partners are required to fill out the FMCSA Information Technology (IT) Account Request Form on FMCSA's Technical Support website at <http://infosys.fmcsa.dot.gov>, or register within the FMCSA Portal, found at <https://portal.fmcsa.dot.gov/login>.

Note: No person or entity should be refused the opportunity to file an RDR to DataQs.

4.2. Who Can Enter an RDR?

Anyone may enter an RDR into DataQs by selecting the “Add a Request” button from the My DataQs dashboard. When the button is selected, a tool instructs the user through a step-by-step process. When the request is loaded into DataQs, an acknowledgement is generated. The request is then forwarded to an organization for research, and email notifications are sent to State- and FMCSA-selected individuals within their organizations.

4.3. How Does a Motor Carrier Request Their Personal Identification Number if Lost or Forgotten?

FMCSA issues two types of Personal Identification Numbers (PINs) to motor carriers:

- The USDOT Number PIN received at registration may be requested from FMCSA if it is lost or forgotten.
- The MC Number (Docket) PINs are automatically supplied when a carrier is assigned an MC Number and can only be requested by calling FMCSA Customer Service at 1-800-832-5660.

State analysts should refer motor carrier users to the [FMCSA website](#) in order to receive a copy of their PIN by mail or email. Or users may contact FMCSA Customer Service at 1-800-832-5660 between 8:00 a.m. and 4:30 p.m. eastern time.

DataQs users may validate that they are members of a motor carrier’s organization by entering their motor carrier’s PIN. Validated users may obtain additional information not available to general public users.

The online FMCSA registration process is not available to motor carriers domiciled in Mexico, therefore, they will not have a motor carrier PIN. Mexico-domiciled motor carriers may receive a copy of the MCS-150 form in one of two ways:

- Online: Carriers may download the application for operating authority for Mexican carriers [OP-1(MX)] from [FMCSA’s website](#).
- Phone: Motor carriers based in Mexico can call the main FMCSA number, 1-800-832-5660, to have the form mailed to them.

4.4. How is Personally Identifiable Information Data Protected?

Federal and State DataQs users must follow all applicable Privacy Act and Freedom of Information Act (FOIA) laws/standard operating procedures when providing information or copies of documents through DataQs. Personally Identifiable Information (PII), such as a driver’s name or license number, should only be shared with a validated motor carrier user or the individual associated with the PII.

4.5. How Does a Requestor Edit/Update Their Profile?

After a requestor logs in to his/her profile and the DataQs account profile information is displayed, the requestor can change any of the details listed.

If the organization type of “Motor Carrier” is selected, the requestor will be required to enter his/her FMCSA-assigned motor carrier PIN for validation. Non-validated motor carriers receive the same access rights as general public users of the DataQs system.

Note: FMCSA and State enforcement users must edit their profile via the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

4.6. Are There Restrictions on Who May Submit an RDR?

DataQs system users registered as motor carriers via the DataQs system or the FMCSA Portal were previously unable to submit RDRs if they were inactive² or if their MCS-150 was out of date.³ This block has been removed as of August 23, 2014, in order to allow greater accessibility to the public and to reflect information provided in enforcement-related letters sent by FMCSA to out-of-business motor carriers. Drivers, the general public, etc., are still able to submit RDRs on those motor carriers. If a motor carrier has not updated its MCS-150 or is inactive, it will receive a message when attempting to log in, followed by instructions on how to update or activate motor carrier registration information.

4.7. Who Responds to an RDR?

State DataQs analysts review and respond to the majority of RDRs. Administrative-level users who are FMCSA employees and FMCSA Service Center and Division staff members may also respond to an RDR. When entering an RDR into DataQs, the user selects an RDR type and identifies the State where the event occurred (if applicable). The system automatically notifies the appropriate State agency of the pending RDR. State and FMCSA users may forward RDRs to other State agencies registered in the system if an RDR was routed to the wrong State. For example, if a carrier mistakenly enters its State of domicile instead of the State where the crash or roadside inspection occurred, it will be incorrectly routed (to the wrong State). The system is designed to allow one State agency to redirect the RDR to the appropriate State agency that reported the data into MCMIS.

4.8. How Much Time Does the Federal or State DataQs Analyst Have to Respond to a DataQs RDR?

RDRs should be reviewed in a timely fashion. FMCSA's goal is for a response time within 10 business days. RDRs should be opened and investigated 10 days after they are received. A system notification alerts FMCSA Divisions of outstanding (unopened or unaddressed) RDRs upon login. This applies to both Federal and State DataQs analysts.

4.9. What Can Be Done to Address the Submission of False Statements by RDR Requestors?

A disclaimer has been added to the online RDR entry form to address submission of fraudulent information in an RDR. The disclaimer is located above the "Submit" button when entering an RDR or response or when adding supporting documents. The disclaimer states,

"Any intentionally false or misleading statement, representation, or document that you provide in support of this DataQs request may subject you to prosecution for a violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both (18 USC 1001). By clicking submit, you certify that the statements and information you are submitting in support of this request are, to the best of your knowledge, true, accurate, and complete."

If a DataQs analyst has evidence that intentionally false or misleading information has been submitted, then the analyst should immediately forward the corresponding documentation, including any evidence, to supervisory personnel and to the FMCSA DataQs program manager at DataQs@dot.gov. The RDR should be closed after consulting with that analyst's supervisory personnel or the FMCSA DataQs program manager.

² A motor carrier DOT number is considered inactive if: the entity is no longer in business; if the DOT number has been revoked or suspended; if the entity has not filed a biennial update; or is no longer subject to the FMCSRs or HMRs.

³ Motor carriers are required to file a Motor Carrier Identification Report (Form MCS-150) with FMCSA as follows: (1) a motor carrier domiciled in the United States, Canada, or Mexico, or a motor carrier not domiciled in North America conducting operations in interstate commerce must file an MCS-150 and (2) a motor carrier conducting operations in intrastate commerce and requiring a Safety Permit under 49 CFR Part 385, Subpart E, must file the Combined Motor Carrier Identification Report and HM Permit Application, Form MCS-150B. Each motor carrier must file the appropriate form before it begins operations and update it every 24 months, in keeping with an established schedule.

4.10. What Amount of Time Does a Requestor Have to Dispute the Data?

To comply with the provisions of 49 CFR 350.201(s), a State must accept and conduct a good faith review of all inspection-related RDRs for 3 years from the date of inspection and for all crash-related RDRs for 5 years from the date of a crash. Failure to consider RDRs submitted within these time periods may constitute a failure to meet the minimum requirements under MCSAP and could jeopardize future grant funding. The minimum period of consideration applies only to inspections and crashes occurring on or after April 1, 2014, the effective date of this policy.

Crash and inspection data occurring prior to April 1, 2014, are subject to review and possible correction for 24 months after the occurrence of the safety event. DataQs analysts should fairly and objectively determine whether adequate evidence or information is available to consider RDRs submitted more than 2 years after an incident.

4.11. May an RDR Requestor Dispute the Same Data in DataQs More than Once?

In general, a requestor may dispute data in DataQs through his/her initial RDR and in a subsequent appeal of the RDR disposition. States may exercise discretion in determining whether to accept further RDRs concerning the same data and should consider additional documentation previously unavailable or not initially submitted in exercising this discretion. RDR filers are encouraged to provide sufficient detail and documentation to support their RDR, when first submitted, and should refer to a previous RDR number if re-filing a data concern.

4.12. What Are the RDR Types?

Request types are organized into the following groups (definitions follow):

Crash Event:

- **Crash—Not mine (assigned to wrong motor carrier or driver):** Select when the filer asserts that a crash was assigned to the wrong motor carrier or driver.
- **Motor Carrier:** Federal and State safety specialists and SAFETYNET operators must ensure that crash records are carefully matched to the USDOT number and the MC/MX identification number for the motor carrier operating the vehicle at the time of the crash. The USDOT number and the MC/MX identification number are crucial to carrier identification.
- Scenarios in which carriers, drivers, or other entities may assert that a crash was applied to the wrong carrier may include:
 - Leasing or renting a vehicle or a fleet of motor vehicles.
 - Brokering.
 - Multiple, mixed, or out-of-date identification markings.
 - Name confusion due to a parent company with multiple subsidiaries.
 - Sale of a vehicle for which the buyer did not change the identifying information.
 - Owner-operator leasing out his/her own vehicle or driving services.
 - Inactive, wrongly registered, or out-of-service carriers.

- The driver is not the motor carrier or owner-operator.
- The owner of the vehicle is not the motor carrier operating the vehicle.
- **Driver:** The filer chooses this option because he/she believes the crash record(s) in question contains inaccurate and/or incomplete information on the commercial driver(s) involved in the crash.
- **Crash—Not an FMCSA-reportable crash:**
States provide a State crash report for each CMV involved in a traffic accident meeting the FMCSA-reportable crash standard. A reportable crash meets the following criteria in the table below titled “FMCSA Reportable Crash Criteria”:

The filer chooses this option because he/she believes that the MCMIS crash record in question does not meet the reportable crash standard. It should be noted that the terms “motor vehicle” and “traffic accident” are defined differently by States and FMCSA. If the crash did not involve a qualifying fatality, injury, or towed vehicle due to disabling damage, then the correct RDR type is “Crash—Not an FMCSA reportable crash.”

- **Crash—Not my fault (not preventable):** This option is provided because it is common for RDR filers to believe mistakenly that a non-preventable crash can be removed from their record. However, preventability has no bearing on whether a crash is reportable or should remain in State and FMCSA databases. FMCSA does not entertain requests to review data if the basis of the crash data dispute is “preventability.” The requestor will receive the following automatic response generated by the system:

Since the request was submitted as “Crash - Not Preventable,” it was automatically closed with no data correction made. Requests to the preventability of a crash are not reviewed; therefore, no changes will be made to your safety record. However, the information entered was collected and is used for counting purposes only.

All vehicles that were involved in a crash, which meet the FMCSA reportable crash criteria, are reported by the State agencies to the FMCSA. If the crash your company was involved in did not involve a fatality, injury, or towed vehicle due to disabling damage, and does not meet the reportable crash criteria identified above, then please add a new request and select the crash “Not Reportable” option. The responsibility or fault of any driver

FMCSA REPORTABLE CRASH CRITERIA

Vehicle Qualification	Crash Severity Qualification
The vehicle involved in the crash is a motor vehicle having a GVWR of more than 10,000 pounds or a GCWR of more than 10,000 pounds used on public highways.	A fatality: Any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash.
The vehicle involved in the crash is a motor vehicle designed or used to transport nine or more passengers, including the driver.	An injury: Any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene.
The vehicle involved in the crash is ANY vehicle transporting HM in a quantity requiring the display of an HM placard. Note: officers discovering a vehicle transporting significant quantities of HM without placarding, if they lack expertise in this area, should consult an officer knowledgeable in Federal HMRs in order to determine whether placarding is required.	A towaway: Any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle.

or vehicle involved in the crash is not part of the reportable crash criteria. FMCSA will consider requests to review a crash event that do not meet the reportable crash criteria.

However, the non-preventability of a crash may be considered during a carrier's compliance review (CR). The DataQs system cannot be used to request a review of a crash used to determine a carrier's safety rating as a result of a CR. As indicated above, the crash will remain on the carrier's profile.

Thank you for using the DataQs website.

If contesting a safety rating determination resulting from a Compliance Review, the RDR filer should be advised to contest the crash preventability determination pursuant to the Part 385 safety rating process. If contesting the denial of Hazardous Materials Safety Permit (HMSP) application, the RDR should be routed to the FMCSA HM Division for review. The FMCSA HM Division may be reached by phone at (202) 385-2400.

- **Crash—Duplicate (same crash listed multiple times):** The filer chooses this option because he/she believes that the MCMIS crash file contains duplicate crash records and/or records with redundant, identical values.
- **Crash—Crash record missing from carrier or driver report:** The filer chooses this option because he/she believes that the motor carrier's MCMIS crash file does not contain a specific report(s) of the motor carrier's reportable crashes.
- **Crash—Crash report contains incorrect information (for example, an incorrect fatality count):** The filer chooses this option because he/she believes the crash record(s) in question contains inaccurate and/or incomplete information.

Inspection Event:

- **Inspection—Never received a copy or lost the report:** The filer chooses this option because he/she is requesting a copy of an inspection report that he/she never received or lost.

- **Inspection—Citation with Associated Violation:** The filer chooses this option because he/she will provide documentation showing the adjudicated outcome of a citation associated with a violation cited on a roadside inspection report.
- **Inspection—Violation is incorrect, listed multiple times, or missing IEP/shipper information:** The MCMIS inspection file documents the occurrence and results of roadside safety inspections. The requestor chooses this option when he/she believes that the inspection record(s) in question contains inaccurate and/or incomplete violation information on the vehicles and/or drivers that underwent inspection. This inspection report contains identifying information about the motor carrier, driver, and vehicle including:
 - USDOT number.
 - Driver and vehicle identifiers.
 - A record of any violations detected during the inspection process.
 - An indication of whether or not the driver or vehicle was placed out-of-service (OOS) as a result of any violations detected during the inspection.
- **Inspection—Not mine (assigned to wrong motor carrier or driver):** The filer has the option to indicate that the inspection was assigned to the wrong motor carrier or driver.
 - **Motor Carrier:** The filer chooses this option when he/she believes that an inaccurate match occurred between the motor carrier information on the MCMIS inspection record and the carrier's registration information in the MCMIS database.
 - **Driver:** The filer chooses this option because he/she believes the inspection record(s) in question contains inaccurate and/or incomplete information on the commercial drivers involved in the inspection.

- **Inspection—Missing from carrier or driver report:** The filer chooses this option because he/she believes that the motor carrier’s MCMIS inspection file does not contain a specific report(s) of the motor carrier’s roadside inspections.
- **Inspection—Duplicate (same inspection listed multiple times):** The filer chooses this option when he/she believes that the same roadside inspection was listed more than once in the motor carrier’s MCMIS inspection file.
- **Inspection—Inspection report contains incorrect information/other:** The filer chooses this option when he/she believes that the inspection record(s) in question contains inaccurate and/or incomplete “other” data (“other” than the violation data, such as incorrect driver or vehicle information).

DOT Audit/Investigation:

- **DOT Audit/Investigation—Safety Audit:** The filer may choose this option because he/she believes incorrect and/or incomplete safety data was recorded during the safety audit examination. If the filer is contesting a failed safety audit, the DataQs analyst should refer the filer to 49 CFR 385.327, which contains the process for appealing a failed safety audit based upon an error in the determination that the carrier’s basic safety management controls are inadequate.
- **DOT Audit/Investigation—Compliance Review:** The filer chooses this option because he/she believes that data/violations recorded during a compliance review were inaccurate or incomplete. If the carrier is challenging the basis for assignment of a safety rating, the DataQs analyst should refer the filer to Part 385.15: Administrative Review, which describes the process for appealing a safety rating based on FMCSA error. This RDR type appears as *Compliance Review/CSA Investigation* in the DataQs system list of RDR types.
- **DOT Audit/Investigation—CSA Investigation (includes serious violations):** The filer chooses this option because he/she believes that data recorded during a CSA investigation were inaccurate or incomplete. This RDR type appears as *Compliance Review/CSA Investigation* in the DataQs system list of RDR types.
- **DOT Audit/Investigation—Fine as a result of a Notice of Claim or Notice of Violation:** FMCSA enforcement cases, Notices of Claim (NOC), Notices of Violation (NOV), and civil penalty claims are initiated following the identification and documentation of serious safety violations during compliance reviews, complaint investigations, roadside inspections, or other investigations. The filer chooses this option because he/she believes the violations identified during the safety investigation were inaccurate. The DataQs system will automatically refer this type of RDR to the appropriate FMCSA Service Center.

Registration/Insurance:

- **Registration/Insurance—Carrier information (MCS-150):** The filer chooses this option because he/she believes that the most current information in the MCS-150 filing is not reflected in the MCMIS carrier file. Each motor carrier is required to file a Motor Carrier Identification Report with FMCSA as follows: (1) a motor carrier domiciled in the United States, Canada, or Mexico, or a motor carrier not domiciled in North America conducting operations in interstate commerce must file a Motor Carrier Identification Report, Form MCS-150, and (2) a motor carrier conducting operations in intrastate commerce and requiring a Safety Permit under 49 CFR Part 385, Subpart E, must file the Combined Motor Carrier Identification Report and HM Permit Application, Form MCS-150B. Each motor carrier must file the appropriate form before it begins operations and update it every 24 months, in keeping with an established schedule. Registration/Insurance type RDRs are assigned to the “FMCSA HQ – Contact for MCS-150” DataQs analyst at FMCSA headquarters.
- **Registration/Insurance—Operating Authority (OP-1, OP-2):** Before beginning interstate operations in the United States, all for-hire motor carriers of non-exempt property and passengers, brokers, and freight forwarders based in the United States or Canada must obtain operating authority. Depending upon the type of business operation (motor carrier, broker, freight forwarder, shipper, and/or cargo tank facility),

and what will be transported (property, HM, and/or passengers), companies may be required to register for both Interstate Operating Authority (Form OP-1 or Form OP-2) and a USDOT number (Form MCS-150). The applicant may not begin operation until after it has received the certificate, permit, or license for operating authority from FMCSA. The company filing the RDR chooses this option because, for example, (a) it has experienced difficulty obtaining the required operating authority, or (b) it was cited for not having it. RDR filers sometimes choose this option if the required operating authority applied for has not yet been received. Upon receipt of such an RDR, the DataQs analyst should access the Licensing and Insurance (L&I) page on the [Safety and Electronic Records \(SAFER\)](#) website in order to research the filer's claim and determine the operating authority application status and then provide this information to the filer via the DataQs website. These RDRs are forwarded automatically to the "FMCSA HQ - Contact For Licensing" DataQs analyst at FMCSA headquarters.

