



# Operational Policy

## North American Standard Inspection Program

### Operational Policy 14

### Enhancing Roadside Inspection and

### Enforcement Data Uniformity

*Revised: April 27, 2023*

The CVSA Board of Directors recognizes that Operational Policy 14 may not be fully implemented until such time as supporting information systems can be updated and implemented (such as auto-populate references and code sections which are not yet available in the ASPEN violation tables).

Operational Policy 14 shall not be used as a basis to request amendments to inspection reports (DataQs) completed prior to Oct. 1, 2010.

With Compliance, Safety, Accountability (CSA) upon us, to assist and support data exchange among countries and to facilitate the reduction of DataQs for misplaced or incorrect roadside inspection data on a carrier's profile, it has become necessary to start the process/policy on "How to Properly Document a Violation." With input from several jurisdictions and the Federal Motor Carrier Safety Administration (FMCSA), the decision was made to develop a system or standard to guide inspectors to document violations uniformly.

Moving forward, consideration will be given to hard-code (unchangeable) all violation sections within electronic reporting programs to prevent inspectors from changing the out-of-service (OOS) value for violations that are not OOS as defined by the North American Standard Out-of-Service Criteria (OOSC). Electronic roadside inspection reporting programs are great tools for the roadside inspector; however, now is the time to take the next step and make smarter tools in order to achieve enhanced roadside inspection and enforcement data uniformity and reciprocity.

#### **Documenting Violations:**

Be as precise as possible when noting violations on inspection reports.

When any violation is noted on an inspection report, indicate the location and description within the violation description field to provide sufficient information to persons not at the scene of inspection. (e.g., 2nd axle L/S inside tire has 2 inches of cord exposed in sidewall/air leak found at the 3rd axle R/S air hose fitting at brake chamber). It is also important to use language relevant to regulation and OOSC (e.g., wheel fasteners vs lug nuts).

#### **Brake Systems:**

Member jurisdictions have used a variety of different ways to document a brake violation and apply the "20% Defective Brakes" OOSC brake calculation rule on an electronic roadside inspection report. So, beginning with "How to Properly Document a Brake Violation," it was decided that now was a good time to address the documenting and displaying of the "20% Defective Brakes" violations on an electronic roadside inspection report.

The documenting and hard-coding of the OOS value (e.g., "Y" or "N" in the OOS or Level VI OOS column) for



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“20% Defective Brakes” on the electronic roadside inspection report will be rolled out as follows:

1. A “20% Defective Brakes” section will be created and all 20 percent defective brakes violations will be compiled together in one group within the electronic roadside inspection report directly under the brake chart/table and all other violations will be separated in another section.
2. The brake adjustment chart/table will be linked to prompt a uniform reporting of brake adjustment violations within the “20% Defective Brakes” section of the electronic roadside inspection report. The brake adjustment chart/table will include space to document the brake chamber type and size for each axle and side of the vehicle with a toggle to change the brake type and size on either side to accommodate the documenting or auto-populating of mismatched brake chambers.
3. When adding/entering the vehicle information, we need to ask the following questions in order for the electronic roadside inspection reporting program to correctly auto-populate the vehicle unit number in the combination and select the appropriate number of axles for the brake chart/table.
  - a. “How many axles are on this individual unit? Please note, do not include raised lift axles if they are in the raised position at the time of inspection.”
  - b. “On this individual unit, which axle(s) are defined in the OOSC as a steering axle?”

**NOTE:** This will enable the electronic roadside inspection reporting program to correctly select the FEDVIOCODE for mismatched brake chambers (applies to a steering axle(s) only) or inoperative brakes (as further defined below under number 7) when auto-populating the “20% Defective Brakes” section of the electronic roadside inspection report from the brake chart/table.

4. When a vehicle is found to have a brake out of adjustment (each time a brake is found at 1/8 inch or greater over the adjustment limit), a 393.47(e) will need to be documented on the electronic roadside inspection report under the appropriate unit. When the following “Brake Chamber Types” are selected from the pick-list in the brake information field, the electronic roadside inspection reporting program will highlight the brake adjustment violation in the brake chart/table. In addition, the brake adjustment violations will auto-populate the “20% Defective Brakes” section of the electronic roadside inspection report and each 393.47(e) violation will be hard-coded as a non-OOS condition, as defined in the Roadside Inspection Documentation Comparison Matrix.

