

PRISM Implementation Committee Meeting
Orlando, Florida
November 3, 2005

Welcome and Introductions

Ruth Skluzacek, chair of the committee, opened the meeting by reviewing the committee membership and introduced the members of the committee. The other attendees then introduced themselves and indicated if they had an issue that they wanted to discuss.

Fiscal year activity summary

Bryan Price presented to the group the status of the PRISM program and the projects completed in the last Federal fiscal year (Oct 2004 through September 2005).

There are five new states with grants. These are Kansas, Idaho, Texas, Hawaii, and Florida. This brings the total of PRISM states with grants to 42. The eight states not yet part of the program are Nevada, Montana, North Dakota, New York, Wisconsin, Maryland, Mississippi and Michigan. Several of these states are interested in joining but have indicated the mandates related to CDL and ID legislation will cause delay. Recent plans to approach Mississippi were delayed following Hurricane Katrina.

The number of states enforcing the MCS -150 data update requirement is at least 21 and the number that have invoked registration sanctions against out-of-service carriers is at least 22. Training sessions were held during the previous fiscal year in Delaware, California, Illinois and Colorado. Implementation reviews were conducted in Vermont and Ohio. The first conference with major vendors of IRP registration systems was held to cover the PRISM system requirements.

The specifications of the bar coding of the cab cards were updated and the cab cards of those states currently bar coding were analyzed and corrections recommended where needed. An updated version of the PRISM Procedural Manual was also released, distributed to the States, and placed on the web.

Industry conference calls were continued and FMCSA's John Hill gave a presentation at the CVSA annual meeting. This presentation was recommended by the PRISM Implementation committee last year as a good idea to improve communication and information of the PRISM program with law enforcement.

Plans for next year's efforts include trying for three more states to become members of PRISM and to increase the number of states invoking sanctions, and enforcing the MCS-150 data update requirements. Consistency of communicating out-of-service order information to the State DMVs is also a goal for next year as well as exploring or pilot testing expanded PRISM functionality with possibility of such items as insurance verification.

Reauthorization Bill

Bryan also reviewed the PRISM related items from the latest Transportation Reauthorization law, SAFETEA-LU. Five million dollars is authorized for each of the next four years. The bill also requires compliance with the policy and procedures of the plan, and for states to seek authority for sanctions. There is also a provision for canceling registration if an employer is found liable for operating under an order. Intrastate registration will also be prohibited if a carrier is under an out-of-service order and the operation being conducted *affects interstate commerce*. Congress also recognized that if a state uses Federal standards and has issued an out-of-service order for intrastate operation, then an order to cease interstate operations should be issued.

NLETS Updates

Gary DeRusha presented an update on the NLETS enhancement to the roadside responses to queries of the PRISM target file. Previously, enforcement received the raw data for the carrier status. The enhancement implemented now translates the data into easily interpreted text messages. VOLPE has done the programming for the PRISM messages; however, the states must do the programming for the response. For security, upgrades were also made. There was a problem with the compatibility of the UNI system and when discovered, the system was down. In addition, the history of the carriers was also on the records. Safer continues to send the history, however, VOLPE has programmed to delete it each day. This makes the record received by enforcement manageable to read in just a few seconds. Gary presented an example and asked the attendees to report any problems to him.

Iowa indicated that the system might not be working properly. Mike Winfrey has done some testing and it appears that the transactions are working for DOT # inquires but are not working for plate or VIN # inquiries. FMCSA asked Mike to test a few more carriers to determine the extent of the problem. Further testing is now being conducted.

Ruth asked Mike if we should do more with CVSA. Mike indicated CVSA is the main organization for enforcement and we should keep them informed. Ruth asked if there is something else we need to do for next year. Bob Pitcher will ask his safety people to see how it is going. Ruth left this open until Bob checks.