Licensing & Insurance Information (L&I) type RDRs are assigned to the "FMCSA HQ – Contact for Insurance" DataQs analyst contact at FMCSA headquarters.

- **Registration/Insurance—L&I information:** The filer chooses this option when he/she is having difficulty updating their insurance information with FMCSA. For-hire motor carriers operating CMVs in interstate, foreign, or intrastate commerce, and for-hire carriers of passengers operating in interstate or foreign commerce, must meet minimum financial responsibility requirements by maintaining insurance policies for the minimum amount required by law. The motor carrier must have proof of the minimum level of insurance at the company's principal place of business. Financial responsibility levels are reviewed for adequacy by FMCSA or State safety officials during the course of compliance reviews and safety audits.
- **Registration/Insurance—Motor carrier not registered or improperly registered:** Motor carriers transporting passengers or cargo in

interstate commerce must be registered with FMCSA to obtain an interstate USDOT number. This includes motor carriers that may be registered with FMCSA and have obtained an intrastate USDOT number. Motor carriers transporting quantities of HM requiring a safety permit in intrastate commerce must also be registered with FMCSA to obtain a USDOT number.

Select this RDR type to notify FMCSA that a motor carrier is improperly registered. Examples of improperly registered carriers include those operating as follows:

1. In interstate commerce without registering for a USDOT number.
2. In interstate commerce with an intrastate USDOT number.
3. In intrastate commerce, transporting HM requiring a safety permit, without registering for the USDOT number needed to file the required application.

The RDR containing the improperly registered carrier information should then be forwarded to the motor carrier's domicile FMCSA Division Office for further review and possible inclusion of the motor carrier in the New Entrant Program.

HHG Complaints:

- **HHG Complaints—Fraudulent (did not do business):** Interstate movers of household goods are governed by FMCSA rules and regulations. Customers who wish to submit a complaint involving an interstate move against a moving company or driver have two options: (1) use the National Consumer Complaint Database (NCCDB) website at <http://nccdb.fmcsa.dot.gov>, or (2) use the toll-free hotline 1-888-DOT-SAFT (1-888-368-7238) available from 9:00 a.m. – 7:00 p.m. eastern time, Monday through Friday. The RDR filer chooses the second option when he/she contends that a HHG complaint received by FMCSA through the NCCDB website or hotline and maintained in the carrier's permanent file is fraudulent, or was assigned incorrectly to that company. A complaint is considered fraudulent if it can be proven that the filer of the complaint intentionally provided false information about

a carrier. A fraudulent claim might involve a complaint from an individual who did not have any business relationship with the subject carrier. As noted in [Section 6.22](#), the DataQs system automatically forwards the RDR and supporting documentation to the HHG staff of the FMCSA Commercial Enforcement Division, who will research the issue to validate the claim of fraudulent or duplicate complaints using the information and documentation provided by the filer.

- **HHG Complaints—Duplicate (two identical complaints):** The filer chooses this option when he/she contends that the HHG complaint duplicates a complaint previously received by FMCSA via the NCCDB or the toll-free hotline. As noted in [Section 6.22](#), the DataQs system automatically forwards the RDR and any supporting documentation to the HHG staff of the FMCSA Commercial Enforcement Division, who will research the issue to validate the claim of fraudulent or duplicate complaints using the information and documentation provided by the filer.
- **Other—None of the above:** The filer chooses this option after determining that none of the other 22 RDR options adequately describes the nature of his/her data review request. The filer may also not know or understand the RDR choices available. These RDRs are automatically assigned to the “FMCSA DataQs Help Desk (Volpe)” where the user will be provided instruction on how to properly use the system to file their request. If their inquiry is not related to an RDR, the “FMCSA DataQs Help Desk (Volpe)” will provide as much information as is practicable to assist the requestor in resolving their question or concern.

4.13. What Constitutes “Supporting Documentation”?

While some RDRs may not require much supporting documentation, numerous RDRs are filed with little or no specific information that would be reasonably required to support the RDR. During the course

of researching an “incomplete” RDR, the DataQs analyst may determine that additional supporting information is needed. Depending on the nature of the RDR and the quality and relevancy of documentation initially provided by the filer, DataQs analysts should seek information from a variety of State, Federal, motor carrier, and driver sources in order to resolve the issue(s) at hand conclusively. Possible sources of information include State inspection reports; State crash reports; FMCSA’s Driver Information Resource (DIR) (a web-based tool that provides easy access to individual driver safety performance and compliance history and is available to FMCSA and State enforcement personnel via [A&I Online](#)); State Department of Motor Vehicles (DMV) databases; CMV registration and driver’s licensing databases; etc. Other relevant information may be obtained from the motor carrier or driver, including shipping papers, leases, etc.

It is vitally important that RDR filers provide detailed information that is germane to the carrier, driver, vehicle, or event data in MCMIS that are being disputed in the RDR. This applies both to their original RDR filings and afterward when submitting supplemental information. For instance, a motor carrier filer, while disputing a crash involving one of its vehicles, might inadvertently submit documentation on a vehicle with a different Vehicle Identification Number (VIN) from the vehicle recorded as involved in the crash. Or, the filer might inadvertently submit information on a driver who is not the same driver recorded as involved in a crash. It is the responsibility of the DataQs analyst to verify that supporting information submitted by an RDR filer is not only accurate and sufficiently detailed to allow an informed judgment, but germane to the dispute in question.

Accurate, relevant supporting documentation is essential to an RDR. The DataQs analyst or other responder should request any such information and documentation that he/she deems necessary to support the RDR. When a filer submits *accurate, relevant* supporting documentation with his/her RDR, it is more likely that the RDR will be resolved conclusively. For example:

- 72 percent of RDRs involving crash data that were submitted with supporting documentation were closed with a data correction made, as compared to 53 percent of all crash-related RDRs that did not include supporting documentation for calendar years 2012–13.
- 78 percent of RDRs involving inspection data that were submitted with supporting documentation were closed with a data correction made, as compared to 41 percent of all inspection-related RDRs that did not include supporting documentation for calendar years 2012–13.

4.14. How Much Supporting Documentation Is Sufficient to Determine Disposition of the RDR?

DataQs analysts must determine on a case-by-case basis whether a requestor submitted sufficient documentation to support his/her RDR. This determination should be based on all evidence presented by the requestor and/or documentation provided by the inspector or officer who recorded the crash or inspection data. The State should exercise good judgment and discretion in making determinations. A letter to the State from the driver or the carrier simply claiming that the data reported are in error, or requesting that data be removed from his/her profile, is not sufficient. If no evidence is provided by the requestor, the RDR should be denied for insufficient evidence. The requestor may resubmit if they have sufficient documentation to support the RDR. Supporting documentation provided by the RDR filer, inspector, or officer who recorded the inspection or crash data, or through independent research by the DataQs analyst, should be sufficient to allow the DataQs analyst to assess the issue accurately and render an informed judgment on the filer's claim. This, in turn, will expedite the review process and lessen the likelihood that the RDR filer will refile the claim.

Note: DataQs analysts are the public face of the DataQs system. It is particularly important that DataQs analysts clearly explain the reasoning behind closing an RDR

with no data correction made. This will help the requestor understand the State's decision about the RDR and help educate the requestor about regulations and the State's adoption and interpretation of FMCSRs and applicable HMRs. The analyst's response to the requestor also helps document the State's review and resolution of the RDR, in case the requestor reopens his/her RDR or enters a second RDR, or the data in dispute become a part of litigation. For all of these reasons, it is imperative for analysts to keep responses courteous and professional, and to write as if sending an official letter.

4.15. What if the DataQs Analyst Determines That Additional Supporting Documentation Is Required from the RDR Filer?

When an RDR is submitted with supporting documentation, however the DataQs analyst determines that *additional* supporting documentation is required before an informed judgment can be made about the data request, he/she should take the following steps:

1. Notify the filer through DataQs that additional supporting information is required from the filer.
2. Notify the filer that the RDR will remain "Open—Pending Requestor Response" and that the RDR filer will have **14 calendar days** to provide the necessary documentation through DataQs.

If the necessary documentation is not uploaded to DataQs within 14 calendar days, the DataQs analyst should close the RDR with no data correction made, and the RDR filer will be notified. The RDR may be reopened when appropriate documentation is provided by the requestor. (Note: the prior DataQs guidance manual recommended that the analyst allow 60 days to provide documentation. The DataQs analyst may exercise his/her discretion to determine whether additional time is warranted to provide the documentation.)

4.16. How Does One Add Supporting Documentation?

Supporting documentation can be **faxed** into DataQs, or electronic files can be **uploaded** directly into the system. Requestors can refer to online guidance in the DataQs system for faxing and uploading documentation.

When documents are uploaded or faxed into the system, an email notification is sent to users with access rights for the RDR.

4.17. Should Recently Updated Safety Violation IT Codes Be Applied Retroactively?

No, pursuant to FMCSA policy, updated IT codes are only applied prospectively as of the date of implementation. In order to improve the safety of CMVs and save lives, FMCSA periodically updates existing IT codes for safety violations, promulgates new ones, and (as soon as practicable) updates its information systems (e.g., SAFETYNET and Aspen⁴) to: (1) accommodate prompt application of the updated and/or new IT codes, and (2) allow the violation data to be accurately and promptly incorporated into the MCMIS inspection file. However, there may be an unavoidable time delay before the new safety violation IT codes are incorporated into FMCSA's information systems software. RDR filings requesting that violation IT codes be applied retroactively should be closed with no data correction made.

4.18. How Should the DataQs Analyst Respond to an RDR Involving Intermodal Chassis Violations?

DataQs analysts should be aware that specific violations associated with intermodal chassis have been identified and hard-coded into FMCSA IT systems. As a result of this "hard-coding," **changes or reassignments of violations on a motor carrier's safety record cannot be made.**

A copy of the inspection report provided to the motor carrier displays the violations found on vehicle one (power unit) and vehicle two (intermodal chassis). In this way, the motor carrier will know which violations exist on the intermodal chassis, as well as the power unit. In addition, the driver will be aware of deficiencies that require correction before leaving the inspection site.

If a motor carrier submits an RDR on an IEP violation, the DataQs analyst should:

1. Check to ensure that the State Inspection Official correctly recorded unit two as an intermodal chassis and properly identified the IEP.
2. Check the motor carrier's SMS data to determine whether the intermodal chassis violation appears there. If the violation does not appear on the SMS page, it is not included in the SMS calculation.
3. If the violation does appear on the inspection file, inform the motor carrier that the violation appears on its inspection report for informational purposes only. It is not included in the SMS score calculation. It is assigned to the IEP.
4. Close the DataQs RDR with **no data correction made.**

As a reminder to DataQs analysts, when motor carriers or drivers file RDRs involving IEPs, the DataQs analyst should recommend that these filers review Section 390.44 of the FMCSRs as well as the implementing law for a complete description. IEPs will not be held responsible for visible or audible intermodal chassis violations that could be detected during a driver's pre-trip inspection. Some violations, although on the chassis, may be attributed to the motor carrier. DataQs analysts may also reference FMCSA guidance to determine if a violation is attributed to either a motor carrier or an IEP during a roadside inspection. This guidance is provided in the "Intermodal Equipment Violation Attribution" document, accessible here: <http://www.fmcsa.dot.gov/intermodal-equipment-violation-attribution>.

⁴The Aspen driver/vehicle safety inspection system enables law enforcement agencies to perform roadside safety inspections and to transfer those inspection results into the State and Federal data systems.

4.19. What DataQs System Capabilities Can a DataQs Analyst Access?

DataQs provides users with a web-based system to enter and respond to data quality RDRs. DataQs analysts have access to the following DataQs system capabilities:

- Entering data quality RDRs into the DataQs system.
- Receiving email notification when items are posted for their organization or there is a change of status for their organization's RDRs.
- Viewing RDRs that they entered into DataQs.
- Reviewing RDRs identified for resolution by their organization.
- Reviewing all RDRs for their organization and responding appropriately.
- Reviewing the status of RDRs in their RDR list.
- Reviewing supporting documentation uploaded or faxed into the system for each RDR.
- Adding additional information to an RDR via response screen, file upload, or fax.
- Generating/reviewing printer-friendly reports of their RDRs.
- Entering inspection report requests into the DataQs system, unless the organization has opted out and provides another means for inspection report requests.
- Requesting additional information from the requestor.
- Downloading formal response letter templates for customization to specific RDRs.
- Posting status changes/responses to data quality RDRs.
- Posting notes to data quality RDRs.
- Forwarding RDRs to other organizations for resolution.

4.20. How Does One Enter a Request for a Copy of an Inspection Report?

Any user can enter a report request into DataQs by selecting 1) the "Add a Request" button from the My DataQs page, 2) "Inspections/Violations (including requesting a copy of a report)" from step 1, and then 3) "Never received a copy or lost the report" from step 2. After selecting the Inspection State (the State where the inspection was conducted) on step 3, an input screen collects specific information about the report being requested.

Note: The DataQs website requires that filers first enter the name of the State where the inspection occurred however, not all States use the DataQs system to process requests for copies of inspection reports. These States are identified in the DataQs system. If that State *does not* provide inspection reports through DataQs, State-specific information is provided, instructing filers on how to obtain inspection reports. For those States that do provide copies of inspection reports through the DataQs system, the DataQs analyst should mark the request "Closed—Report Sent" if a report is provided to the requestor. If no report is provided, the DataQs analyst should mark the inspection report request (IRR) as "Closed—Report Not Sent." If no report number was provided within the request, forward it to "FMCSA DataQs Help Desk (Volpe)" and state that not enough information was provided by the requestor and it will be closed. The filer will then be required to submit a new request, providing at least one report number with the request.

4.21. Where Can a List of Safety Violations and Their Associated SMS Point Values Be Found?

As noted in 4.22 below, DataQs analysts should always direct RDR filers with questions or comments about CSA to the [CSA feedback](#) web page. Nonetheless, DataQs analysts and other stakeholders in the DataQs environment should still keep informed of important details related to CSA and its innovative SMS, interventions process, and state-of-the-art enforcement and compliance process tools. For instance, Appendix A to the SMS, Version 3.0, December 2012, includes

all the roadside violations considered by SMS, broken down by BASIC, with their associated point values (see <http://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>).

Severity Weight Tables 1 through 6 in Appendix A of the SMS methodology document list all the violations in SMS, with the first two columns of each table identifying each violation by regulatory part and its associated definition. The third column in each table identifies the violation group to which each violation is assigned, followed by the violation groups' severity weights in the fourth column. The final column in these tables specifies whether or not each violation is also included in the Driver Safety Measurement System (DSMS); violations included in the DSMS are the subset of SMS BASIC violations for which the CMV driver could also be a responsible party.

4.22. How Should a DataQs Analyst Respond to an RDR Concerning the CSA Program?

RDRs pertaining to CSA and its component SMS, interventions process, and state-of-the-art enforcement and compliance process tools should not be managed through the DataQs process. FMCSA manages questions or comments on CSA through the CSA feedback link. DataQs analysts who receive RDRs with feedback or questions on the CSA program and processes should advise the requestor to submit those comments or questions to the [CSA feedback](#) website. An example of an appropriate response to an inquiry on the CSA program or its processes received via the DataQs system may read as follows:

“Thank you for your comments or your inquiry on CSA or SMS. The DataQs system is an electronic means for filing concerns about Federal and State data released to the public by the Federal Motor Carrier Safety Administration (FMCSA). DataQs deals with the correction of wrong or miscoded data. All comments or inquiries on CSA or SMS should be filed through the [CSA Contact Us](#) page.”

RDRs involving the CSA program or its processes should be closed with no data correction made.

4.23. How Does the RDR Filer Keep Informed of the Status of the RDR During the Review and Resolution Process?

The following status options are built into the DataQs system and should be considered and updated throughout the review and resolution process. The use of several of these status options is demonstrated in the DataQs scenarios provided in [Section 6](#).

RDR Status Options and Definitions

Column 1 in the table titled “RDR Status Options and Definitions” on following page shows RDR Status Options that appeared in the first edition of the *DataQs User Guide and Manual*. Column 2 portrays RDR Status Options that appear in the second edition, now called the *DataQs Analyst Guide*. Retitled options are in bold type. Column 3 provides definitions for each of the RDR Status Options. The RDR Status Options described in the second edition of the *DataQs Analyst Guide* conform to those appearing on the DataQs website.

4.24. How Does One View Details of an RDR?

Clicking on the “Details” link in the *List of Reviews Requested* will retrieve a detailed view of the RDR.

The detailed view displays the information collected during RDR entry; identifies the user who entered the RDR into the system; displays each response to the RDR (with the most recent entries listed first); and lists the supporting documentation added to DataQs for the displayed RDR.

Clicking on the “Create PDF” icon in the Detailed View enables the user to access a PDF version of the RDR details. The user can view the PDF version, save it, or print it.