### Brake Chamber Types

Bolt – 396.3(a)(1) – (FEDVIOCODE – 396.3A1-BA) (Currently under review by FMCSA)

Clamp – 393.47(e)

DD3 – 396.3(a)(1) – (FEDVIOCODE – 396.3A1-BA) (Currently under review by FMCSA)

Long Stroke Clamp – 393.47(e)

Roto – 393.47(e)

Brake – Out-of-Adjustment, Axle # (auto-populate appropriate axle number from the brake chart/table and auto-populate “Right Side” or “Left Side”), Chamber Type (auto-populate chamber type, e.g., “Long Stroke Clamp”), Size (auto-populate type size, e.g., “L-30”), maximum pushrod travel allowed (auto-populate maximum pushrod travel allowed, e.g., 2-1/2”), measured (auto-populate pushrod measurement, e.g., 2-3/4”).

### 393.47(e) Auto Populate Example: OOS

Unit #1 Brake – Out-of-Adjustment, Axle #1, Right Side, Chamber Type “Long Stroke Clamp,”

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Size “L-30,” maximum pushrod travel allowed 2-1/2”, measured 2-3/4” **N**

### Brake Chamber Types:

Wedge – 393.47(f) (No brake adjustment violations to auto-populate)

INOP – 393.48(a) (See examples #1 and 2 below, additional information regarding auto-populating of steering axle brake violations under number 3 (above) and 7 (below))

DISC – 393.48(a) (No brake adjustment violations to auto-populate)

### 393.48(a) Example #1 (Non Steering Axle): **OOS**

Unit #1 Brake – Inoperative, Axle #3, Right Side **N**

### 393.48(a) Example #2 (Truck Steering Axle): **OOS**

Unit #1 Brake – Inoperative on a steering axle, Axle #1, Right Side **Y**

**NOTE:** At this time, only the following “20% Defective Brakes” violations have been hard-coded within ASPEN as either “Y” for OOS or “N” for not OOS.

### Regular OOS Column:

393.47(e) – No

393.47(f) – No

393.52(a)(1) – Yes or No depending on the PBBT brake performance measure value.

393.53(a) – No

393.53(b) – No

393.53(c) – No

396.3(a)(1) – (FEDVIOCODE – 396.3A1-BA) – No

396.3(a)(1) – (FEDVIOCODE – 396.3A1-BOS) – Yes

### Level VI OOS Column:

393.52(a)(1) – No

396.3(a)(1) – (FEDVIOCODE – 396.3A1-BA) – No

- When a 393.47(e) is documented on the electronic roadside inspection report, a pop-up box will appear, once per unit, asking the following question:

“You have selected a 393.47(e), is this vehicle required under 393.53(b) to be equipped with an automatic brake adjustment system?”

If the answer is yes, a 393.53(b) violation will be added to the ‘Other Violations’ section of the electronic roadside inspection report, once for each unit and another “pop-up” box asking “Is this vehicle equipped with manual slack adjusters?” appears.

If the answer is yes, the following wording will appear for the violation:

393.53BMAN - “CMV manufactured after 10/20/1994 is not equipped with automatic air brake adjusters”.

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If the answer is no, the following wording will appear for the violation:

393.53B - "CMV manufactured after 10/20/1994 has an automatic airbrake adjustment system that fails to compensate for wear."

When a 393.53(b) appears as a violation on the electronic roadside inspection report, the following brake advisory will appear at the end of the electronic roadside inspection report regarding the maintenance of automatic brake adjusters:

"This vehicle has been identified to have brake adjustment violations. 49 CFR Section 393.53 requires that a self-adjusting brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this electronic roadside inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system."

393.53(b)MAN could be selected on its own if the vehicle is not equipped with automatic air brake adjusters but all the brakes are in adjustment.

