

Motor Carrier Early Intervention: The Warning Letter

This **SAMPLE** warning letter is the version being mailed to motor carriers during the CSA 2010 Operational Model Test as of January 1, 2010. The language in the warning letter may be revised in the future.

 U.S. Department of Transportation
Federal Motor Carrier Safety Administration

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Month, date, year

In reply, refer to:
USDOT Number: **[DOT NUMBER]**
PIN: **[Carrier PIN]**

[Carrier Name]
[Carrier Address]
[Carrier Address]

Dear Motor Carrier:

A review of your company's motor carrier safety data suggests the performance of **[Carrier Name]** to be unacceptable in the area(s) of **[Failed BASICS List]**. Your company's safety data record shows a lack of compliance with motor carrier safety rules and regulations. The purpose of this letter is to inform you of your company's current safety deficiencies, explain how you can view your safety record, correct if it contains erroneous data and describe what actions may be taken in the future if your safety performance does not improve.

This review was based on the roadside inspection and crash performance of **[Carrier Name]**. Based upon this review, the Federal Motor Carrier Safety Administration (FMCSA) has opened a case file regarding your company and will continue to assess the regulatory compliance of **[Carrier Name]**. Your performance will also be evaluated via roadside inspections that focus on the deficient area(s). Failure to improve your company's safety performance will result in further investigation of your safety management practices, which may include requests for additional data through offsite or onsite investigations.

You are encouraged to review your company's record at the following website: TBD. This website also contains instructions for requesting corrections to information that you believe to be incorrect. If you have difficulties accessing the web site, please call (XXX) XXX-XXXX.

We urge you to take seriously this warning letter, and we are confident that you will take appropriate steps to improve your safety record. However, if we see continued poor safety performance by your company, there may be future enforcement actions taken against your company.

You can find information about motor carrier safety rules and regulations on the FMCSA website: <http://www.fmcsa.dot.gov/>. If you have additional questions regarding this matter, please call our division office for your state of domicile at **[Division Office Phone number]**.

Sincerely,

John Van Steenburg
Director, Office of Enforcement and Compliance

Warning letters are an important part of the Comprehensive Safety Analysis 2010 (CSA 2010) interventions process. They provide early contact with carriers who have identifiable, but not yet severe, safety problems. A motor carrier representative of one company that received a warning letter in the Operational Model (Op-Model) Test advises other carriers to gain a strong understanding of CSA 2010 now “so they can talk to their office staff; talk to their drivers; lay down the consequences for driver performance; and work to be compliant.” The following are some of the most frequently asked questions about warning letters.

Q. What is CSA 2010?

A. CSA 2010 is a Federal Motor Carrier Safety Administration (FMCSA) initiative to improve large truck and bus safety and ultimately reduce commercial motor vehicle (CMV)-related crashes, injuries, and fatalities.

Q. What are warning letters?

A. Warning letters are an important element of the CSA 2010 interventions process, which also includes Offsite, Onsite Focused, and Onsite Comprehensive Investigations. CSA 2010's suite of tools will enable Federal and State enforcement staff to select carrier interventions according to the nature and severity of a carrier's safety problems. CSA 2010's array of interventions starts with the warning letter, the earliest contact designed to address the least severe safety problems. The warning letter is designed to make carriers aware of their safety performance issues so they can address these early, before they become habitual and more difficult to correct.

Q. What will warning letters say?

A. Warning letters will notify carriers of their safety issues, provide instruction on how to view their safety information online, and warn them that failure to correct safety problems will result in future contact by FMCSA. Warning letters will provide motor carriers with an opportunity to examine their data for accuracy and to file any appropriate data challenges.

Q. Who will get a warning letter and when?

A. Motor carriers that are identified through the new CSA 2010 Safety Measurement System (SMS) as requiring

this first level of intervention will receive a warning letter. Warning letters will be deployed beginning in the summer of 2010.

Q. Will FMCSA send warning letters to drivers or only to carriers?

A. At present, only carriers receive warning letters if their SMS score becomes deficient in any Behavior Analysis and Safety Improvement Category (BASIC). FMCSA does not have plans at this time to directly contact drivers.

Q. Will all carriers with safety deficiencies receive a warning letter?

A. No. Motor carriers who are identified as having significant safety problems in the SMS will receive an Offsite or Onsite Investigation depending on the deficient BASICs. They will not necessarily receive a warning letter beforehand.

Q. How are warning letters working in the Op-Model Test?

A. As of January 1, 2010, CSA 2010 is being tested in nine states and more than 5,500 warning letters have been sent. Nearly one-half of those carriers have logged into the website to view their safety-performance information. Moreover, several carriers sent letters detailing their corrective actions or sought guidance

from Division Office personnel in response to the warning letters. A motor carrier representative in the Op-Model Test observed, “Getting the warning letter was quite shocking; we immediately sent messages out to our drivers explaining the changes and did one-on-one training to make them aware of the deficiencies and how to become compliant. This has been good — everyone has stepped up to the plate and we are already seeing safety improvements.”

CSA 2010 INTERVENTIONS

Early Contact

- **Warning Letter**
- Carrier Access to Safety Data and Measurement
- Targeted Roadside Inspection

Investigation

- Offsite Investigation
- Onsite Investigation – Focused
- Onsite Investigation – Comprehensive

Follow-on

- Cooperative Safety Plan
- Notice of Violation
- Notice of Claim
- Operations Out-of-Service Order