4.25. How Does One Change the RDR Type?

An RDR type can be changed by clicking on the corresponding “Details” link in the List of Reviews Requested, which takes the user to the Detailed View for the RDR. Here the user can click on the “Change

RDR STATUS OPTIONS AND DEFINITIONS

<i>User Guide and Manual First Edition</i>	<i>Analyst Guide Second Edition</i>	Definition
Open	New	The request was entered into the system. The Federal Motor Carrier Safety Administration (FMCSA)/State agency has not yet viewed the request.
Open - In Review	Open - In Review	FMCSA/State agency has viewed the request and is reviewing it.
Open - Pending Requestor Response	Open - Pending Requestor Response	FMCSA/State agency has reviewed the request, and the requestor must provide additional information. The requestor may have up to 14 calendar days to respond.
None	Open - Pending Agency Review	The requestor provided additional information, and the request is awaiting further review.
Forwarded to Another Office for Resolution	Forwarded to Another Office for Resolution	FMCSA/State agency has reviewed the request and requires assistance from another office, or the request belongs to another office.
None	Open - Pending Officer Comments	FMCSA/State agency has reviewed the request and forwarded it to the officer for additional information.
None	Open - Pending Local Agency Comments	FMCSA/State agency has reviewed the request and forwarded it to the local agency for additional information.
None	Open - Pending Court / Administrative Comments	FMCSA/State agency has reviewed the request but is awaiting a court review by the requestor and/or administrative review by the State to assist in the determination.
Closed - No Action Taken	Closed - No Data Correction Made	The request has been closed, and no data changes will be made.
Closed - Action Taken	Closed - Data Correction Made	The request has been closed, and the data will be corrected.
None	Closed - No Requestor Response	The request was closed because the requestor did not respond.
None	Closed - Report Sent	The request has been closed, and the agency sent the <i>inspection</i> report. The agency may have faxed or uploaded the report to DataQs, or it may have sent the report directly via email or postal mail.

Note: The “Crash – Not Preventable” RDR will automatically be assigned the “Closed – No Data Correction Made” status by the DataQs system. RDRs concerning the *preventability* of a crash are never assigned to a State agency for review and resolution. Data about the number of RDRs received pertaining to *preventability* are recorded by the system for statistical purposes only.

Type” link below the RDR Type. Clicking on the “Change Type” link will display a dropdown menu of possible RDR types. After selecting a new RDR type, it is automatically saved. Click “Cancel” to keep the original RDR type.

4.26. How Does One Add a Response to an RDR?

(Note: FMCSA/State agency users must manually change the status of RDRs to which they respond.)

Users can respond to an RDR in My DataQs by accessing the response screen in the system, which will allow users (with access rights to the RDR) to enter responses. After clicking on “Details,” the user is brought to the detailed view of DataQs. A user can add a response by clicking the “Add Response/Documentation” button at the bottom of the page. Once the response description is filled out and any documentation has been added, the user submits the response to the RDR by clicking “Submit.” If required, one or more report numbers or violation codes must be selected prior to clicking “Submit.”

FMCSA/State agency users and FMCSA administrative users may also change the status of RDRs from the response screen. When a response is added for an RDR, email notifications are sent to both the organization responsible for the RDR and the RDR filer. This allows users to participate in a dialogue to resolve the RDR. For example, if a motor carrier entered an RDR into DataQs but did not provide enough detail for the Federal or State agency to resolve the issue, that agency could then use the response screen to ask for the specific information needed.

FMCSA/State agency users and FMCSA administrative users can also forward RDRs from this screen. The RDR filer will receive an email notification that a response was added for the RDR. When the RDR filer logs into DataQs and reads the response, he/she will know what additional information is needed. He/she can provide this information by responding through DataQs. The Federal or State agency will receive an email notification that additional information was added for the RDR. After reviewing

the additional information, a determination of the merits of the RDR can be made; the status of the RDR can be changed; and, if necessary, a formal response letter can be generated using the templates provided within DataQs. The formal response letter can be uploaded into the system for review by the RDR submitter.

4.27. How Does One Forward an RDR to Another Organization?

FMCSA/State agency users and FMCSA administrative users can forward an RDR to another organization for final resolution. The detailed view of an RDR allows these users to click on “Forward.” The Forward RDR screen then allows the user to select the new organization that the RDR will be transferred to and to add a comment, which will be posted with the RDR. When the DataQs system transfers the RDR, an email notification is sent to the receiving organization and to the user who submitted the RDR. The RDR status of an open RDR is updated to “Forwarded to Another Office for Resolution.” When an organization forwards an RDR to another organization, the RDR remains in the original organization’s List of Requested Reviews. The “Agency Assigned” column will list the newly assigned organization. The State DataQs analyst should not close the RDR once it is forwarded. Once forwarded, the RDR will continue to appear in the list for reference purposes only. The responsibility for resolving the RDR is now with the agency that received the forwarded request. The status should be maintained and updated by that agency.

4.28. How Does One View Reports?

Clicking on the “Reports” button at the top of any DataQs screen takes the user to the Reports screen. This screen contains reports that may be viewed and printed for open and closed RDRs. Reports are only available to FMCSA/State agency and FMCSA administrative-level users. All reports can be filtered by time range. Most reports can be filtered by the agency assigned to address the RDR, request type, and type of user who submitted the RDR.

The following reports are available:

- **Request Type by Status**—Displays counts of request types by their current status and days open.
- **Request Type by Status and Agency**—Displays counts of request types by agency and their current status and days open.
- **Requests Over Time**—Displays the number of requests by month and year.
- **DataQs New Users**—Displays the number of new users by type of user and month and year.

4.29. Who Makes the Final Decision on an RDR?

For data submitted to FMCSA by a State, FMCSA considers the State’s determination of the validity of an RDR as the final decision on the RDR. FMCSA will not unilaterally change State records without State consent. However, in those instances when the RDR filer is dissatisfied with the State’s decision, States should confer with FMCSA about the RDR, answer any additional questions or concerns a filer may have, and provide additional educational information on the subject at hand, if available. This ongoing collaboration between the States and FMCSA field and headquarters is essential to ensuring the viability and effectiveness of the DataQs system.

4.30. How Should a DataQs Analyst Respond When a Requestor Is Not Satisfied with their Determination of an RDR?

If a requestor expresses dissatisfaction with the resolution of an RDR, he/she should be directed to forward a request specifically citing regulations or procedures supporting their RDR for the State to reconsider the dispute. The State DataQs analyst is encouraged to revisit the particulars of the RDR with colleagues in his/her State. The RDR and any information provided by the RDR filer or identified by the DataQs analyst during the review process should be shared with these reviewers. Sometimes, unusual

or particularly complicated RDRs require this added review. The analyst should follow the appropriate chain of command within his/her agency and State. If the State’s original decision is upheld and the RDR filer remains dissatisfied with the State’s explanation for the denial, the analyst should discuss the RDR with the FMCSA Division Administrator (DA) or the DA’s DataQs designee.

If necessary, the FMCSA DA will confer with the appropriate subject matter experts at FMCSA headquarters and review the filer’s RDR and any supporting documentation. After careful review and consideration, a written response will be returned to the State by FMCSA within 10 calendar days. This written response will provide FMCSA’s recommendations to support the final disposition of the RDR by the State, as responsibility for the final resolution lies with the State. As mentioned in Section 4.30, FMCSA will not unilaterally change State records without State consent. Upon review and consideration of FMCSA’s response, the State’s final decision should be transmitted to the requestor through the DataQs system. Subsequent requests for reconsideration of the same disputed data that are repetitive and without further substance should be rejected. FMCSA and the States need not respond substantively to repetitive requests for correction that do not raise new issues or provide further evidence.

It is important that the DataQs analyst be as clear and specific as possible in his/her response to the RDR. This will help the requestor understand the State’s decision about the RDR and help educate the requestor about regulations and the State’s implementation of State-adopted FMCSRs and applicable HMRs. The analyst’s response to the requestor also documents the State’s review and resolution of the RDR, in case the requestor reopens his/her RDR or enters a second RDR, or the data in dispute leads to litigation.

4.31. Establishing a DataQs Review Council

FMCSA recommends States implement a “DataQs Review Council” to provide a fair and impartial secondary review of original decisions to close an RDR “with no data correction made.” Several States

currently successfully employ a variation of this concept. The following are some factors to consider when establishing a DataQs Review Council.

- A. **Factors to Consider.** One approach a State may take when considering whether to establish a DataQs Review Council is to consider the State’s overall DataQs operation and ask the following questions:

What items are eligible for Council review?

- Will the Council review all DataQs or just certain categories?
- How will requestors be notified that the Council exists, and what is required to have an action reviewed?

How will the Council conduct the RDR review?

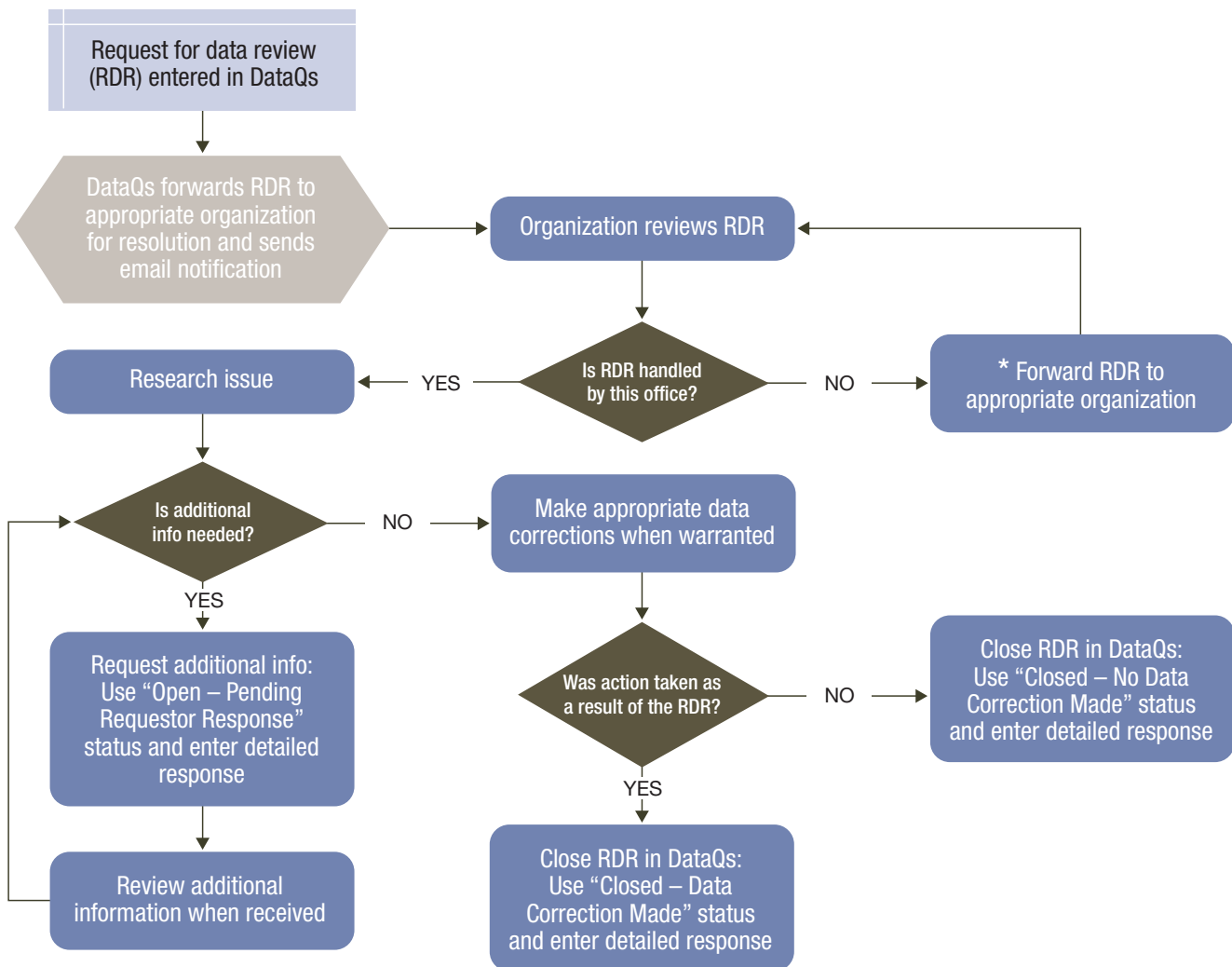
- Will the review be on the record and will it include only material already submitted by the requestor and reviewed by the State?
- How will a record be created and documented?
- Will the review be in writing only or oral?

See Appendix III for examples of State DataQs review councils. This section describes the composition of and processes employed by the Arizona and Minnesota DataQs review committees. These descriptions provide examples on how a State can configure a DataQs review council. Modifications to the structure of the council could be made to meet the unique needs of your State.

4.32. Can the DataQs Process Be Graphically Displayed?

The flowchart titled “How an RDR Is Resolved Through the DataQs System” on following page displays this process. The process begins with a “request for data review (RDR) entered in DataQs.” Next, DataQs forwards the RDR to the appropriate organization for resolution and sends an email notification. The organization reviews the RDR. There is a decision point: “Is RDR handled by this office?” If no, there is a loop: forward the RDR to the appropriate organization and that organization reviews the RDR, returning to the decision point. If yes, the organization researches the issue and comes to another decision point: “Is additional information needed?” If yes, there is a loop: request additional information (use “open—pending requestor response” status and enter detailed response) then review additional information when received, returning to the decision point. If additional information is not needed (decision = no), then make appropriate data corrections when warranted. Continue to the final decision point, “Was action taken as a result of the RDR?” If yes, “Close RDR in DataQs: use ‘Closed—Data Correction Made’ status and enter detailed response.” If no, “Close RDR in DataQs: use ‘Closed—No Data Correction Made’ status and enter detailed response.”

How an RDR Is Resolved Through the DataQs System



General Public, State, or FMCSA Level User

System Action By DataQs

State or FMCSA Level User

* If the RDR belongs to another State, then forward it to the MCSAP office in the appropriate State.

* If the RDR belongs to another agency within your State, then forward it to that agency. If the agency is not active with DataQs, then you may need to coordinate via email with them.

* If the RDR pertains to a Federal inspection, then forward it to your State FMCSA office.



5

Inspection-Citations Associated with an Inspection

5

Inspection-Citations Associated with an Inspection

Background

During a roadside inspection, a State and/or local enforcement officer may choose to issue a citation to the driver for one or more violations of State-adopted FMCSRs or HMRs, or equivalent State violation codes. Drivers and motor carriers may challenge these citations through State judicial or administrative systems. Effective August 23, 2014, motor carriers and drivers are able to submit an RDR in the DataQs system seeking to append information to roadside inspection violations in Agency data systems to reflect more accurately the outcomes of due process proceedings. If the RDR is filed with certified documentation, the results of the adjudication process will be documented in MCMIS, and, in turn, may impact the use of roadside violation data in other FMCSA data systems, such as SMS and PSP. FMCSA systems will continue to retain and display violations that result in a conviction or payment of fine. Persons who plead to or are convicted of a lesser charge will also have that information reflected in State and FMCSA data systems. As a result of this policy and IT systems changes, FMCSA has released programming updates to SAFETYNET, MCMIS, and the DataQs system.

The following sections provide direction for State DataQs analysts regarding the processing of DataQs RDRs subsequent to the adjudication of a citation with an associated violation included on a driver or vehicle inspection report.

5.1. Is the Policy Discretionary?

No. The policy is a requirement of State MCSAP grant certification. States are therefore required to process DataQs RDRs and enter documented results of adjudicated citations associated with roadside inspections. For States that presently recognize adjudicated citation results, additional guidance may be found in [Section 5.8](#), “Existing State Laws on the Removal of Violations Due to Citation Results.”

5.2. Will the Policy Apply Retroactively?

No. The policy will not be applied retroactively. **The new policy applies only to data/citations issued during roadside inspections occurring on or after August 23, 2014.** For RDRs pertaining to court adjudication of roadside inspections violations cited prior to August 23, 2014, it is recommended that the DataQs analyst exercise discretion and practice good judgment by reviewing the specifics of the request, the certified documentation provided by the requestor, and the reason for the disposition based on any and all available information to determine whether fairness dictates removal of the violation from State and/or Federal databases. If it is determined that the inspection record is in error, then the inspection record should be corrected.

5.3. Will There Be a New SAFETYNET System Release to Support Submitting Inspection-Citation with Associated Violation RDRs?

On May 23, 2014, FMCSA provided States with an update to the SAFETYNET software that will allow DataQs analysts to enter appropriate citation adjudication data. The updates include a field that allows the States to append the result of an adjudicated citation to the appropriate violation on the inspection report. The State agency responsible for administering SAFETYNET and the State's DataQs process—typically the MCSAP Lead Agency—must install the SAFETYNET updates on or before August 23, 2014, unless an extension of time was sought and granted. At the time of publication of this Guide all SAFETYNET system upgrades have been completed.

5.4. How Does FMCSA Define Citations and Adjudicated Citations as They Are Associated with Inspection Violations?

The following definitions are provided to clarify how FMCSA interprets the regulatory definitions in 49 CFR 383.5 and 390.5.

Citation is a notice issued by a law enforcement officer to a CMV operator charging a violation of State law or State-adopted FMCSR(s). The recipient has the opportunity to challenge or contest the citation through a State-provided administrative or judicial due process system. A warning is not a citation; therefore, a warning issued to a commercial vehicle driver as a result of a roadside inspection is not subject to this process.