6. The "20% Defective Brakes" violations selected from the pick-list (as defined in the Roadside Inspection Documentation Comparison Matrix) will be hard-coded "N" for not OOS.
7. Every time a "20% Defective Brakes" is correctly selected from the brake violation pick-list (as defined in the Roadside Inspection Documentation Comparison Matrix), the following pop-up box(es) are required asking the following questions:
  - a. What axle number? (Always ask this question, see example #1 below)
  - b. What side of the vehicle, "Left" or "Right?" (Always ask this question, except for 393.47(b) and 393.47(c), see examples # 2 and 3 below)

**393.47(d)(2) Auto Populate Example #1 (Non Steering Axle): OOS**

Unit #2 Brake – Lining/pad thickness less than 1/16," Axle #4, Right Side N

**393.47(b) Auto Populate Example #2 (Truck Steering Axle): OOS**

Unit #1 Brake – Mismatched brake chamber sizes on a steering axle, Axle #1 Y

**393.47(c) Auto Populate Example #3 (Truck Steering Axle): OOS**

Unit #1 Brake – Slack adjuster length mismatched on a steering axle, Axle #1 Y

8. In addition to being included in the "20% Defective Brakes" OOSC brake calculation rule, the following brake violations selected from the pick-list (as defined in the Roadside Inspection Documentation Comparison Matrix) will automatically be OOS if found on a steering axle. The following steering axle brake violation examples will be hard-coded "Y" for OOS, as defined in the Roadside Inspection Documentation Comparison Matrix.

**393.47(a) Auto Populate Example #1 (Truck Steering Axle): OOS**

Unit #1 Brake – Contaminated friction surface on a steering axle, Axle #1, Right Side Y

**393.47(a) Auto Populate Example #1 (Trailer Steering Axle): OOS**

Unit #3 Brake – Contaminated friction surface on a trailer steering axle, Axle #6,

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Left Side

N

### 393.47(b) Auto Populate Example #2 (Truck Steering Axle): OOS

Unit #1 Brake – Mismatched brake chamber sizes on a steering axle, Axle #1

Y

9. If a brake violation is found on a steering axle and is a brake violation that automatically places the vehicle OOS, the following statement will be added to the “20% Defective Brakes” section of the electronic roadside inspection report.

“All out-of-service brake violations found on a steering axle and documented in this section must be repaired before the vehicle identified is allowed to proceed.”

10. Create a new type of “Unit,” such as “A” for “All Units” for 396.3(a)(1) (FEDVIOCODE - 396.3A1-BOS).

11. If the vehicle combination exceeds the “20% Defective Brakes” OOSC brake calculation rule, a 396.3(a)(1) (FEDVIOCODE – 396.3A1-BOS) will be added to the electronic roadside inspection report, as defined in the Roadside Inspection Documentation Comparison Matrix, that states:

“Brake – Defective brake(s) are equal to or greater than 20% of the service brakes on the vehicle/combination.”

**NOTE:** The unit number for FEDVIOCODE – 396.3A1-BOS violations will automatically applied to “A” for “All Units.”

**NOTE:** If all of the “20% Defective Brakes” violations occurred on the truck-tractor (“TT”), the FEDVIOCODE – 396.3A1-BOS will be applied to the motor carrier’s safety profile. Subsequently, if all of the “20% Defective Brakes” violations occurred on the intermodal chassis (“IC”), the FEDVIOCODE – 396.3A1-BOS will be applied to the intermodal equipment provider (IEP) safety profile. However, if the “20% Defective Brakes” violations occurred on both the power unit and the intermodal chassis, the FEDVIOCODE – 396.3A1-BOS will be applied to both the motor carrier and the intermodal equipment provider safety profiles since this was a shared responsibility.

### 396.3(a)(1) Example #1:OOS

Unit #A Brake – Defective brake(s) are equal to or greater than 20% of the service brakes on the vehicle/combination

Y

12. If the defective brakes are equal to or greater than 20 percent of the service brakes on the vehicle/combination, the following statement will be added to the “20% Defective Brakes” section of the electronic roadside inspection report:

“All brake violations recorded in this section must be repaired before the vehicle/combination is allowed to proceed. An individual vehicle in the combination may be allowed to proceed if no brake violations in this section are recorded for that specific unit.”

13. An individual wheel end may have more than one brake violation recorded; however, the individual wheel end can only count once toward the “20% Defective Brakes.” So, it will be critical/necessary to code the electronic roadside inspection reporting program to calculate the “20% Defective Brakes” correctly.

**NOTE:** A 393.47(b) and/or a 393.47(c) violation on a steering axle will only count as one defective brake toward the “20% Defective Brakes” OOSC brake calculation rule and not two.