Sanction discussion

Bryan next discussed the requirement of sanctioning carriers when they are under an out-of-service order. These relate to denial, suspension and retrieval of the plates. Bryan reviewed the different types of FMCSA shut downs and how things have changed with newer authorities authorized by Congress.

When PRISM was first developed, there was only the imminent hazard authority. To serve the order and suspend the registration, the federal and state officials, as a team, would hand deliver the documents and pick up plates. There are only six carriers with this type of suspension nationwide. This process worked well for the imminent hazard. Now FMCSA has much broader authority for shutdowns. As a result the number of carriers issued Federal OOS orders has increased substantially in last 4-5 years. The reasons include a final unsatisfactory rating

after a compliance review, failing to pay fines which some states are reluctant to suspend for since they are not necessarily safety related, and new entrants either failing an audit or not having the audit within 18 months. Some shut downs are for safety problems and some are not. Some are for long time periods and some are very short time frames.

The number of carriers currently under out-of-service orders under the new authorities are as follows: final unsatisfactory rating - over 600 nationwide, failing to pay fines – over 1100, and new entrant failing the safety audit or not having the audit within 18 months – over 5000. These numbers make the original PRISM procedure not viable. FMCSA mostly mails out-of-service orders now. FMCSA has developed a table (attached) for minimum actions depending on the reason that FMCSA would like to occur with an out-of-service order.

Several states responded to this concept. Maine has a two-week window before issuing a suspension so the short suspensions are not a problem. Washington's law doesn't distinguish types of out-of-service orders. The time is also not a problem since they, too, delay suspension until 10 days after notice. Iowa also does not differentiate between the types of out-of service orders and they issue immediate suspensions. Nebraska inquired how the state can distinguish between failing an audit and no audit. The FMCSA web site shows this information.

Out-of-Service notification to states proposal

Bryan presented a new idea for the group to consider. In order to improve on the communication to states when out-of-service orders have been issued for carriers on their files, FMCSA would like to automate this process to flag the state when there is an OOS carrier on their IRP system. Bryan summarized the current process and highlighted the potential communication breakdown points. He then addressed the changes being proposed and how the changes would automate the communication that sometimes does not occur when relying on phone calls, e-mail, or faxes. The flow charts are attached to these minutes. FMCSA will pay for the costs of making this change to the states IRP systems.

When a state gets the message, it would prompt them to contact FMCSA regarding a plate suspension and they could pull up the details of the OOSO on MCMIS, SAFER, or Query Central. The group indicated they could not see any problem with the proposal so FMCSA will pursue it.

CVIEW Transaction Set File Timeliness

Gary reviewed the two different methods states use for sending vehicles to SAFER for the target file. Volpe has total responsibility for the original pilot architecture method but the CVIEW operations are under the control of a different office at Volpe. CVIEW is playing a larger role in supporting PRISM requirements. We are committed for production use. There have been some problems with the timeliness of the T0031 transaction for CVIEW. Gary and the PRISM Technical Support staff at VOLPE are continuing to work closely with the Volpe CVIEW support staff to get this corrected.

MCS-150 Processing Issues

Bryan reviewed several problems encountered with the MCS-150 processing that have been reported by the States, and by COTS, the FMCSA contractor responsible for data entry.

State Reported issues: COTS had been sending the forms back to the states when there was an error or problem with the form and they could not contact the carrier after 3 attempts. COTS will no longer send the forms back to the State DMVs. The states are not responsible for this part of the process.

COTS is having some problem with determining what needs to be done to the forms when they are sent by the states. The states are not marking them when some or all of the information is already entered. They ask the states to indicate this on the forms and or package. Along these lines, Bryan asked if the states if it would be a problem for them to completely data enter the information on a form when there is a name and address change that makes it necessary for the state to enter those changes for accurate bar coding. This would eliminate the partially entered form going to COTS. Bryan asked the states to think about this and let him know.