Adjudicated citation means a citation that has been contested and resolved through a due process proceeding in a State, local, or administrative tribunal, regardless of how the action is resolved, whether by a judge, administrative tribunal, prosecutor, or as part of a plea agreement or otherwise.

Conviction is defined in 49 CFR 383.5 and 390.5 and means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal. **Conviction** also includes an unvacated forfeiture of bail or

collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost; or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or pro-rated.

Court Costs are fees imposed by a court or administrative tribunal that are intended to cover the State's expenses of handling the case. Payment of an incidental expense uniformly imposed on all persons that appear before a particular court or tribunal regardless of case outcome should not be considered a court cost under FMCSA's regulatory definition of "Conviction." Examples of excluded, non-punitive court costs include, but are not limited to, scheduling fees, the cost of a certified copy of the court's docket or order, or attorney fees. Costs or fees imposed for a diversion program will constitute a court cost that qualifies as a conviction under the regulatory definition.

Fine is a sum of money imposed as a penalty for an offense. A court cost may be considered a fine when the amount charged exceeds the amount generally imposed for court costs and is akin to a penalty.

5.5. What Constitutes Adequate Documentation?

An RDR must be submitted with verifiable documentation that clearly and unambiguously demonstrates that a citation associated with a roadside inspection violation was adjudicated as defined by 49 CFR 383.5 and 390.5. Requestors are encouraged to provide documentation to support the RDR when submitted in the DataQs system, however supporting documentation may be provided after the initial submission of the RDR.

Adequate and verifiable documentation of the adjudication result includes:

- Scanned copies of certified documentation from the appropriate court or administrative tribunal; or
- A website address, which links directly to the adjudication results of an official court or agency website.

Verifiable documents are those recognized as originating from a court or other judicial proceeding, and can be validated by the DataQs analyst if there is a need to check with the issuing authority.

The DataQs system requires the RDR to include the following mandatory information:

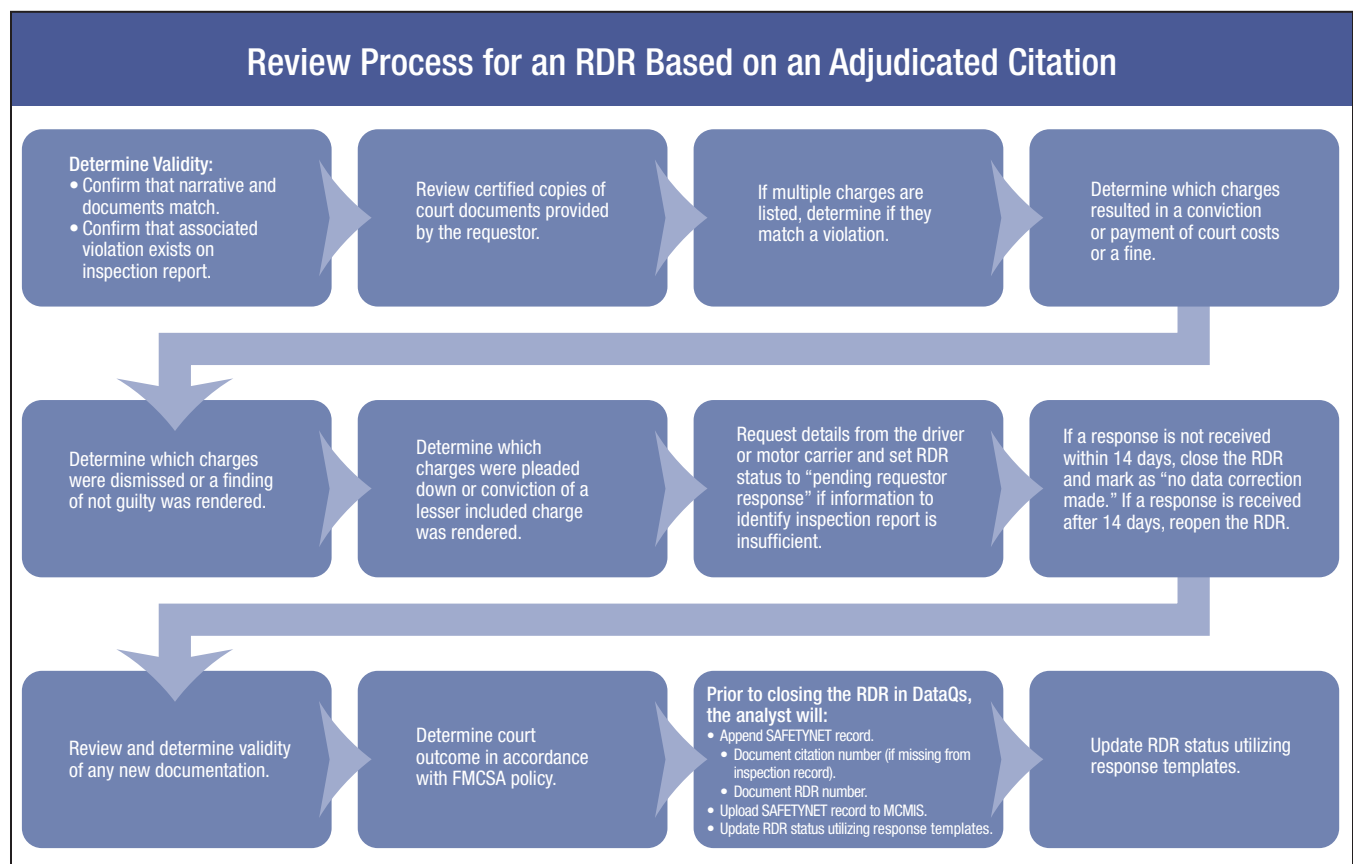
- Inspection report number, event State, and date of inspection. The report number can be found on the carrier profile report, SMS results, and the driver’s PSP report, for example.
- Citation number and associated violation(s) codes on the inspection report.
- Access to/copies of certified court record regarding disposition of the citation.

It is *recommended* that the requestor also provide:

- A copy of the roadside inspection report.
- A copy of the citation.
- A clear explanation of the violations believed to be covered by, or related to, the adjudicated citation.

5.6. What Actions Will the State Data Quality Analyst Take in Reviewing an RDR Based on an Adjudicated Citation?

The DataQs analyst must conduct a thorough review of an RDR that requests the updating of a driver-vehicle inspection report record based on the adjudication of a citation related to a violation in the inspection report. The DataQs analyst is not required to change the information in the original inspection report unless the RDR also asserts that information in the original report was in error. The error should be verified by adequate documentation provided by the requestor or available to the analyst via FMCSA data systems. For example, the inspection record may be amended to include a correct citation number if not included at the time of inspection. The DataQs analyst will follow the steps outlined in the chart below titled “Review Process for an RDR Based on an Adjudicated Citation” when reviewing an RDR based on an adjudicated citation:



FMCSA will then take appropriate action (See [Section 5.7](#)) when using this information in MCMIS for the purposes of SMS and PSP.

The DataQs analyst will evaluate the RDR, and if it includes sufficient documentation, the analyst must:

- Add the citation number (if missing from the inspection record) in SAFETYNET.
- Append the inspection record in SAFETYNET with the appropriate adjudication code based outcome (see [Section 5.6](#)).
- Communicate the results via DataQs to the requestor.

5.7 What are the Adjudicated Outcomes?

Assuming submission of adequate documentation, the outcome of an RDR for an adjudicated citation will have one of three results:

- Conviction of the original charge.
- Conviction of a different charge.
- Not guilty or dismissed.

The table below titled “Examples of Adjudicated Outcomes” provides examples of adjudication outcomes that would be classified as “Convicted of Original Charge” based on the definition of conviction in FMCSR Sections 390.5 and 383.5, or as “Dismissed or Not Guilty” outcomes:

Citations Held in Abeyance

The DataQs analyst must not modify the citation adjudication record in SAFETYNET for a citation that has been held in abeyance (without the payment of fines or court costs) until the requestor produces sufficient documentation confirming the final disposition of the matter. A citation that is held in abeyance has not been fully adjudicated until the court or administrative tribunal takes some final action and the matter is closed.

Multiple and Enhanced Violations

FMCSA recognizes that some States allow enforcement officers to list multiple violations on a single citation document. This practice results in multiple violations with the same citation number entered on the inspection report. For purposes of recording results of adjudicated citations, the dismissal of one charged violation on the citation does not necessarily mean that all violations on the citation were dismissed. The DataQs analyst must carefully review the adjudication outcome for each charge in order to determine which violations were dismissed and then document the results accordingly in SAFETYNET.

In addition, FMCSA recognizes that in some cases the inspector may take into consideration two or more violations on the inspection report that support an “umbrella” violation, such as operating an unsafe vehicle.

- If a citation is only issued for the “umbrella” violation (not the underlying violations), and,

EXAMPLES OF ADJUDICATED OUTCOMES	
Convicted of Original Charge	Dismissed or Not Guilty
<ul style="list-style-type: none"> • Payment of fine and/or punitive court costs in exchange for dismissal. • Adjudication of guilt by a judicial officer or administrative tribunal. • Payment of the fine associated with a citation without appearing in court or acknowledging responsibility for the violation, or failure to appear and resulting in forfeiture of bail or collateral. 	<ul style="list-style-type: none"> • Original citation dismissed by a prosecutor (e.g., nolle prosequi). • Original citation dismissed by a judicial officer without a hearing (e.g., officer failed to show for hearing). • Original citation stricken (e.g., dismissed with leave to refile or dismissed without prejudice). • A finding of Not Guilty by a judicial officer or administrative tribunal.

- the “umbrella” violation results in a not guilty finding or a dismissal, or a conviction of a different charge, and,
- the inspection report documents the underlying violations that were the basis for the “umbrella” violation,
- THEN the analyst should append the “umbrella” violation and/or the underlying violations in SAFETYNET.

IF there is no evidence of which underlying violations supported the “umbrella” violation, THEN the analyst should only append the umbrella violation in SAFETYNET. The analyst may consult with the issuing officer to determine which violations formed the basis for the umbrella violation.

Erroneous Violations

If the citation was dismissed because the associated violation was cited erroneously on the inspection report (e.g., incorrect USDOT number noted), then the violation should be removed from the motor carrier’s inspection file.

5.8. What If There Are Existing State Laws on the Removal of Violations Due to Citation Results?

Some States have current laws or policies requiring the complete removal of violations from an inspection report when an associated citation is adjudicated as “not guilty.” These States should continue to follow their State law or policy and remove the violation from the inspection report when justified. State removal of a violation from an inspection report in accordance with State laws or existing policy will not be grounds for violation of FMCSA MCSAP grant agreements. However, the State must append the inspection report, as detailed herein, for all other adjudication results (i.e., plea to another charge or dismissal without a determination of guilt).

5.9. How Do the Adjudication Outcomes Impact the MCMIS Inspection Report Record and Use of Cited Violations Data in MCMIS, SMS and PSP?

The table below titled “FMCSA System Impacts of Adjudicated Citations” identifies how adjudicated violations will appear in FMCSA systems depending on the outcome.

FMCSA SYSTEM IMPACTS OF ADJUDICATED CITATIONS		
Result of Adjudicated Citation Associated with a Violation Uploaded to MCMIS	SMS Impact	PSP Impact
Convicted of original charge	Violation not removed	Violation not removed
Dismissed with fine or punitive court costs	Violation not removed	Violation not removed
Dismissed without fine or punitive court costs	Remove violation	Remove violation
Not Guilty	Remove violation	Remove violation
Convicted of a lesser charge	Append inspection to indicate violation “Resulted in conviction of a different charge.” Change severity weight to 1.	Append inspection to indicate violation “Resulted in conviction of a different charge.”

The record of violation remains in MCMIS with the final outcome of the adjudicated citation entered for the associated violation in the inspection record. Only violations that are determined to be recorded in error should be removed from MCMIS.

2. Append the violation on the inspection record in SAFETYNET with the appropriate SAFETYNET code (see below) based on adjudication outcome.
3. Communicate the results via DataQs to the requestor.

5.10. Simple Scenarios for Adjudicated Outcomes

The DataQs analyst evaluates the RDR and the documentation of the adjudicated citation result. If the result is adequately documented, the analyst shall:

1. Add the citation number (if missing from the inspection record) in SAFETYNET.

The table below titled “Adjudication Outcome Selections in SAFETYNET” outlines the adjudication outcome dropdown selections that are available in SAFETYNET (effective August 23, 2014) and provides examples of how the DataQs analyst must apply each.

As part of its data quality program, FMCSA will be monitoring the incoming data on adjudicated citations to look for patterns that might indicate routine masking of violations and frivolous RDRs and take appropriate action to address these situations.

ADJUDICATION OUTCOME SELECTIONS IN SAFETYNET		
Adjudication Outcome	Sample Scenarios	SAFETYNET Code
Conviction of Original Charge	<ul style="list-style-type: none"> • Citation for Speeding (15 or more over) and convicted of Speeding (15 or more over) • Citation for Driving under the Influence and convicted of Driving under the Influence. • Citation for Log Not Current dismissed, but driver required to pay fine of \$240 (still a “conviction” per Section 383.5 and 390.5). • Citation included three separate violations—A, B, and C. Driver was convicted or paid a fine associated with violation B and therefore SAFETYNET code 1 should be entered for violation B. In this example, violations A and C were dismissed. SAFETYNET code 3 should be entered for violations A and C. 	1
Conviction of Different Charge	<ul style="list-style-type: none"> • Citation for Careless Driving (15 mi/h or more over speed limit) and convicted of different charge of Speeding (5 miles over) through a plea agreement. 	2
Not Guilty or Dismissed	<ul style="list-style-type: none"> • Found Not Guilty. • Dismissed by prosecutor (nolle prosequi). • Dismissed by judge (e.g., officer failed to show). • Citation included three separate violations—X, Y and Z. Violations X and Y were dismissed, therefore SAFETYNET code 3 should be entered for violations X and Y. In this example, the driver was convicted or paid a fine associated with violation Z, therefore SAFETYNET code 1 should be entered for violation Z. 	3
N/A	<ul style="list-style-type: none"> • Default value for violations in SAFETYNET. • State has held matter in abeyance (e.g., continued the case or otherwise not resolved the charge, entered a plea but holds it for a year before citation is adjudicated). 	0

5.11. Case Studies

Case Study	Scenario	SAFETYNET Result	RDR Status
Removed Citation with Payment	Driver paid fine to anti-drug fund to have a possession citation dismissed.	Conviction	Closed—Citation Results Entered
Significant Court Costs	Driver pled guilty for “Possession of Marijuana in a Motor Vehicle” charge: 392.4(a)—Driver uses or is in possession of drugs or other substances. The guilty plea will be removed if: <ul style="list-style-type: none"> • Driver pays \$300 fine plus court costs. • Driver does not incur violations for 1 year. The case was dismissed more than a year later, and the driver submitted an RDR of citation for violation of 392.4(a) with certified court documentation attached.	Conviction	Closed—Citation Results Entered
Fine for Alternate Charge	An Indiana driver contested a citation in court, and the citation was reduced to “No Registration in Possession.” Driver submitted an RDR for lesser charge.	Conviction of a Different Charge	Closed—Citation Results Entered
Dismissed without Prejudice	In Montana (MT), a driver was charged with violation of 392.2C—Failure to Obey a Traffic Control Device. Six months later, the State of Montana ordered that the offense of “Failing to Obey Direction to Be Weighed” be dismissed without prejudice. The case was dismissed without prejudice to the ability of the prosecutor or State to refile the charge. This is considered a dismissal, and it is highly unlikely that the prosecutor will refile.	Not Guilty/Dismissed	Closed—Citation Results Entered
Fee and Non-Requested Violation	A driver was issued a citation in New Mexico (NM) and paid the citation. Subsequently, the driver was inspected in Iowa (IA) and received citations for violation of 391.15A—Driving a CMV While Disqualified (due to unpaid citation in NM) and 172.602A—Emergency Response (ER) Information Missing. The driver goes to court in IA, where the court dismissed the citation related to violation of 391.15A, and the first citation was dismissed without objection from the State since the NM citation had been paid prior to the IA inspection. The driver pleads guilty and is convicted of being in violation of 172.602A, paying for the second citation (driver pays a \$330 fine, surcharge, and court costs). The driver submitted an RDR to remove the citation for violation of 391.15A and attached the certified court document.	Not Guilty/Dismissed for 391.15A	Closed—Citation Results Entered

5.11. Case Studies (continued)

Case Study	Scenario	SAFETYNET Result	RDR Status
Multiple Charges	A driver received one citation with three violations and was charged with a \$50 fine for each violation (\$150 total). The driver pays \$100 total and submits an RDR for removal of one violation. After reviewing documentation, the Analyst determines the following:		
	<ul style="list-style-type: none"> If documentation submitted shows a specific violation was dismissed, the State analyst should append the specific violation as “Dismissed” and the other requested violations as “Convicted.” 	Not Guilty/Dismissed	Closed—Citation Results Entered
	<ul style="list-style-type: none"> If documentation submitted shows a specific violation was pled to another charge, then the State analyst should append the specific violation as “Convicted of a Different Charge.” 	Conviction of a Different Charge	Closed—Citation Results Entered
	<ul style="list-style-type: none"> If no distinction is made, and ultimately not provided, then the State analyst should document all violations as “Convicted.” 	Conviction	Closed—Citation Results Entered
	<ul style="list-style-type: none"> Any violation on the inspection report not listed with the RDR should remain “N/A.” 	N/A	N/A—Violation Not Listed with RDR
Enhanced Violation (Umbrella Violations)	<p>Driver receives a citation for “operating unsafe vehicle” violation and the inspection report contains multiple underlying violations that served as basis for the citation.</p> <p>Driver submits RDR with certified court documents showing the dismissal of the “operating unsafe vehicle” citation.</p>	<p>If documentation indicates the specific underlying violation(s) which served as the basis for the dismissed “umbrella” violation, then the citation results apply to all indicated violations.</p> <p>If documentation does NOT specifically indicate which underlying violation(s) served as the basis for the “umbrella” violation, then only the “umbrella” violation is updated with the citation result.</p>	Unless violation is removed, status will be ‘Closed—Citation Results Entered.’