14. The remaining brake-related violations selected from the pick-list (as defined in the Roadside Inspection

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Documentation Comparison Matrix) will automatically be OOS or not OOS and documented in the “Other Violations” section and hard-coded as either “Y” for OOS or “N” for not OOS.

### Coupling Devices:

#### Defective Coupling Device (fifth wheel):

1. Each OOS condition shall be documented separately.
2. One violation shall be documented for each separate defective condition, per device, per side.

#### Defective Coupling Device (all others):

1. Each OOS condition shall be documented separately.
2. One violation shall be documented for each separate defective condition per device.

### Exhaust Systems:

1. Each OOS condition shall be documented separately.
2. One violation shall be documented per defect type.

### Frames:

1. Each OOS condition shall be documented separately.
2. One violation shall be documented per defect type.

### Fuel Systems:

1. Each OOS condition shall be documented separately.
2. One violation shall be documented per defect type.

### Lighting Devices:

**NOTE:** When all required lights on the towed vehicle are inoperative due to no electrical connection, one violation of 393.23PT will be recorded on the rearmost unit, when applicable.

#### Headlamps:

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

Example: All headlamps inoperative (when required) = one 393.9(a) OOS condition; one required headlamp obscured = one 393.9(b) violation; one missing required headlamp = one 393.11 violation.

#### Stop Lamps:

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

Example: All stop lamps inoperative on the rearmost unit = one 393.9(a) OOS condition; two required stop lamps obscured on the lead unit = one 393.9(b) violation; one missing required stop lamp = one 393.11 violation.

#### Turn Signals:

Each defect meeting the same regulatory section or subsection is documented as a separate violation.

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**Example:** Each required turn signal inoperative on the rearmost unit = one 393.9(a) OOS condition; one required turn signal on either the front of the lead or rear of any trailing unit obscured = one 393.9(b) violation; one missing required turn signal on either the front of the lead or at the rear of any trailing unit = one 393.11 violation.

### **Tail Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

**Example:** All tail lamps inoperative on the rearmost unit (when required) = one 393.9(a) OOS condition; two required tail lamps obscured on the lead unit = one 393.9(b) violation; one missing required tail lamp at the rear of any trailing unit = one 393.11 violation.

### **Hazard Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

### **Clearance Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

**Example:** Two clearance lamps inoperative (one front and one rear) = one 393.9(a) violation; two clearance lamps obscured (one front and one rear) = one 393.9(b) violation; two missing clearance lamps (one front and one rear) = one 393.11 violation.

### **Identification Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

**Example:** Two identification lamps inoperative (one front and one rear) = one 393.9(a) violation, two identification lamps obscured (one front and one rear) = one 393.9(b) violation; two missing identification lamps (one front and one rear) = one 393.11 violation.

### **Side Marker Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

**Example:** Two side marker lamps inoperative (one on each side) = one 393.9(a) violation; two side marker lamps obscured (one on each side) = one 393.9(b) violation; two missing side marker lamps (one on each side) = one 393.11 violation.

### **License Plate Lamps:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

**Note:** A required license plate must be present and properly affixed to the vehicle in order for a violation to exist.

### **LED Lights:**

No defect exists for the number of burnt out diodes.

### **Conspicuity Markings:**

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit.

1. One violation for both sides of a unit.
2. One violation for the lower rear of a unit.
3. One violation for the upper rear of a unit.

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### Securement of Cargo:

#### OOS Violations for General Provisions:

All OOS violations found in sections 393.100, 393.106 or 393.110 shall be documented as one violation and one OOS per section on each transport unit.

#### OOS Violations for Specific Commodity:

Each OOS violation found in Sections 393.116 through 393.136 shall be documented as one violation and one OOS per section on each transport unit.

### Defective Tiedowns:

All defects of the same regulatory section or subsection shall be grouped together as one violation per vehicle.

Examples including but not limited to:

1. All 393.104(b) violations are grouped together.
2. All 393.104(f)(2) violations are grouped together.
3. All 393.104(f)(4) violations are grouped together.
4. All 393.106(d) violations are grouped together.

A tiedown or anchor point that is found to have a defect as outlined in the “Tiedown Defect Table” will not be considered when determining the weight and/or length requirements.

Individual tiedowns being used to secure cargo found in conditions outlined in the table are not OOS, only violations. If these tiedowns are required to meet the requirements for length and/or weight, the OOS condition(s) will be recorded under the applicable weight and/or length and/or the specific commodity.

