

How to easily and quickly obtain a company safety history from the USDOT FMCSA's Safety and Fitness Electronic Records (SAFER)

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Knowledge about a motor carrier's operating authority, insurance coverage, number of trucks and drivers, and inspection and safety history can be crucial to determine who your potential defendants will be and what kind of liability you will be developing in your case. A lot of this information can be available in an instant through the FMCSA's websites. With FOIA requests taking many months to be processed, this initial information is especially helpful. This information is also helpful to demonstrate to a client or potential client that you are proactive and knowledgeable.

Some of this may be known to lawyers experienced in trucking cases, but I hope to show at least a couple of additional "tricks" for the moment that call comes in.

Step 1: Parties - Obtain the name and/or USDOT Number for the motor carrier(s) as well as the VIN# for the tractor and trailer involved in the crash. This can come from the vehicles, crash report and the bill of lading.

Step 2: SAFER Search - Search for the different entities you've identified by name and/or USDOT number on <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>. Sometimes, if you're searching by name, you'll have several companies with a similar name. Fortunately, the search results will also show their location to facilitate their identification. Sometimes, the same company will have two profiles, one as a carrier and one as a broker. This will be relevant later, if issues of responsibility for the load arise. Use the USDOT Number to make sure you have the right entity, but do not disregard related entities that may substantiate a subsequent argument on responsibility for the load and/or knowledge of the standard of care.

Step 3: Company Snapshot - Once you select the correct party, you'll find the Company Snapshot page, showing the carrier's general identification information, number of power units and drivers, miles driven, as disclosed in the last MCS-150, as well as operation classification, operating authority, cargo carried, overall inspection history, crashes, and safety rating (not currently listed).

Step 4: Licensing & Insurance - On the top, right hand corner of the page, there is a blue box titled "Other Information for this Carrier". Open the Licensing & Insurance link on a separate tab. You'll arrive at a page that gives two options to view the carrier's insurance and licensing information. I prefer the "Report" option that produces a PDF document. This document provides you, again,

with the basic identification of the carrier, operating authority, their agent for service of process, as well as their insurance coverage information for several years. This is not always the full insurance picture, but it'll give enough information to send your insurance disclosure request. At the bottom of the page you'll also have the carrier's operating authority history. This can be relevant when it shows that their operating authority is or has been revoked.

Step 5: SMS Profile - Go back to the Company Snapshot window and open the other link in that blue box, "SMS Results". There is typically a treasure trove of information about the carrier's safety or dangerousness history on this website. The first thing I typically do is to download the entire history in an excel spreadsheet. This link for downloads is found at the very bottom right of the screen ("Downloads"). I suggest titling the document as follows: [CarrierName Inspections Year.Month.Day). That's because you will be downloading more versions of this history with different dates. The inspection history is normally limited to a rolling 24 months. Once you obtain this information, come back a few months later and download it again so the most recent events are included. Before getting into the Excel spreadsheet, browse the Complete SMS Profile for a more visually friendly layout. If you're not familiar with the FMCSA's data classifications, BASIC categories and ratings, the SMS Methodology is a must read (<https://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>).

Step 6: Carrier History - Another helpful page is titled "Carrier History". This link is also found at the bottom right of the page. This page provides a more summarize history of violations, but it goes back further than 24 months. Unfortunately, safety ratings on the different BASIC categories are no longer published by the FMCSA. This is where you'd see their safety rating history for each category.

Step 7: Penalty History - Just above the menu I've referred to, on the bottom right of the page, there is a Penalty History section. It's usually blank. However, when an entry exists, it'll also describe the amount of the penalty and it will cite the specific regulations for which they were penalized. These can be especially helpful if they match a regulation that is relevant to your case.

Step 8: Data Spreadsheet - The fun stuff! I will do my best to give good instructions, but some knowledge of Excel will go a long way. Open up the Excel spreadsheet. There are several pages in the document: Overview, Violation Summary, Inspections, Crashes, and Acute-Critical Violations.

- a) Violations Summary: a quick way to see the number of violations by the carrier for relevant BASIC categories and sub-categories in the preceding 24 months.
- b) Inspections: particularly helpful when you turn the spreadsheet into a table. That's because a table allows you to filter the violations however you'd like, but most importantly, by tractor VIN#. Drivers normally use the same tractor. Therefore, when you filter the violations by the tractor VIN# involved in your crash, you'll likely have the

tortfeasor's 24-month history of violations. Depending on how bad it is, you may already know that you'll be dealing with hiring, retention, supervision, and/or training issues for that specific driver.

- c) Crashes: this page not only shows crashes and their dates, but also how many people were injured and killed in each crash, the tractor and trailer involved, and some basic information about the roadway conditions. Again, filtering the data by VIN# can give you a history on your tortfeasor. Aside from the obvious notice argument, this information

can be very useful when drafting pleadings and motions to show the reader how much harm the defendant has caused, beyond your case.

On a recent response to a motion for confidentiality I started my memorandum with: "Ryder operates over 5,000 tractor-trailers all over the country, traveling approximately half a billion miles per year. In the last two years, these Ryder trucks were involved in more than 372 crashes, injured at least 147 people and killed 14 others. This case arises out of one of these fatalities, where a Ryder tractor-trailer ran over and killed Michael R. Basso."

- d) Acute-Critical: I have not had the chance to find much on this page. This would usually involve instances of investigations into the motor carrier. These violations prioritize a carrier for intervention. You can find these violations in 49 CFR 385 Appendix B.

Aside from getting to know your soon-to-be defendant, you'll also begin to build the argument of notice in your case. The shipper's or broker's notice that this was an unsafe motor carrier; the motor carrier's notice that it needed to better train and supervise its drivers; the motor carrier's notice that this specific driver was unsafe. You get the idea. The purpose of this article is not to explain how to use the information, but simply how to obtain it. For some additional information and visual instructions you can check out my video at: <https://youtu.be/uAOWnFFFg4s>