5.11. Case Studies *(continued)*

Case Study	Scenario	SAFETYNET Result	RDR Status
Held in Abeyance	Driver has a Driving Under the Influence (DUI) violation on inspection report. Driver submits an RDR stating: “I entered a plea of guilty; the judge holds the case for a year and then dismisses the charge. Can this violation be updated to show dismissed?” There is not enough information in this RDR. State analyst should review the court documents to see what led to or will lead to the dismissal. Were there any fines paid? If the year is not up yet, select “N/A” in SAFETYNET and set the violation status to “Closed—No Data Correction Made” in DataQs.	No Data Correction Made.	Closed. Requestor should refile when court issues final order with certified documentation.
Clarification of Documents	Driver receives a citation for Violation 392.2C—Failure to Obey Traffic Control Device. An RDR is submitted explaining that “This driver was found not guilty in court, and we have included the court document reflecting this ruling for your convenience. We request that this violation be removed from the safety record.” The RDR requestor submitted a computerized printout of citation information from the District Court of Maryland Traffic System with Administrative Clerks and District Court of Maryland Stamp indicating a disposition of not guilty and a possible fine of \$70. The State analyst should request certified documents and clarification of possible fine.	Pending	Open—Pending Requestor Response



6

Best Practices for Resolving RDRs

6

Best Practices for Resolving RDRs

Best practices are provided below for each of the 22 types of RDRs filed by commercial drivers, motor carriers, FMCSA and State agency users, FMCSA administrative-level users, and the general public. The recommended processes are provided with the goal of supporting State agency efforts to ensure that MCMIS data are up to date, accurate, and uniform to a reasonable degree, while still affording the States discretion in the resolution process.

6.1. Crash – Not an FMCSA Reportable Crash

SITUATION:

A filer (in this case, a motor carrier having a vehicle involved in the crash in question) submits an RDR to the DataQs website, along with supporting documentation, asserting that a specific State crash report contains erroneous information regarding the reportability of a crash involving a motor vehicle. In the RDR, the filer contends that the crash in question did not involve a vehicle being towed from the scene due to disabling damage, an injury requiring immediate transportation for medical attention, or a fatality within 30 days of the crash, and the filer provides supporting documentation to reinforce his/her contention.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation submitted by the filer to justify his/her request to modify the crash record in MCMIS. If, in the estimation of the DataQs analyst, the filer's documentation is inadequate, the analyst should contact the filer via the DataQs website and request additional information. The DataQs analyst should be as specific as possible. For example,

if the filer contends that no tow occurred, ask the filer to provide all related repair bills showing that no tow occurred and the vehicle was driven to a repair shop. The DataQs analyst may want to contact the repair shop to confirm that no tow occurred.

Any documents subsequently provided should be uploaded automatically to the DataQs system rather than sent directly to the DataQs analyst. In the event the documentation is sent directly to the analyst, it is recommended that the analyst upload the documentation.

Third, the DataQs analyst should confirm that the crash meets FMCSA crash criteria. It is important to recognize that the originating State vehicle records are classified as motor vehicle traffic accidents. A summary of the crash criteria is shown below:

CRITERION 1: VEHICLE QUALIFICATION

At least one of the following must apply:

- The qualifying vehicle involved in the crash is a CMV, which includes:
 - A truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways; or
 - A motor vehicle designed to transport nine or more people, including the driver; or
 - ANY vehicle displaying a HM placard, regardless of weight; ANY vehicle transporting placarded amounts of HM; or ANY vehicle required to be placarded.
Note: If an involved vehicle is discovered by an officer knowledgeable in Federal HMRs to be transporting HM without a required placard, this should be reported to FMCSA.

CRITERION 2: CRASH SEVERITY QUALIFICATION

Once it is determined that the qualifying vehicle is a CMV that was operating on a roadway customarily open to the public and is not a personal vehicle, one of the following results must apply:

- A fatality: any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash; or
- An injury: any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene; or
- A towaway: any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle.

The DataQs analyst may find it instructive to contact the investigating officer to discuss the circumstances of the crash in question and any supporting documentation provided by the filer. If the DataQs analyst determines that the crash in question is, in fact, not reportable according to FMCSA definition, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the crash file. **Corrections to MCMIS data should be uploaded within 7 days from the date on which the State concluded that an error occurred.** The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.2. Crash—Not My Fault (Not Preventable)

FMCSA will not entertain a request to review data if the RDR is submitted on the premise of an unpreventable crash. If an RDR filer still chooses to pursue a crash data dispute on the basis of "preventability," he/she may do so. **However, the information provided will be used for statistical purposes only: the RDR will be closed automatically with no data correction made.**

When a requestor selects and submits the "Crash – Not My Fault (Not Preventable)" RDR type, the following automatic response is generated by the DataQs system:

Since the request was submitted as "Crash - Not Preventable," it was automatically closed with no data correction made. Requests to the preventability of a

crash are not reviewed; therefore, no changes will be made to your safety record. However, the information entered was collected and is used for counting purposes only.

All vehicles that were involved in a crash, which meet the FMCSA reportable crash criteria, are reported by the State agencies to the FMCSA. If the crash your company was involved in did not involve a fatality, injury, or towed vehicle due to disabling damage, and does not meet the reportable crash criteria identified above, then please add a new request and select the crash “Not Reportable” option. The responsibility or fault of any driver or vehicle involved in the crash is not part of the reportable crash criteria. FMCSA will consider requests to review a crash event that do not meet the reportable crash criteria.

However, the non-preventability of a crash may be considered during a carrier’s compliance review (CR). The DataQs system cannot be used to request a review of a crash used to determine a carrier’s safety rating as a result of a CR. As indicated above, the crash will remain on the carrier’s profile.

Thank you for using the DataQs website.

If contesting a safety rating determination, the RDR filer should be advised to contest the crash preventability determination pursuant to the Part 385 safety rating process. If contesting a HMSP denial, the RDR should be routed to the FMCSA HM Division for review. The FMCSA HM Division may be reached by phone at (202) 385-2400.

6.3. Crash—Not Mine (Assigned to Wrong Motor Carrier)

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that motor carrier information contained on a State’s crash record was inadvertently uploaded to the wrong registered carrier in the MCMIS database.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer, if that

confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, identify the responsible motor carrier.

The DataQs analyst should identify the responsible motor carrier involved in the reportable crash. While it is often difficult to identify the responsible motor carrier when there is a leasing situation involving the vehicle, the driver, or both, identification of the responsible motor carrier may be accomplished through relevant and complete documentation that should be provided by the DataQs filer requesting the data review (see table “Information to Support Identification of the Responsible Carrier” on following page). If a carrier is a property carrier, pursuant to regulatory requirements, there should be a written lease document that identifies the responsible carrier. If a requestor is unable to produce the lease agreement or other information to clearly identify the responsible carrier, then the requestor should provide a sworn or verifiable statement from the responsible carrier.

Note: FMCSR Part 395.8(k)(1) requires motor carriers to retain all supporting documents at their principal place of business for a period of 6 months from date of receipt. Should the filer provide inadequate documentation to support its assertion, the DataQs analyst should refer to the table on following page titled “Information to Support Identification of the Responsible Carrier” that lists documents that the DataQs analyst may request from the carrier to help identify the responsible carrier. The analyst can also contact the carrier directly or through the DataQs website to request more specific information. The analyst will upload any documents subsequently provided to the DataQs system.

STEPS TO CONFIRM OR RESEARCH THE RESPONSIBLE CARRIER:

The steps outlined below are based on the review of an “Assigned to Wrong Carrier” RDR of crash data. As you will note when reviewing “**Best Practices for Resolving Inspection—Not Mine (Assigned to Wrong Motor Carrier) RDR Option**” (see [Section 6.11](#)), the issues to consider and questions to resolve are similar to RDRs pertaining to both crash and inspection data.

Step 1: Review the Documentation

- What did the officer document on the bus and truck supplemental section of the Police Accident Report (PAR)?
- Do the carrier identification number (USDOT number) and company name match on the report?
- If not, does at least one of the two (USDOT number or company name) match the information provided by the carrier requesting that the data be reviewed?
- Did the system match the police accident report (PAR) to the wrong carrier when uploaded?
- Is it possible that a number was transposed by the investigating officer when the USDOT number was recorded?

Step 2: Carrier Review and Consultation

What is the carrier’s reason for claiming that the crash belongs on another carrier’s record? Sometimes carrier RDR submissions will be lacking specificity and will not supply any explanation with the request that the data be reviewed. The carrier may simply write, “Not ours. Please remove.” Ask the carrier to be more specific. Ask the carrier to provide documentation to support its RDR. Per Part 395.8(k)(1), the carrier should have supporting documentation available for a period of at least 6 months from the date of receipt of an inspection report, a citation or ticket, a repair bill, shipping documents, lease or rental agreement(s), driver contract(s), etc.

Information to Support Identification of the Responsible Carrier

Carrier Interview	Determine whether the vehicle was subject to a lease, contract, or any rental agreement (U-Haul, Ryder truck, etc.); ask the motor carrier that was directing the movement of the vehicle; and record the name, address, and phone number of the responsible carrier. Request a copy of the lease or rental agreement.
Shipping Papers	Ask whether shipping papers exist. Shipping papers may provide the name of the motor carrier responsible for the load, but they probably will not have any USDOT or MC/MX identification number(s). Shipping papers are required for HM cargo.
Driver’s Log	Request a copy of the driver’s logbook, which will identify the driver’s employer. Note: The driver’s employer is not necessarily the responsible motor carrier; however, you can contact the motor carrier to confirm that the motor carrier was directing the movement of the vehicle at the time of the crash or inspection.
Contract or Lease Agreement	Review any contracts, leases, or rental agreements. If these documents are not clear, ask the carrier to clarify and provide support for such clarification through statements from the lessee or renter.
Vehicle Registration	The vehicle registration will identify the owner of the vehicle, but the owner is not necessarily the responsible carrier.
International Registration Plan (IRP) Cab Card	Interstate carriers with GVWR >26,000 lbs. are most likely to have a cab card. Each State’s IRP Cab Card may differ in appearance and in the information contained on the card. The cards may have the following information: <ul style="list-style-type: none"> • Registration: the entity registering the vehicle. • Owner/lessee: not the responsible motor carrier. • Motor carrier or motor carrier responsible for safety: if this is on the card, this is the name and USDOT number to record.

Step 3: Contact the Officer Who Completed the Report

Call the officer and discuss the RDR with him/her. What documentation did the officer review to determine that the company name identified on the crash report was the correct carrier name?

Step 4: Check FMCSA Information Systems

SAFETYNET and MCMIS: Does the vehicle appear in other crashes attributed to this company? Could there have been an error in how the crash was matched to the carrier during the matching process (e.g., was a number transposed by the investigating officer when he/she recorded the USDOT number)? Was the VIN properly recorded?

Analysis and Information (A&I) Online: You can access the DIR database via A&I. What company has the driver cited on the PAR driven for recently? Are there crash or inspection reports from other States showing the same driver and same motor carrier company name and/or USDOT number?

Inform the motor carrier that you found this information by reviewing the FMCSA information systems; afford the motor carrier an opportunity to respond to these findings. If, on the basis of research and supporting documentation, the DataQs analyst determines that the crash was assigned to the wrong carrier, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the crash file. Corrections to MCMIS data should be uploaded within 7 days from the date on which the State concluded that an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.4. Crash—Crash Report Contains Incorrect Information (for example, incorrect fatality count)

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that one or more of the crash data elements, motor vehicle elements, or personal data elements

collected by the investigating police officer as part of his/her crash report contain erroneous or incomplete information.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation submitted by the filer to justify his/her request to modify the crash report in MCMIS. If the DataQs analyst is uncertain about what data are required to be collected at the crash scene, he/she should refer to the State's accident report form for relevant information and assistance.

In addition, the DataQs analyst should consider contacting the investigating police officer to discuss the RDR and allow him/her the opportunity to clarify the issue(s) at hand. If, after performing this background research, the DataQs analyst concludes that additional information is required from the filer, contact him/her with specifics. Any documents subsequently provided will be uploaded automatically to the DataQs system.

Note: Two of the more common claims submitted by RDR filers are: (1) that a driver identified as an employee of a motor carrier involved in a crash or cited for violations in an inspection was, in fact, not an employee of the motor carrier, and (2) that the driver was off duty when the incident occurred and, therefore, the motor carrier is not responsible for the driver's actions during that off-duty period of time. These two claims of erroneous information can be processed as follows:

1. (*Not an Employee of Motor Carrier*) Obtain a statement from the motor carrier verifying that the driver is/was its employee with the duration of employment specified in the statement, or request a termination letter from the motor carrier, addressed to the driver, confirming that the driver is no longer employed by the motor carrier

disputing the data. In some situations the carrier may insist there is no such driver in the company. Try to verify the vehicle registration and VIN.

Use FMCSA information systems to determine whether this driver and/or vehicle was involved in a past crash or inspection. In rare instances, the driver may be from another division of the company (e.g., service mechanic to the carrier). Note that the definition of “employee” under 49 CFR 390.5 for purposes of motor carrier safety regulations includes an independent contractor. An independent contractor operating the vehicle under a lease or other type of arrangement is considered an employee of the motor carrier responsible for the operation.

2. *(Driver Off-Duty; Motor Carrier Not Responsible)*
Review driver’s record of duty status; review FMCSR Part 395.2 Definitions, which, with respect to on-duty time, state that:

On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. **On-duty time** shall include:

- a. All time at a plant, terminal, facility, or other property of a motor carrier or shipper (or on any public property) waiting to be dispatched, unless the driver was relieved from duty by the motor carrier;
- b. All time inspecting, servicing, or conditioning any CMV at any time;
- c. All driving time, which is defined as “all time spent at the driving controls of a commercial motor vehicle in operation”;
- d. All time, **other than driving time**, in or upon any CMV except time spent **resting in a sleeper berth**;
- e. All time loading or unloading a CMV, supervising or assisting in the loading or unloading, attending a CMV being loaded or unloaded, remaining in readiness to operate the CMV, or giving or receiving receipts for shipments loaded or unloaded;

- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV;
- g. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by Part 382 of this subchapter when directed by a motor carrier; and
- h. Performing any other work in the capacity, employ, or service of a motor carrier.

The DataQs analyst should conduct research to determine the driver’s on- or off-duty status by requesting relevant documentation from the motor carrier requesting the data review. The Analyst will upload documentation received outside the DataQs system (via facsimile) to the system.

If, on the basis of research and supporting documentation, the DataQs analyst determines that the motor carrier’s MCMIS crash record contained incorrect information, he/she should take the steps necessary (according to his/her State’s protocol) to update the crash file. Corrections to MCMIS data should be uploaded within 7 days from the date on which the State concluded that an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.5. Crash—Duplicate (Same Crash Listed Multiple Times)

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that the MCMIS crash file contains duplicate crash records (involvements where more than one record was submitted for the same vehicle in the same crash, i.e., the report number and sequence number were identical); and/or records with redundant, identical values (identical values on accident number, accident date/time, county, street, officer badge number, VIN, and driver’s license number, even though the vehicle sequence numbers were different).

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation (if any) submitted by the filer to justify his/her request to modify the crash file in MCMIS. If, in the estimation of the DataQs analyst, the filer's documentation is inadequate, the analyst should contact the filer via the DataQs website and request additional information. Any documents subsequently provided will be automatically uploaded to the DataQs system. If the documentation and the DataQs analyst's research confirm the existence of duplicate crash records in the motor carrier's MCMIS crash file, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the crash file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concludes that an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.6. Crash—Record Missing from Carrier or Driver Report

SITUATION:

During the course of conducting a routine compliance review at a motor carrier's principal place of business, an FMCSA safety specialist notes that, upon reviewing insurance reports, it appears the motor carrier was involved in one or more crashes that met FMCSA criteria for reportable crashes but were not uploaded via SAFETYNET to MCMIS. The safety specialist submits an RDR to the DataQs website, along with supporting documentation (including pertinent crash report[s]), requesting that the crash(es) in question be added by the State to the motor carrier's MCMIS crash file.