### Specific Commodities:

All violations of subsections of the same regulatory section for a specific commodity will be grouped together and documented as one violation per load under the section number (e.g., load of metal coils loaded eyes lengthwise – 393.120(d)(1)(i) indicates the metal coil must be supported off the deck of the trailer – 393.120(d)(1)(iv) must have one tiedown attached transversely over the top of the coil. This OOS violation would be cited as 393.120(d). Separate issues within the section should be outlined in the remarks.

### Securement of Cargo (Hazardous Materials/Dangerous Goods):

All defects of the same regulatory section or subsection shall be grouped together as one violation per unit. Proper hazardous materials/dangerous goods (HM/DG) package cargo securement shall ensure that relative motion between packages is kept to a minimum. Any movement that will adversely affect the safety of the HM/DG packages during normal transportation shall not be allowed. Relative motion between packages consistent with vehicle motion during normal transportation is not a violation unless package integrity could be affected since a motor vehicle in motion is not a rigid structure.

### Steering Mechanisms:

Document each violation separately.



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### Suspensions:

1. Each OOS condition shall be documented separately; however, only one OOS condition shall be documented for each leaf spring assembly.

**Example:** A broken main leaf of a three spring assembly shall only be documented as one OOS condition.

2. Document each violation type separately per axle end.

### Tires:

Document each violation separately.

### Wheel/Rims/Hubs:

1. Each wheel, rim or hub OOS condition shall be documented separately.
2. Document each violation type as one violation per wheel end.

### Emergency Equipment:

Document each violation separately.

### Hours of Service (HOS):

HOS violations should have specific detailed information regarding an HOS violation as defined in the pick-list (as defined in the Roadside Inspection Documentation Comparison Matrix). In addition to the default language, the inspector shall provide additional information detailing the specific violation.

**Example:** The “HOS (Manner) - Driver's record of duty status not current. Date & Time:” violation should include notation of “<date> at <time>”.

The violation should be recorded in a manner so all that individuals (e.g., government and company officials) can clearly understand where or how the violation occurred. This aids in prevention of the record of duty status being altered, as well as providing specific details for a compliance review investigator.

The HOS violations should be documented for the 24-hour period indicated on the record of duty status. Each 24-hour period should be treated separately. If the violation begins on one 24-hour period day and continues into the second day, it would be recorded as two violations. Multiple instances of the same violation during the same 24-hour period shall be recorded as one violation. Proper documentation shall include the date and time of each occurrence.

**Example:** Time: 10 a.m.-12 p.m.; 1-3 p.m.; 8-10 p.m.

HOS inspection is limited to eight-day sample review. Inspectors shall not report or document any violations occurring outside of that time period.

HOS violations shall not be indicated as a violation when an officer has knowledge that a driver has been previously cited for the same HOS violation(s) on a driver/vehicle inspection report within the current day or previous seven consecutive days, unless a new HOS violation has occurred. The officer should reference and record the previous inspection report number in the notes section of the driver/vehicle inspection report.

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### Motor Carrier Management Information System (MCMIS):

MCMIS needs to be updated to include all of the clarifying notes added to all violation descriptions on a roadside inspection report. This will aid the motor carrier when questioning the information contained on a roadside inspection report and assist them in analyzing the data within the Safety Management System (SMS) for CSA 2010.

### ASPEN:

1. Add “HM Registration Number” to the shipper box information. In addition, the shipper box should only appear when a shipper violation is selected.
2. Add “MC” for motor carrier, and “S” for shipper, and “IM” for intermodal equipment provider to “Sort By” under the “Violation by Category” tab.
3. When a Level III Inspection “III – Driver/Credential Inspection” is selected, this will only display the violations that can be added to an electronic roadside inspection report. In addition, this needs to be verified once the electronic roadside inspection report is completed and prior to upload.
4. When a new version of ASPEN is uploaded, it shall delete the individual inspector’s custom fields.
5. When an equipment violation is selected and added to an electronic roadside inspection report, an inspector should not be able to change the unit number to a “D” for driver or “C” for co-driver. In addition, when you select a driver violation, an inspector should not be able to change the unit number to a “TT” for truck-tractor, “ST” for semi-trailer or “IC” for intermodal chassis, etc.