Tom Klingman from UPS asked FMCSA to consider the idea of sending an e-mail to the carrier when changes are made on their records. They then could verify that an authorized person made the changes. Bryan said he would take this idea to the MCMIS staff.

Another issue that Bryan mentioned was that there had been a problem with errors on pre-printed MCS-150 information included in IRP renewal packages from approximately 4 states. PRISM Technical Support has been working with the subject States and the issues have been resolved.

COTS also has reported that they do not need to receive the on line confirmation forms. Some States had been sending COTS confirmation pages showing that carriers had updated their MCS-150 data online. Elana Gorneau from South Dakota indicated that these might be in the packages sent to COTS since they look so much like the MCS – 150 forms.

COTS has also asked that the states do not hold the forms for a long time before mailing. They have been finding that the carriers are updating the information online when the paper form data is not entered by the government staff or contractors in a timely manner. Bryan asked the states to please send the forms on a regular basis.

Industry Issues

Ruth asked the industry attendees if they had any issues. John Jabus asked about the USDOT Numbers for the IRP forms and on the cab card when a leasing subsidiary with two USDOT numbers is established. Ruth and Bryan explained that both numbers are used - one is the registrant only number and the other represents the carrier responsible for safety is used at the vehicle level and is on the cab card. This is the normal process for PRISM.

Unified Carrier Registration Act of 2005

Bob Pitcher from ATA discussed that the rulemaking (97-2349) was published before the act came out. The rulemaking was originally published ten years ago for comments. It proposed

integrating systems and doing something with the SSRS program. This was under the ICC sunset act. The rulemaking was published again this year as a Notice of Proposed Rulemaking (NPRM). Much is a cleanup for the old numbers issued under old programs. The future is to get only the USDOT number with authority focusing on safety. A tracking number will be issued so that the status of an application can be monitored. This indicates this process will take a matter of weeks. The online process will help with the efficiency of the program but extended delays are expected to occur.

What is the effect on PRISM states? The requirement to get a new number for a change in ownership, management and control is significant. What is a change in these three? Bob provided several examples. A single stock purchase changes ownership. What about if a director is changed? Is this a change? How about control. Most of this has nothing to do with safety. The change in DOT number will involve the new entrant process. Will companies have to shut down operations waiting for a new number? Will they have to get an audit as a new entrant when they have been operation for years? The effect on the state registration system is more work to make the changes and the carrier will be able to dump a bad safety record. Many other programs are also effected since many use these numbers. This huge effect of changing numbers was provided to FMCSA and FMCSA is agreeing that this is a problem and needs to be corrected.

The prohibition for state to issue the numbers is not yet a dead issue. It will eliminate the one stop shop if it is enacted.

Issues from the floor

Please discuss the R type USOT Number An "R" number – number is at the account level. Bryan explained that an account can have this number but vehicles must have a regular USDOT number.

Marge Knoll from Minnesota questioned if the registrant number should be printed on the cab card. FMCSA suggests that this should not be done.

For the quarterly report, what is the definition of a denial? Bryan explained FMCSA is looking for the denial to be reported when a carrier is under an out-of-service order and then tries to register vehicles. It is not for such items as when a carrier has not updated a MCS 150 or does not have proper paper work.

What happens at the roadside when the cab card is bar coded with a carrier responsible for safety and then the lease is broken? Ruth explained the process at the roadside.

Bryan asked the industry if the data quality process (DATA Qs) was working. Industry representatives indicated yes.

A question asked was how many states are using the bar codes. Bryan responded that we don't know exactly but it is at least 13 since that is how many the team recently analyzed and made recommendations on. Many states have the purchase of readers in their grant and all State Implementation Plans approved thus far indicate the State will bar code..