RESOLUTION:

The DataQs analyst should review FMCSA crash criteria and then evaluate the supporting documentation provided by the FMCSA safety specialist. If the DataQs analyst disagrees with the safety specialist's determination, he/she should contact the safety specialist to discuss the issue(s) involved. If it is then agreed that the crash(es) in question do, in fact, meet FMCSA-reportable crash criteria, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the crash file. Corrections to MCMIS data should be uploaded within 7 days from the date on which the State concluded that an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.7. Crash—Not Mine (Assigned to Wrong Driver)

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that occupant information collected by a State officer investigating a reportable crash contained erroneous data about the involved CMV driver.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation submitted by the filer to justify his/her request to modify the crash report in MCMIS. If the DataQs analyst is uncertain about what occupant data are required to be collected at the crash scene, he/she should refer to the State's accident report form for relevant information and assistance. In addition, the DataQs analyst should consider contacting the investigating police officer to

discuss the RDR. If, after performing this background research, the DataQs analyst concludes that additional information is required of the filer, contact him/her with specifics. Any documents will be uploaded automatically to the DataQs system. If the DataQs analyst concludes that certain information about the commercial driver was entered incorrectly on the investigating officer's crash report, the analyst should take the steps necessary (according to his/her State's protocol) to update the crash file. Corrections to MCMIS data should be uploaded within 7 days from the date on which the State concluded that an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.8. Inspection—Violation Is Incorrect, Listed Multiple Times, or Missing IEP/ Shipper Information

SITUATION:

A driver or a motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that the MCSAP inspector entered an incorrect violation code on the inspection report documenting a roadside inspection of one of the motor carrier's vehicles.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation (if any) submitted by the filer to justify his/her request to modify the inspection file in MCMIS. If, in the estimation of the DataQs analyst, the filer's documentation is inadequate, he/she should contact the filer via the DataQs website and request additional information. Upon receipt of additional documentation, he/she should contact the MCSAP inspector responsible for

the inspection report to discuss the issue at hand. Any documents subsequently provided will be uploaded automatically to the DataQs system.

If the documentation and the DataQs analyst's research confirm the existence of an incorrectly coded violation in the motor carrier's MCMIS inspection file, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

Note: In order to improve the safety of CMVs and save lives, FMCSA periodically updates existing safety violation IT codes, promulgates new ones, and, as soon as practicable, updates its information systems (e.g., SAFETYNET and Aspen) to: (1) accommodate prompt application of the updated and/or new IT codes and (2) allow the violation data to be accurately and promptly incorporated into the MCMIS inspection file. However, there may be an unavoidable time delay before the new safety violation IT codes are incorporated into FMCSA's information systems software. For example, on August 28, 2010, FMCSA's information systems software was upgraded to accommodate new speeding violation IT codes, with these new violations eligible for use by safety inspectors and uploading to MCMIS no earlier than August 28, 2010. RDR filings requesting that safety violation IT codes be applied retroactively—in this case to inspections conducted prior to August 28, 2010—should be closed with no data correction made. *Recently implemented safety violation IT codes such as these speeding violations are not applied retroactively.*

6.9. Inspection—Inspection Report Contains Incorrect Information/Other

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that certain vehicle identification data (e.g., vehicle make and

year, VIN, State of registration and/or license plate number, motor carrier address, etc.) were incorrectly entered onto the MCSAP inspector's inspection report and subsequently uploaded to the carrier's MCMIS inspection file.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, the analyst should confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation (if any) submitted by the filer to justify his/her request to modify the inspection file in MCMIS. If the DataQs analyst finds that the filer's documentation is inadequate, the analyst should contact the filer via the DataQs website and request additional information. Upon receipt of additional documentation, he/she should contact the MCSAP inspector responsible for the inspection report to discuss the issue at hand.

Any documents subsequently provided will be automatically uploaded to the DataQs system.

If the documentation confirms the existence of incorrect vehicle identification data in the motor carrier's MCMIS inspection file, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred.

6.10. Inspection—Duplicate (Same Inspection Listed Multiple Times)

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that the motor carrier's MCMIS inspection file contains duplicate inspection records (i.e., the same inspection is listed more than once).

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, the analyst should confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation (if any) submitted by the filer to justify his/her request to modify the inspection file in MCMIS. If the DataQs analyst finds that the filer's documentation is inadequate, the analyst should contact the filer via the DataQs website and request additional information. Upon receipt of additional documentation, he/she should contact the MCSAP inspector responsible for the inspection report to discuss the issue at hand.

Any documents subsequently provided will be uploaded automatically to the DataQs system.

If the documentation confirms the existence of duplicate inspection records in the motor carrier's MCMIS inspection file, the DataQs analyst should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred.

6.11. Inspection—Not Mine (Assigned to Wrong Motor Carrier)

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that motor carrier information contained on a State's inspection record had been inadvertently uploaded to the wrong registered carrier in the MCMIS database.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in

question. Then, the analyst should confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, identify the responsible motor carrier. Once confirmed, the DataQs analyst should turn his/her attention to identifying the responsible motor carrier involved in the inspection. While it is often difficult to identify the appropriate, responsible motor carrier when there is a leasing situation involving the vehicle, the driver, or both, identification of the responsible motor carrier may be accomplished through relevant and complete documentation that should be provided by the DataQs filer requesting the data review (see “RDR Status Options and Definitions” table in [Section 4.23](#)). If a carrier complied with regulatory requirements, there should be adequate documentation to support the identification of the responsible carrier. If a requestor is unable to produce the lease agreement or other information to identify the responsible carrier clearly, then the requestor should provide a sworn or verifiable statement from the responsible carrier.

Note: FMCSR Part 395.8(k)(1) requires motor carriers to retain all supporting documents at their principal place of business for a period of 6 months from date of receipt. Should the filer provide inadequate documentation to support its assertion, the DataQs analyst should refer to the guidance below, which lists documents that the DataQs analyst may request from the carrier to help identify the responsible carrier. The analyst can also contact the carrier directly or through the DataQs website to request more specific information. Any documents subsequently provided will be uploaded automatically to the DataQs system.

STEPS TO CONFIRM OR RESEARCH THE RESPONSIBLE CARRIER:

Step 1: Review the Documentation

- What did the officer document on the inspection report?
- Do the carrier identification number (USDOT) and company name match on the report?

- If not, does at least one of the two (USDOT number or company name) match the identifying information for the carrier submitting the RDR? If there is conflicting identifying information on the report, does the report adequately identify the responsible carrier?
- Is it possible that a number was transposed by the inspecting officer when the USDOT number was recorded?

Step 2: Carrier Review and Consultation

What is the carrier’s reason for claiming that the inspection belongs on another carrier’s record? If the carrier has not provided an adequate description of the basis for the RDR, request further or more detailed explanation of the basis for the RDR. Request documentation to support the RDR. (Per Part 395.8(k)(1), the carrier should have supporting documentation available for a period of at least 6 months from the date of receipt of an inspection report, a citation or ticket, a repair bill, shipping documents, lease or rental agreement(s), driver contract(s), etc.)

Step 3: Contact the Officer Who Completed the Report

Call the officer and discuss the RDR. What documentation did the officer review to determine that the company name identified on the inspection report was the correct carrier name?

Step 4: Check FMCSA Information Systems

SAFETYNET and MCMIS: Review other inspections or crashes assigned to this company to determine use/ownership of the vehicle. Determine whether there was an error in matching the inspection report to the proper carrier (e.g., was a number transposed by the inspector when he/she recorded the USDOT number?).

A&I Online: Access the DIR database via A&I to determine what company the driver cited on the inspection report has driven for recently and whether there are crash or inspection reports from other States showing the same driver and same motor carrier company name and/or USDOT number.

Inform the motor carrier that you have reviewed the FMCSA information systems and ask the motor carrier to respond to questions raised by the FMCSA data. If, on the basis of research and supporting documentation, the DataQs analyst determines that the inspection was assigned to the wrong carrier, he/she should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.12. Inspection—Inspection Missing from Motor Carrier's Files

SITUATION:

While conducting an onsite compliance review, an FMCSA safety specialist identifies one or more roadside inspections in the motor carrier's files that were not uploaded to the carrier's MCMIS inspection file. The safety specialist submits an RDR to the DataQs website, along with supporting documentation, requesting that the omitted inspection(s) be added by the State to the carrier's MCMIS inspection file.

RESOLUTION:

The DataQs analyst *should review the supporting documentation* provided by the FMCSA safety specialist to ensure that the inspections omitted from the motor carrier's MCMIS inspection file were performed on commercial vehicles and met the Part 390.5 definition of a CMV. According to Part 390.5, a CMV is any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

1. Has a GVWR or GCWR, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or

3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C.

If, on the basis of research and supporting documentation, the DataQs analyst determines that the inspection(s) were mistakenly omitted from the motor carrier's MCMIS inspection file, he/she should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.13. Inspection—Not Mine (Assigned to Wrong Driver)

SITUATION:

A motor carrier or driver filer submits an RDR to the DataQs website, along with supporting documentation, asserting that driver information collected by a State MCSAP inspector contained erroneous data.

RESOLUTION:

First, confirm the identity of the requestor and the record. The DataQs analyst should review the original State report (crash or inspection) and SAFETYNET to verify the carrier assigned to the vehicle record in question. Then, the analyst should confirm the identity of the filer, if that confirmation would be instrumental in resolving the RDR. In addition, it is recommended that the vehicle in question be verified against the original State report.

Second, review all documentation (if any) submitted by the filer to justify his/her request to modify the inspection report in MCMIS. Refer to the USDOT's 37-Point Level I Truck Safety Inspection Checklist

for guidance on information that is required to be collected during an inspection. Consider contacting the State MCSAP inspector to discuss the RDR.

If, after performing this background research, the DataQs analyst concludes that additional information is required, contact the filer to request specific information. Any documents subsequently provided will be uploaded automatically to the DataQs system. If the DataQs analyst concludes that certain information about the commercial driver was incorrectly entered on the inspection report, the analyst should take the steps necessary (according to his/her State's protocol) to update the inspection file. Corrections to MCMIS data should be uploaded within 7 days from the date that the State concluded an error occurred. The DataQs analyst should then notify the motor carrier and other involved participants via the DataQs website that this change was made.

6.14. Registration/Insurance—Carrier Information (MCS-150)

SITUATION:

A motor carrier submits an RDR to the DataQs website asserting that it filed, as required, an updated Motor Carrier Identification Report (Form MCS-150) with FMCSA, but that the carrier's MCMIS file does not reflect the updated information. The carrier provides the updated MCS-150 as supporting documentation.

RESOLUTION:

Review the supporting documentation provided by the filer to determine the date of the MCS-150 filing and whether the carrier used the electronic online application process or submitted a paper copy of the MCS-150 by mail or facsimile. Information updates from online applications should take effect almost immediately. Mail-in applications require 4–6 weeks of processing time and are prone to delay if the information on the form is not legible or is incorrect. If an update is not on file, pending review and approval, or the requestor is unable to provide documentation confirming their most recent update, direct the requestor to instructions for updating registration available on the FMCSA website at: <http://www.fmcsa.dot.gov/registration/updating-your-registration>.

6.15. DOT Audit/Investigation—Compliance Review

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that data recorded during a compliance review were inaccurate or incomplete, resulting in the erroneous assignment of a safety rating.

RESOLUTION:

While motor carriers have the right to petition for a review of their ratings if there are factual or procedural disputes, and to request another review after corrective actions are taken, the DataQs system should be used only for an RDR that questions the accuracy of the data recorded during the compliance review and not to appeal a proposed safety rating. If the filer seeks to appeal a safety rating based on erroneous data, the DataQs analyst should refer the filer to Part 385.15: Administrative Review, which describes the process for appealing a safety rating based on Agency error. Otherwise the analyst should proceed with the review of the RDR.

6.16. Registration/Insurance—Operating Authority (OP-1, OP-2)

SITUATION:

A company submits an RDR to the DataQs website, along with supporting documentation, asserting that it has not yet received the required operating authority for which it has applied.

RESOLUTION:

The DataQs analyst should access the L&I page on the SAFER website in order to research the filer's claim and determine the status of its operating authority application, and then provide the information to the filer via the DataQs website.

6.17. DOT Audit/Investigation—Safety Audit

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that he/she believes incorrect and/or incomplete safety

data were collected during the safety audit that led to a determination by FMCSA that the company's basic safety management controls were inadequate, resulting in the carrier's new entrant registration being revoked.

RESOLUTION:

After confirming the identity of the filer, the DataQs analyst should refer the filer to 49 CFR 385.327, which contains the process for appealing a failed safety audit based upon an error in the determination that the carrier's basic safety management controls are inadequate. The DataQs system enables a filer to submit an RDR to correct information collected in a safety audit, however the filer must follow the process outlined in 49 CFR 385.327 to appeal a failed safety audit that resulted from Agency error. If the data under question in the RDR are data that did not lead to a failed safety audit, the analyst should proceed with the review of the RDR.

6.18. Registration/Insurance—Information

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that he/she believes incorrect and/or incomplete financial responsibility data were collected by safety officials during a compliance review or safety audit.

RESOLUTION:

The DataQs analyst should determine the financial responsibility requirements in 49 CFR 387.7 that apply to this carrier and provide this information to the filer. If there was an error with respect to the financial responsibility requirement, the carrier may submit a request for administrative review pursuant to 49 CFR 385.15. After confirming the identity of the filer, the DataQs analyst should refer the filer to Part 385.15: Administrative Review of Safety Fitness Determinations, which describes the process for appealing an erroneous safety rating—in this instance, the determination that the motor carrier carried less than the minimum level of insurance.

6.19. DOT Audit/Investigation—Fine as a Result of Notice of Claim/Notice of Violation

SITUATION:

A motor carrier filer submits an RDR to the DataQs website, along with supporting documentation, asserting that data contained in a Notice of Claim or Notice of Violation document are inaccurate, resulting in an erroneous enforcement action.

RESOLUTION:

The DataQs system will automatically refer this type of RDR to the appropriate FMCSA Service Center.

6.20. Registration/Insurance—Motor Carrier—Not Registered or Improperly Registered

SITUATION:

A State agency filer submits an RDR to the DataQs website, along with supporting documentation, to notify the State of domicile that a particular motor carrier is operating while unregistered.

RESOLUTION:

The State of domicile of the unregistered carrier will receive the information from the filer and take action to get the carrier registered.

6.21. Complaint—Fraudulent (Did Not Do Business)

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that an HHG complaint received by FMCSA and maintained in the carrier's permanent file is fraudulent, because the carrier and the filer of the complaint did not do business together.

RESOLUTION:

The DataQs system automatically forwards the RDR and supporting documentation to the HHG staff of the FMCSA Commercial Enforcement Division, who will research the issue to validate the claim of fraudulent or duplicate complaints using the information and documentation provided by the filer. If the filer's claim is valid, the carrier's record will be modified accordingly.

6.22. HHG Complaint—Duplicate (Two Identical Complaints)

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, asserting that an HHG complaint against a motor carrier/broker that is being maintained in the carrier's permanent file duplicates a complaint previously received by FMCSA via the NCCDB or the toll-free hotline.

RESOLUTION:

The DataQs system automatically forwards the RDR and any supporting documentation to the HHG staff of the FMCSA Commercial Enforcement Division, who will research the issue to validate the claim of fraudulent or duplicate complaints using the information and documentation provided by the filer. If the filer's claim is valid, the carrier's record will be modified accordingly.

6.23. Other RDR

SITUATION:

A filer submits an RDR to the DataQs website, along with supporting documentation, after determining that none of the other 22 RDR options adequately describes the nature of the data review request.

RESOLUTION:

The DataQs analyst should review all documentation provided by the filer, request additional information or documentation if deemed necessary, and proceed in a logical fashion to resolve the issue(s) at hand. It may be that the filer did not understand, or was not aware of, the available RDR choices.



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Background on FMCSA Crash Data

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Part I: State Crash Data

A. The ANSI D16 Manual on Classification of Motor Vehicle Traffic Accidents

The [American National Standard Manual on Classification of Motor Vehicle Traffic Accidents](#), Seventh Edition, referred to as “ANSI D16,” was prepared by the D16 Committee on Classification of Motor Vehicle Traffic Accidents under the direction of the Association of Transportation Safety Information Professionals of the National Safety Council Highway Traffic Safety Section. The Manual is designed to facilitate the development of data on accidents involving motor vehicles and other road vehicles in and out of traffic. It is a voluntary consensus standard for statistical classifications of motor vehicle traffic accidents for nationwide use.

The ANSI D16 standard definitions are intended for use in all motor vehicle traffic accidents, including accidents involving cars, mopeds, golf carts, and motorized bicycles, as well as large trucks. By comparison, the FMCSR crash reporting requirements apply only to CMVs, as defined in 49 CFR 390.5. The ANSI D16 manual notes that the standard does not require the use of all classifications described in the manual nor prohibit the use of additional classifications. The ANSI D16 standards and manual are not regulations or requirements for accident reporting or investigation. Accident reporting requirements that govern State or local police are generally established by State law. For purposes of

CMV crashes, FMCSA reporting requirements are contained in 49 CFR Part 390. States receiving MCSAP funds are responsible for adopting and enforcing State safety laws and regulations that are compatible with the FMCSRs in 49 CFR Parts 390-397, including the accident reporting standard in 49 CFR 390.5.

The FMCSR standards for reportable CMV crashes largely comport with the ANSI D16 standards. There are, however, a few areas in which the two standards differ. Where there is a conflict between the FMCSR standard and an ANSI D16 standard as it pertains to CMV crashes, the FMCSR standard should prevail.

