

## **Motor Carrier Safety Rating Upgrade Request February 16, 2010**

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A few years ago, a motor carrier that received a less than Satisfactory Safety Rating could simply request an upgrade to Safety rating by writing FMCSA a letter and making a few statements that corrective action had been taken. FMCSA would usually upgrade that rating based on that letter alone.

In the last year or so it has become much more difficult and time consuming to get a safety rating upgraded.

Motor carriers currently, not only have to tell FMCSA what corrective action has been taken, but also have to provide documentation to prove that the reported action was actually implemented and accomplished.

Depending on the gravity and extent of the violations that contributed to a less than Satisfactory Safety Rating, the more detailed the request and actions taken must be.

Most FMCSA Division Administrators and Resource Centers require carriers to submit an extensive Safety Management Improvement Plan (SMIP) that includes a clear description of why the violations occurred, what action will be implemented and how that action will achieve long term compliance.

The new plans must include such actions as the type of training that has been provided to their employees, increase in staff, staff assignment responsibilities, management changes, etc. Copies of these actions must be documented and provided to FMCSA.

Most plans must include a description of what monitoring programs and types of analysis and reporting have been implemented and clearly show that these actions are accomplishing a current level of compliance which would meet the satisfactory compliance level for that rating factor.

Plans to correct drug and alcohol testing violations are not that difficult to put in place and provide documentation to FMCSA. FMCSA will usually upgrade those request without much of a problem.

Plans for violations such as false logs, accidents and out of service vehicle ratios are very extensive, require extensive reporting and documentation and require a lot of time to accomplish.

Requests made to FMCSA's Chief Safety Officer in DC to upgrade a rating because the carrier believes an error was made by the investigator or accident preventable issues are seldom granted. Requests of this nature will usually result in a form letter advising that the carrier failed to show "Compelling" evidence that the investigator made an error and/or the crash(s) in question were of a non-preventable nature. Of course, while a carrier is waiting for a decision from HQ, the proposed Safety Rating goes into effect for the world to see, the ratings are not delayed pending these decisions and are posted on the web for all to see.

In summary, FMCSA has significantly increased the efforts a motor carrier must take before it will grant a safety rating upgrade.

The current rule is "Don't tell us what you have done, prove to us that you have done it."