Committee Members attendance

Ruth Skluzacek, Iowa

Sheila Rowen, Tennessee

Garry R. Hinkley, Maine

Jim Poe, Indiana

Alana J. Gourneau, South Dakota

Michael Winfrey, Iowa

Cathy Beedle, Nebraska

Captain Ken Urquhart, Minnesota – did not attend

Industry and Association Members

Robert Pitcher, ATA

Richard S. Harris, Penske

Tim Adams, AAMVA

Robert Rothstein, AMSA, did not attend

FMCSA PRISM Team:

Tom Lawler, FMCSA

Bryan Price, FMCSA

Linley Oberman, Consultant

Gary DeRusha, Volpe Consultant

Attachments

Minimum sanctions

| OOS REASON | Deny plate renewal | ISSUE SUSPENSION NOTICE | PHYSICALLY RETRIEVE PLATES |
|--|--------------------|---|--|
| Final Unsatisfactory Rating | YES | YES | When/if discovered operating at the roadside. Or, when OOS order/State suspension is hand delivered. |
| Failure to Pay Federal Fines | YES | When evidence exists that the carrier has continued to operate. | When/if discovered operating at the roadside. Or, when/if OOS order/State suspension is hand delivered. |
| Failing New Entrant Audit | YES | YES | When/if discovered operating at the roadside. Or, when/if OOS order/State suspension is hand delivered. |
| Carrier not allowing a New Entrant Safety Audit to be conducted | YES | When evidence exists that the carrier has continued to operate. | When/if discovered operating at the roadside. |
| Imminent Hazard | YES | YES | When/if discovered operating at the roadside. Or, when/if OOS order/State suspension is hand delivered. |

Current Process Flow for Notification of Out-of-Service Orders

- 1.FMCSA Regional Service Center Issues Federal Shut-Down Order and Updates MCMIS with Carrier OOS Status
- 2.MCMIS **Automatically** Updates Carriers MCSIP Step to Reflect OOS Status
- 3.FMCSA Division is Notified of OOS Order: **Possible Breakdown AND Vehicles could be registered in States outside of carrier's domicile State.**
- 4.FMCSA Division Office Contacts State DMV to Inform of the OOS Order and to Request Suspension: **Possible Breakdown AND Vehicles Could be Registered in Other States**
- 5.MCMIS **Automatically** Updates SAFER Night OOS is Issued
- 6.State IRP System **Automatically** Receives Nightly Update of Carrier Status from SAFER
- 7.State IRP System **Automatically** adds vehicles to Carrier file and sends back to SAFER to populate the Target File
- 8.State IRP System **Automatically** Flags Carrier if They Try to Renew, Add a Vehicle to their Account etc ? **Problem: Carrier May Continue to Operate Until Renewal or Modifying their Account with New Vehicles if State Has not been Notified by FMCSA**

Proposal for Consideration

- 1.FMCSA Service Center Issues Federal Shut-Down Order and Updates MCMIS with Carrier OOS Status (Same)
- 2.MCMIS **Automatically** Updates Carriers MCSIP Step to Reflect OOS Status (Same)
- 3.FMCSA Division is Notified of OOS Order (Same)
- 4.FMCSA Division Office Contacts State DMV to Inform of the OOS Order and to Request Suspension (Same)
- 5.MCMIS **Automatically** Updates SAFER Night OOS is Issued (Same)
- 6.State IRP System **Automatically** Receives Nightly Update of Carrier Status (Same)
- 7.State IRP System **Automatically** adds vehicles to Carrier file and sends back to SAFER to populate the Target File (Same)

8.State IRP System Automatically Alerts DMV Staff in Morning that Vehicles on their IRP System Have a New Federal OOS Status (NEW Proposal)

- ? State IRP system is already automatically creating vehicle file that may include OOS carriers for submission to the Target file
- ? Possibly Copy State Vehicle File along with OOS MCSIP Step at Night for Manual or Automated Review
- ? Prompt to Contact FMCSA if Not Already Contacted
- Consult on Whether Suspension Should be Issued
- CVIEW States Could Extract State Vehicles and MCSIP Step from Target File Subscription