B. Conflicts With ANSI D16

If an accident does not meet the requirements for a motor vehicle traffic accident under ANSI D16, then State officers who are unfamiliar with the reporting requirements for CMV crashes might not prepare an accident report for a reportable CMV crash. Under these circumstances, there would be no crash report in SAFETYNET or MCMIS and, most likely, no RDR filed concerning the absence of the report on a carrier’s record. Occasionally, however, a State officer will submit a CMV crash record for an accident that may not meet the reportable standard under either ANSI D16 or 49 CFR 390.5. Under these circumstances, an RDR alleging that the crash was not reportable should be judged by the regulatory standards and guidance contained in the FMCSRs or compatible law adopted by the State of record.

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Under ANSI D16, there must be at least one harmful event that is *NOT* the result of a deliberate act (suicide) or medical condition (heart attack) or direct legal intervention (police ramming a vehicle or use of spikes) or a cataclysm (avalanche, landslide/mudslide, hurricane, earthquake, volcano,) in order to satisfy the definition of a motor vehicle traffic accident. This ANSI D16 standard does not always comport with the accident reporting requirements under the FMCSRs. The DataQs analyst, however, should only be concerned with crash reports that the State has filed in SAFETYNET and that have been uploaded into MCMIS. These CMV crash reports are governed by the FMCSR standard and do not affect the State's general recording of all motor vehicle traffic accidents under ANSI D16. Where there is a conflict between reporting under the ANSI D16 standard and the FMCSR standard, the FMCSR standard will control for CMV crashes.

The following examples reflect the situation of a driver having a heart attack and indicate how classification of the challenged record would be considered under ANSI D16 and under the FMCSRs:

1. A driver has a heart attack while operating his large CMV on a public road. His vehicle hits a curb and comes to rest. No damage occurs to his vehicle. When the State police officer arrives, he discovers that the driver is deceased. This record should be sent to FMCSA as a reportable crash involving a fatality.
2. A driver has a heart attack and loses control of his tractor. His tractor is towed due to disabling damage as a result of a collision with a light pole at a high rate of speed. No other vehicles are involved. Under this scenario, the incident would meet both the FMCSR and ANSI D16 standard due to the disabling damage to the vehicle.

Part II: Federal Crash Data

A. MCMIS Crash File

The MCMIS crash file is a census of federally qualifying trucks and buses that are involved in traffic accidents, regardless of whether the crash was preventable or non-preventable, or whether the vehicle was operating under a regulatory exemption at the time of the crash. A carrier might submit an RDR based on one of the following reasons, but these are not necessarily a basis for exclusion from the MCMIS crash file:

- The CMV was not operating in commerce at the time of the crash because the driver was:
 - Off duty.
 - "Bobtailing" (en route to another destination after delivering the cargo).
 - Operating the vehicle for personal use.
 - On an errand after a contract was fulfilled.
- The vehicle was subject to a regulatory exemption:
 - Commercial school bus company transporting students to or from school.
 - Agricultural exemption for farm motor vehicles operating only in intrastate commerce.
- Claims of "no fault" or "not preventable":
 - Motor vehicle stopped in traffic at the time of the accident.
 - Motor vehicle parked at the time of the accident.
 - "No fault" claims (various).

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B. The FMCSA Reportable Crash Standard

Crashes involving a CMV and some non-commercial motor vehicles must be reported on a State's crash report and to the FMCSA. A CMV is any motor vehicle that is used on a trafficway for the transportation of goods, property, or people in interstate or intrastate commerce. This standard applies to all qualified vehicles and all qualified severities described below, regardless of what the use of the vehicle was at the time of the crash, if the vehicle is primarily used for commercial purposes. The determination of whether a truck or bus qualifies as a CMV and whether the CMV was operating in interstate commerce, or intrastate commerce for carriers transporting hazardous materials, is not always readily apparent. The following guidance clarifies the types of vehicles, transportation, and crash characteristics that are covered by the FMCSR crash reporting standard. At least one item from each of the qualifications below must apply:

VEHICLE QUALIFICATION:

A qualifying vehicle should fall into one of the categories below:

- The vehicle involved in the crash is a motor vehicle having a GVWR of more than 10,000 pounds or a GCWR over 10,000 pounds used on public highways; or
- The vehicle involved in the crash is a motor vehicle designed or used to transport nine or more passengers, including the driver; or
- The vehicle involved in the crash is ANY vehicle transporting HM in a quantity requiring the display of a HM placard. **Note:** Officers discovering a vehicle transporting significant quantities of HM without placarding, if lacking expertise in this area, should consult an officer knowledgeable in Federal Hazardous Materials Regulations in order to determine whether placarding is required.

CRASH SEVERITY QUALIFICATION:

- **A fatality:** Any person(s) who is killed inside or outside any vehicle (truck, bus, car, etc.) involved in the crash, or who dies within 30 days of the crash as a result of an injury sustained in the crash; or
- **An injury:** Any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene; or
- **A towaway:** Any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle.

Note: Vehicles that are personally owned and operated and are not used for any type of commercial activity are not included, even if the weight or seating capacity meets the above requirements. This should be distinguished from an otherwise large truck or bus that is used primarily for business purposes but sometimes operated for personal use. Personal use of a business vehicle does not exempt the record from collection.

C. Guidance Relative to the FMCSA Reportable Crash Standard

GVWR AND GCWR QUALIFICATION: Use the manufacturer's designated weight rating, not the loaded weight from the bill of lading or the scaled weight of the vehicle. The manufacturer's weight rating is not necessarily the same as the registered weight or the actual weight. The combined GVWRs of the motor vehicle and any trailer that is being towed determine the GCWR.

SEATING CAPACITY QUALIFICATION: Base the seating capacity on the actual seating or designed seating, not the standing space, nor the actual number of passengers present. The seating capacity includes the driver.

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HAZARDOUS MATERIALS QUALIFICATION:

Based on amounts of HM requiring placarding under the DOT Hazardous Materials Regulations, 49 CFR Part 172; includes placarded vehicles and non-placarded vehicles that require placarding. Intrastate motor carriers of HM are included. The crash report or accompanying documents should indicate whether the vehicle was transporting regulated HM requiring placarding.

INJURY TRANSPORTED FOR TREATMENT

QUALIFICATION: The transportation of a person for medical treatment can occur by any means, including airlift or by friends/family. The interpretation of "immediate" should be straightforward in application. If someone goes home or is later transported, that person does not qualify. The key issue is whether the injury was assessed as in need of treatment (not just a checkup) at the time of the accident.

TOW DUE TO DISABLING DAMAGE

QUALIFICATION: *Disabling damage* is damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

The following situations would qualify for the "Towed due to Disabling Damage" qualification:

- Driving the vehicle would result in further damage (e.g., the vehicle loses radiator fluid, and driving the vehicle would soon burn out the engine and possibly start a fire, etc.).
- A vehicle fire (even if the initial cause of the fire is an engine or other vehicle malfunction) results in either a tow due to disabling damage or injury requiring treatment away from the scene of the crash.
- Highly specialized tools are brought to the scene to keep from having the vehicle towed.
- A damaged vehicle is removed from the scene by some means other than a tow.
- A trailing unit is damaged and towed while the power unit is drivable.

Exclude those situations where:

- Damage could be remedied (e.g., fender pulled away from tire) without the need of special tools or parts. The vehicle itself was not disabled.
- Tire disablement (even if no spare was available) concerned only the tire. If the rim were damaged, rendering the vehicle not drivable, then that would qualify.
- Functional damage where the operator decided not to drive the vehicle (e.g., broken headlight during night driving; windshield or wipers damaged during rain).
- A vehicle was uprighted or towed back to the road and then driven from the scene.
- The vehicle was towed because the driver was unable or unwilling to drive it from the scene due to personal injuries, arrest, or any other personal issues.

TIME LAPSE ISSUES:

TOW – DISABLING DAMAGE: There are situations in which a tow may occur after the officer completes the crash report and has left the scene, or the intent to tow the next day is noted. If a vehicle is truly disabled and marked as such on the report or noted in the narrative, but not marked as "Towed" (or the State report does not have any "Towed" field(s)), it can still qualify as meeting the crash severity criteria and be a reportable crash.

INJURY – TREATMENT: Generally, any transportation after leaving the scene does not qualify. In very rare situations, transportation that is later than

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“immediate” may be applied. If a driver flees on foot to avoid arrest and is later found and transported for obvious injuries, or if there is some delay in the actual transportation, but the officer notes that he/she can justify the reason for the delay, it can qualify.

FIRE SITUATIONS: Because a fire can smolder or smoke before igniting, a delay can occur. For example, a large bus traveling down the roadway begins to smoke under the hood. The driver pulls off to the shoulder and turns off the engine. If a fire then ignites and results in an injury or a tow due to disabling damage, this can qualify. Although this may appear to be a disqualified “parked” motor vehicle (not in transport), the vehicle’s incident began on the roadway while it was in transport. Because the resulting fire caused disabling damage to the vehicle, this would be a reportable crash.

D. Commercial and Non-Commercial Vehicle Data Collected

For the purposes of DataQs, the motor carriers matched to a USDOT Number are the primary records that produce an RDR that the DataQs analyst will have to resolve. The following are examples of commercial and non-commercial vehicle operations that are, in the event of a crash, reportable or not reportable to SAFETYNET.

1. Reportable: Commercial Motor Vehicle Involved in a Crash

Category 1: Motor vehicles providing transportation of goods or property for compensation (for-hire) or not for compensation (not-for-hire). Examples:

- A trucking company using tractor-trailers hauling a manufacturing company’s goods for a fee.
- An individual truck driver (owner-operator with interstate authority) who owns a truck or truck tractor and contracts with businesses to carry goods or property.
- A manufacturing company using tractor-trailers to haul its own products to retail stores.
- An agricultural farm hauling its produce to market using a large combination truck.
- A retail store delivering products across a State line.
- A large rental truck used for commercial purposes by a carrier with interstate authority.

Category 2: Motor vehicles providing passenger transportation for compensation (for-hire) or not for compensation (not-for-hire). Examples:

- A motorcoach transporting passengers within and between cities and towns.
- An airport shuttle bus service paid to transport people to hotels and other businesses across a State line or as part of continuous interstate transportation.
- A hotel-owned 16-passenger shuttle bus providing complementary transportation to guests.
- Contracted school operations transporting students to and from school and school-related activities.

Category 3: Motor vehicles in one of the above categories AND at the time of the accident: “bobtailing” (with no trailer attached); not under contract or not carrying a load; being used for personal reasons; or being driven by a CMV driver who is “off duty.” Examples:

- An owner-operator drives his tractor (bobtail) to the store to pick up some personal items.
- A driver of a tractor-trailer drops off his cargo and has another contract to pick up cargo locally. In between jobs, he stops at a restaurant to eat.

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- A company with interstate authority has a contracted vehicle in its fleet on the roadway but not under dispatch and with no cargo on board.
- A marina owner uses his work vehicle (a truck >26,000 pounds with a hitch capable of towing large boats) to take his private boat to a lake on a weekend.

2. Reportable: Commercial Motor Vehicle Used in Nonregulated Operations Involved in a Crash

Crashes involving motor vehicles owned and operated by municipal, county, or State governments should be reported to SAFETYNET. These vehicles fall under the definition of CMVs but are generally exempt from portions of the FMCSRs. Accordingly, while these crash records may be captured in the MCMIS crash file, they rarely generate an RDR. Examples:

- City transit buses and school buses transporting students to or from school (carrying nine or more passengers, including the driver).
- City-owned garbage trucks.
- Military vehicles.
- Highway maintenance vehicles.
- Rental trucks used for personal transportation, such as U-Haul, Ryder, Budget, Penske trucks, etc.

3. Non-Reportable: Personal Vehicle Used in Non-Commercial Operations Involved in a Crash

A personally owned truck or passenger vehicle meant for personal use only is non-reportable and should be excluded from the MCMIS crash file. Examples:

- A homeowner carrying recyclables to a drop-off point in a personally owned pickup truck weighing more than 10,000 pounds.
 - A family of 10 people taking a trip in the family's 12-person van.
 - A personally owned pickup truck hauling a boat trailer or horse trailer for personal use only, not in the furtherance of a commercial business (private or for hire), with a GCWR >10,000 pounds.
 - A family operating a recreational vehicle/motor home.
- ### 4. Non-Reportable: CMV operated on a private road, street, or an area *not* open to public travel.



Appendix II

Additional Resources to Facilitate DataQs Research and Resolution

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Additional Resources to Facilitate DataQs Research and Resolution

The following list describes core operational information systems and websites that FMCSA maintains and/or with which it interoperates that are available to assist DataQs analysts in researching and resolving RDRs.

A. The Motor Carrier Management Information System (MCMIS)

The foundation of FMCSA's data-driven safety activities is the **Motor Carrier Management Information System (MCMIS)**. MCMIS is a computerized system where FMCSA maintains a comprehensive record of the safety performance of motor carriers (trucks and buses) and hazardous materials shippers that are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). MCMIS contains crash, census, inspection, investigation, and enforcement information.

MCMIS DATABASES

The **FMCSA Crash File** is an *involvement* database; i.e., it is a census of qualifying trucks and buses involved in traffic crashes, regardless of whether the crash was preventable or non-preventable, whether the vehicle was operating under a regulatory exemption,⁶ and whether or not the vehicle was operating in commerce at the time of the crash. The FMCSA Crash File contains crashes that meet the definition of a reportable "accident" in 49 CFR 390.5. The Crash File contains data from State police crash reports involving motor vehicle traffic accidents in the United States. State crash reports contain, on average, between 80 and 120 data elements pertaining to the motor carrier, driver, vehicle(s), and circumstances of the crash. The Crash File primarily contains commercial motor vehicle records (interstate motor carriers and intrastate motor carriers) but also contains some non-commercial motor vehicle records (large trucks and buses not requiring a USDOT Number or other operating authority but collected for analytical purposes). Under the Motor Carrier Safety Assistance

⁶Part 381.300 states as follows:

§381.300 What is an exemption?

- (a) An exemption is temporary regulatory relief from one or more FMCSR given to a person or class of persons subject to the regulations, or who intend to engage in an activity that would make them subject to the regulations.
- (b) An exemption provides the person or class of persons with relief from the regulations for up to 2 years and may be renewed.
- (c) Exemptions may only be granted from one or more of the requirements contained in the following parts and sections of the FMCSRs:
 - (c)(1) Part 382 – Controlled Substances and Alcohol Use and Testing;
 - (c)(2) Part 383 – Commercial Driver's License Standards; Requirements and Penalties;
 - (c)(3) Part 391 – Qualifications of Drivers;
 - (c)(4) Part 392 – Driving of Commercial Motor Vehicles;
 - (c)(5) Part 393 – Parts and Accessories Necessary for Safe Operation;
 - (c)(6) Part 395 – Hours of Service of Drivers;
 - (c)(7) Part 396 – Inspection, Repair, and Maintenance (except for Part 396.25); and
 - (c)(8) Part 399 – Step, Handhold and Deck Requirements.

Additional Resources to Facilitate DataQs Research and Resolution

Program (MCSAP), a grant program administered by FMCSA in cooperation with the States, FMCSA has implemented a crash reporting system based on State police crash reports that are electronically transmitted from the States to FMCSA. The latest phase of this implementation is based on uniform crash data elements developed through the National Governors Association (NGA). The collected State crash data are entered into a microcomputer-based system called SAFETYNET that allows States to analyze these CMV records. Disputes regarding motor carrier records in the MCMIS Crash File lead to RDRs.

The **MCMIS Census File** contains records for a steadily growing number of active entities—i.e., motor carriers, hazardous materials shippers, entities that are both carriers and shippers. In order to identify each entity, MCMIS assigns a unique number to each entity's record that is referred to as the record census number and is issued to an entity as its USDOT Number. MCMIS assigns an active or inactive status to each Census record. A record is considered active in the Census File if the entity identified in the record is currently subject to the FMCSRs or HMRs or is an intrastate non-hazardous material (non-HM) carrier issued a USDOT Number by selected States (not all States are issuing USDOT Numbers to intrastate non-HM carriers). A record is considered inactive if the entity is no longer in business or is no longer subject to the FMCSRs or HMRs. Each Census record contains the following information, supplied and updated by the entity through its required filing of the MCS-150:

- **Census Information:** Entity identifying data—name, address, etc.
- **Business/Operation Data:** Operation classification and type of business.
- **Cargo Classification:** Type of cargo carried.
- **Hazardous Materials Carried/Shipped:** Yes or no.

- **Equipment and Driver Data:** Number of trucks owned or leased, number of drivers, etc.
- **Carrier Review Data:** Latest review date, crash rate, safety rating, etc.

The **FMCSA MCMIS Inspection File** contains data from State and Federal inspection actions involving motor carriers, HM shippers, and HM transporters operating in the United States. The majority of the inspections are conducted at the roadside by State personnel under MCSAP. Federal and State field enforcement staff members perform inspections on interstate and intrastate motor carriers, shippers, and transporters of HM. Violations of the FMCSRs and HMRs that are severe enough may result in a vehicle and/or driver being placed out-of-service.

The **Compliance Review File** contains information on safety fitness and safety performance investigations performed by Federal or State safety specialists on motor carriers presenting a potentially high risk to highway safety. This includes information on violations of FMCSRs and HMRs found in driver qualification files, duty status files, drug and alcohol test files, vehicle maintenance records, and safety management records. The Compliance Review File also contains safety ratings resulting from onsite compliance reviews.

The **Enforcement File** contains information on safety-related sanctions imposed on motor carriers by FMCSA. These can range from placing the carriers (and all their vehicles) out-of-service to fines and civil penalties.

B. Analysis and Information (A&I) Online

A&I Online is a web-based tool designed to provide quick and efficient access to descriptive statistics and analyses regarding CMV, driver, and carrier safety information. It is used by Federal and State enforcement personnel, as well as by the motor carrier industry, insurance companies, academia, and the general public.

Additional Resources to Facilitate DataQs Research and Resolution

The Driver Information Resource (DIR) is also accessible via the A&I Online website. The DIR is a web-based lookup capability that provides easy access to individual driver safety performance and compliance history. It contains data on 3.5 million drivers, allows a user to search by driver for a driver's crash and inspection history regardless of the driver's employment history, and allows a user to search by carrier for a driver's crash and inspection history while operating for the carrier. These data are available only to FMCSA and State enforcement personnel who are authorized users and not to the general public.

C. Licensing and Insurance (L&I) System

The L&I System is a client-server-based and web-based application with both public and private access. It is used to enter and display licensing and insurance information regarding authorized for-hire motor carriers, freight forwarders, and property brokers. It is the authoritative source for FMCSA licensing and insurance data. L&I is part of the registration process.

D. Safety and Electronic Records (SAFER)

The FMCSA Safety and Fitness Electronic Records (SAFER) System offers company safety data and related services to industry and the public over the Internet. Users can search FMCSA databases, register for a USDOT number, pay fines online, order company safety profiles, challenge FMCSA data using the DataQs system, access the Hazardous Material Route registry, obtain National Crash and Out-of-Service rates for Hazmat Permit Registration, get printable registration forms, and find information about other FMCSA Information Systems.

E. Commercial Driver's License Information System (CDLIS)

Mandated by the Commercial Motor Vehicle Safety Act 1986 (CMVSA), CDLIS provides information necessary for the issuance of a commercial driver's

license (CDL) by the CDLIS jurisdictions (the 50 States and the District of Columbia). The purpose of CDLIS is twofold: (1) to keep a record of each driver nationwide and to ensure only one driver's license and one record for each driver and (2) to enable authorized users to check whether a driver is withdrawn, through the cooperative exchange of commercial driver information among the 51 CDLIS jurisdictions.

CDLIS consists of a Central Site and nodes at the State Driver Licensing Agency (SDLA) of the 51 jurisdictions. The Central Site houses identification data for each commercial driver registered in the jurisdictions, such as:

- Name.
- Date of birth.
- Social Security Number.
- State driver license number.
- Also Known As (AKA) information.
- Current "State of Record" (SOR).

This information constitutes a driver's unique CDLIS Master Pointer Record (MPR). Each MVA houses detailed information about each driver for which it is the SOR. This detailed information, called the driver history, includes identification information, license information, and a history of convictions and withdrawals.

When a jurisdiction MVA queries CDLIS to obtain information about an applicant prior to issuing a CDL, the CDLIS Central Site compares data provided by the State of Inquiry (SOI) against all MPRs in CDLIS. If one or more matches are returned, then the CDLIS Central Site "points" the SOI to the SOR. The SOR can then provide detailed information about the driver's commercial driving history. CDLIS data are not publicly accessible. Only authorized State and Federal agency personnel may access the system.

Additional Resources to Facilitate DataQs Research and Resolution

F. National Law Enforcement Telecommunication System (NLETS)

NLETS is a message switching network that links local, State, and Federal agencies together to provide the capability for information sharing related to criminal justice and public safety among the States. The system is operated and controlled by the States. Every State is a member, and certain Federal agencies or offices may access the system, for example, the Federal Bureau of Investigation's National Crime Information Center (NCIC), U.S. Treasury's Treasury Enforcement Communications System (TECS), Department of Justice's System (JUST), Postal Inspection Service, Naval Criminal Investigation Service (NCIS), Interpol, Air Force Office of Special Investigations (OSI), U.S. Secret Service, Department of State, Immigration Service Law Enforcement Support Center (LESC) also use the network. In 1990 an interface to the Royal Canadian Mounted Police (RCMP) was established.

G. State Traffic Record Systems

There are various State systems used as data collection and reporting tools by State public safety agencies and offices. These systems provide organizations with an information management tool to streamline and automate the capture and transfer of incident data (citations, accidents, etc.) in the field. Using mobile computing technologies to capture and report incident data where they occur, these systems improve the accuracy, completeness, and timeliness of incident data and reduce users' administrative duties and paperwork.

H. Federal Motor Carrier Safety Administration Website

FMCSA's Frequently Asked Questions (FAQ) web page provides answers to 480 frequently asked questions about FMCSA operations and procedures.

I. Safety Measurement System (SMS) Methodology and Violation Severity Weight Tables

FMCSA's Compliance Safety Accountability (CSA) Operational Model features continuous monitoring and tracking of the safety performance of motor carriers and drivers. All such entities found to have problematic safety behavior are subject to the Intervention Process. Within the CSA Operational Model, the Safety Measurement System (SMS) quantifies the on-road safety performance of motor carrier entities in order to:

- Identify entities for interventions. The SMS is a key component in determining the inclusion of entities with significant safety problems in the CSA Intervention Process.
- Determine the specific safety problems an entity exhibits. The SMS allows enforcement officers to identify the specific safety problems that the system highlights and to address them through a tailored set of interventions.
- Monitor safety problems throughout the Intervention Process. The SMS continuously monitors on-road performance to assess whether an entity's safety performance has improved enough for it to exit the Intervention Process or whether further intervention is warranted.

The SMS Methodology and Violation Severity Weight Tables document the SMS methodology developed to support FMCSA's CSA Initiative (<http://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>). Appendix A includes all the roadside violations considered by the SMS, broken down by BASIC, with their associated point values. Severity Weight Tables 1 through 6 in Appendix A list all the violations in the SMS, with the first two columns of each table identifying each violation by regulatory part and its associated definition. The third column in each table identifies the violation group to which each violation is assigned, followed by the violation groups' severity weights in

Additional Resources to Facilitate DataQs Research and Resolution

the fourth column. The fifth column, “Violation in the DSMS (Y/N),” indicates whether or not the violation is used in the DSMS. The methodology for DSMS can be found at: http://csa.fmcsa.dot.gov/Documents/Driver_SMSMethodology.pdf.

J. National Driver Register (NDR)

The [National Driver Register \(NDR\)](#) is a NHTSA computerized database of information about drivers who have had their licenses revoked or suspended, or who have been convicted of serious traffic violations such as driving while impaired by alcohol or drugs. State motor vehicle agencies provide the NDR with the names of individuals who have lost their privileges or who have been convicted of a serious traffic violation. The State DMV checks to see whether the name is on the NDR database when a person applies for a driver’s license. If a person has been reported to the NDR as a problem driver, the license may be denied.

Note: There is no fee associated with NDR searches, and the information available on the NDR are accessible to:

- Any individual under the provisions of the Privacy Act.
- State and federal driver licensing officials.
- The Federal Railroad Administration and employers of locomotive operators.
- The Federal Aviation Administration for airman medical certification.
- The U.S. Coast Guard for merchant mariner certification.
- The National Transportation Safety Board for accident investigations.
- Federal Highway Administration for accident investigations.

- Federal agencies performing background investigations for employment.

K. National Driver Register Problem Driver Pointer System (PDPS)

NHTSA’s NDR Master File (database) is populated with pointer information supplied by States as a result of convictions and license revocations/withdrawals pertaining to highway safety violations. The information includes:

- First, last, and middle name and alias names (if any).
- Date of birth, driver’s license number, and Social Security number (if allowed by State law).
- Sex, height, weight, and eye color (if collected by States).
- The State that added the pointer—also referred to as the SOR.

This information is supplied and maintained by the States as a result of convictions and license withdrawals pertaining to highway safety violations. No driver history information is maintained in the NDR. The PDPS “points” an SOI to the SOR when a Probable Identification is made through the NDR.

The State agency responsible for issuing driver’s licenses is required to transfer identification information on all revocations, suspensions, and license denials within 31 days of receipt of the convictions from the courts.

State driver licensing officials query the NDR to determine whether an individual’s license or privilege to drive a motor vehicle has been withdrawn by any State.

When the NDR receives a query, it matches personal identification information submitted by the requestor against information in the system for a probable match (pointer record) from one or more States.

Additional Resources to Facilitate DataQs Research and Resolution

A matching algorithm uses name, date of birth, and sex. Social Security numbers are used only as another form of personal identification, because not every State submits Social Security numbers as a form of identification.

A driver may authorize an employer or prospective employer to receive a 36-month version of this information through his or her home State DMV. However, the only way to obtain a complete copy of any driver's file in the NDR, and be certain there are no outstanding suspensions, is for the driver to make the inquiry directly to the NDR in Washington, DC. To do so, the driver must send a notarized letter, commonly referred to as a "privacy act request," to the NDR indicating that he/she would like an NDR file check. Individuals should send their requests to the National Driver Register, 1200 New Jersey Avenue, S.E., Washington, DC 20590. The request must include full legal name, date of birth, driver license number and State, sex, height, weight, and eye color. (Social Security number is optional.) There is no charge for this service.

L. Pre-Employment Screening Program (PSP)

FMCSA's [Pre-Employment Screening Program \(PSP\)](#) helps motor carriers make more informed hiring decisions by providing electronic access to a driver's crash and inspection history from MCMIS. PSP records are available to motor carriers and commercial drivers.

The PSP is a screening tool that allows motor carriers and individual drivers to voluntarily purchase driving records from FMCSA's MCMIS. Records are available 24 hours a day via the PSP website.

A record purchased through PSP contains the most recent 5 years of crash data and the most recent 3 years of roadside inspection data, including serious safety violations, from MCMIS for an individual driver. The record displays a snapshot in time, based on the most recent MCMIS data loaded to the PSP system. PSP records list all reportable crashes. The list of crashes represents a driver's crash involvement only, without

any determination as to responsibility. PSP contains only MCMIS inspection and crash information that has been uploaded to MCMIS by FMCSA Federal staff and State partners.

Motor carriers may request PSP records solely for the purpose of conducting pre-employment screening and only with the operator-applicant's written consent. Individual driver or operator applicants may purchase their own PSP records at any time.

FMCSA is working with a contractor, NIC Technologies, LLC ("NIC Technologies" or "NICT"), to provide PSP data to motor carriers with the operator-applicant's written consent. A motor carrier must enroll to participate in the PSP online program. Then, the motor carrier will be provided with the credentials needed to access the PSP online service. A carrier needs an Internet connection and a web browser to access PSP. Motor carriers may also continue to obtain driver safety performance information free of charge by submitting a Freedom of Information Act (FOIA) request to FMCSA (<http://www.fmcsa.dot.gov/foia/foia.htm>). Operator-applicants can obtain copies of their inspection and crash data in MCMIS through the PSP online service for the prescribed fee. Operator-applicants may also obtain their own information free of charge from FMCSA by submitting a Privacy Act request.

For further information about the PSP, see website <http://www.psp.fmcsa.dot.gov/Pages/FAQ.aspx>.



Appendix III

Sample State DataQs Review Councils

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Sample State DataQs Review Councils

Composition of Arizona DataQs Requests for Data Reviews (RDRs) Review Board

The Board is comprised of five voting members, the DataQs analyst, and other support staff as needed.

The five voting members include:

- A Commander from the Commercial Vehicle Enforcement Bureau of the Arizona Department of Public Safety (AZDPS)
- The AZDPS Commercial Vehicle Enforcement Training Officer
- Two AZDPS rotating field officers
- One industry representative selected by industry

If an RDR involves an inspection conducted by one of the officers on the Board, the officer will recuse him/herself and another officer in attendance will vote on that one RDR.

Other interested industry or law enforcement personnel may attend the meeting, but only voting members and staff may participate in the discussions.

Scheduling

Meetings are scheduled as needed – generally at 4 to 5 week intervals. The length of each meeting is approximately 2 hours.

Selection of RDRs

The Board discusses RDRs that a filer has requested to be reviewed further. On occasion, a particularly troublesome or complex RDR may be submitted to the Board by the DataQs analyst. On average, three to four DataQs are submitted for resolution by the Review Board at each meeting.

All information and documents provided to the Review Board are contained in the DataQs RDR itself. An RDR filer may not submit new information to the Board prior to or during the meeting.

The Board addresses RDRs involving inspections conducted by a State or local officer from any agency.

Notification of Outcome

The DataQs analyst notifies the filer of the Review Board's decision through the normal DataQs system RDR response process.

Appendix III

Sample State DataQs Review Councils

CASE STUDY: Minnesota's DataQs Review Committee

When the Minnesota State Patrol's DataQs administrator decides to deny a DataQs RDR, the decision is made on the basis of (1) all of the evidence available to the DataQs administrator when the matter is considered and (2) whether any applicable State and Federal laws, rules and regulations, and if applicable, the North American Out-of-Service Criteria, were correctly applied. The DataQs filer can then request, within 15 days, further review by the Minnesota State Patrol's DataQs Review Committee. A description of the Minnesota State Patrol's DataQs Review Committee follows below. This description provides guidance on how a State can configure a DataQs Review Council. States are welcome to modify the structure as they see fit to meet their unique requirements.

A. Composition of the Minnesota DataQs Review Committee.

The DataQs Review Committee consists of a minimum of three members from the State Patrol's Commercial Vehicle Section who are selected by the District Administrative Lieutenant.

1. The Committee members must have subject matter expertise concerning the issues to be reviewed.
2. The Committee members must not have been directly involved in the action taken that is the subject of the Committee's review.
3. The DataQs administrator should not be a member of the DataQs Review Committee.
4. In addition to members of the State Patrol's Commercial Vehicle Section who are selected members, an industry representative may be appointed by the District Administrative Lieutenant and/or the District Commander to serve as a fourth member.



B. Scheduling review by the DataQs Review Committee.

To convene the DataQs Review Committee, the DataQs Administrative Assistant:

1. Promptly obtains the names of the Committee members and contacts them and/or checks their calendars to determine their availability.
2. Schedules the review by the DataQs Review Committee.
3. Notifies the Challenger and Inspector of the following information:
 - i. Time and place of the DataQs Review Committee's meeting.
 - ii. That the filer and inspector may appear at the meeting in person or by telephone. If the filer and/or inspector intend to appear by telephone, the DataQs Administrative Assistant will make the necessary arrangements.
 - iii. That additional documentation concerning the subject of the challenge may be submitted for consideration by the DataQs Review Committee no later than 5 days prior to the scheduled date of the DataQs Review Committee's meeting.

(continued next page)

Appendix III

Sample State DataQs Review Councils

CASE STUDY: Minnesota's DataQs Review Committee

C. The DataQs Review Committee has authority to decide all commercial vehicle non-enforcement and enforcement RDRs submitted for review.

D. When making a decision, the DataQs Review Committee must take the following into consideration:

1. All of the evidence available to the DataQs Review Committee when the matter is considered.
2. Whether the applicable State and Federal laws, rules and regulations, and if applicable, the North American Out-of-Service Criteria were correctly applied. (If the inspector is an employee of the State Patrol, the DataQs Review Committee should also determine whether the State Patrol's General Orders and directives were correctly applied.)
3. If an Out-of-Service Order is being reviewed, and a citation was issued at the same time as the Out-of-Service Order, the DataQs Review Committee should take into consideration the court's disposition concerning the citation.

E. Any presentations made by the reviewer, inspector, or other interested persons to the DataQs Committee are audio-recorded by the State Patrol. The audio-recording and a final updated DataQs Review Committee Information Packet is preserved for a minimum of 90 days from the time the filer receives due notice of the DataQs Review Committee's final written decision. However, the deliberations of the DataQs Review Committee are not recorded.

F. Once the DataQs Review Committee has made its decision, a DataQs Review Committee designee informs the DataQs Administrator and DataQs Administrative Assistant of the decision. If the challenge is upheld, the DataQs Administrative Assistant promptly notifies the filer, the inspector, and the inspector's supervisor of the decision and makes whatever changes and/or corrections in the SAFETYNET and DataQs systems are necessary to accurately reflect that decision.

G. Any decision by the DataQs Review Committee to deny an RDR must be documented in writing by the DataQs Administrator with the assistance of a DataQs Review Committee designee. The written decision must include, but is not limited to, the following:

1. A clear statement of the DataQs Review Committee's decision.
2. A summary of the basis for the decision, including a statement of the facts and law relied upon to inform the decision.
3. A statement that the DataQs Review Committee decision constitutes a final Agency decision for purposes of an appeal to the Court of Appeals pursuant to Minn. Stat. § 480A.06, subd. 4 and Chapter 606 and Rule 115 of the Minnesota Rules of Appellate Procedure, and that a petition for review by writ of certiorari must be issued within 60 days from the time the filer receives due notice of the DataQs Review Committee's final written decision.

H. Dissemination of the DataQs Review Committee's Decision. A copy of the DataQs Review Committee's decision must be sent to the filer, the inspector, and the inspector's supervisor.

The DataQs Administrator and DataQs Administrative Assistant work together to ensure that final Agency decisions on all DataQs RDRs are correctly noted in the District's DataQs log. Any required changes and/or corrections in the SAFETYNET and DataQs systems must be made promptly.

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DataQs

Analyst Guide

Best Practices for Federal and State Agency Users

A Better Way to File and Manage
Requests for Review of FMCSA Data.

<https://dataqs.fmcsa.dot.gov>

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