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TRANSPORT CENTER UPDATE CSA 2010 Edition



MK CONTACT INFORMATION

Marcello & Kivisto, LLC
1200 Walnut Bottom Rd.
Third Floor, Suite 331
Carlisle, PA 17015

T: (717) 240-4686

F: (717) 258-4686

www.cdl-law.com

Douglas Marcello, Esq.
dmarcello@cdl-law.com

Sonya Kivisto, Esq.
skivisto@cdl-law.com

Angela N. Rainey, Esq.
arainey@cdl-law.com

CSA 2010

Changes and Challenges

CSA 2010 is intended to provide the identification of carrier safety issues in specific areas. It then seeks to provide multiple levels of action to address those issues.

It will provide new means and methodology for the measurement, evaluation, and intervention with regard to carrier safety.

I. DIFFERENCES BETWEEN SAFESTAT AND CSA 2010

The differences between the current Safestat system and CSA 2010 are as follows:

- a. While Safestat indicates that a carrier has general safety issues, CSA 2010 seeks to identify the specific area in which there is a problem;
- b. Unlike Safestat that groups safety problems together into one score, CSA 2010 is intended to identify specific areas that are problematic so that they can be addressed in a surgical manner;
- c. While Safestat uses only out-

M&K Upcoming Events

- **CSA 2010 Webinar -
February 24, 2010 at
1:00pm** - Doug
Marcello will be
presenting.

**It's not too late to
register for
the webinar, however
space is limited.
Reserve your seat
now by clicking [here](#).**

If you are unable to
attend the webinar, it be

of-service violations and selected moving violations from inspections, CSA 2010 uses all safety-based inspection violation;

d. CSA 2010 introduces a risk-based weighting of violations, giving greater impact to violations determined to have a larger impact on crash risk;

e. Under CSA 2010, a carrier's safety rating will be based upon the safety data analysis, in contrast to Safestat which serves only to prioritize carriers for compliance review which are then determinant of a safety rating;

f. Finally, CSA 2010 provides a system to assess drivers in addition to carriers, unlike Safestat which assesses only carriers.

II. METHOD OF MEASUREMENT

CSA 2010 will measure carrier safety by the Safety Measurement System (SMS). This system assembles and weighs data, then determines a carriers "percentile" ranking within its "peers."

DATA-It will utilize data collected at roadside safety inspections and state-reported commercial motor vehicle crash records. This data will then be weighted based upon severity and timing.

SEVERITY-SMS contains a schedule of potential roadside safety violations. Each potential violation is assigned a number of points that reflect their association with crash occurrence and crash consequences. Click [here](#) to see the schedule of potential roadside safety violations.

Points are assigned on a scale from 1 to 10, with 10 being the highest. For example, failure to wear a seat belt is a 1 point violation, while reckless driving is assigned 10 points.

Crashes are also weighted based upon the resultant impact it caused. Reportable crashes resulting in fatalities, injuries treated away from the scene, and/or hazmat releases are given greater weight than crashes reportable solely because they involve a tow-away.

available at a later date through the KCI website by clicking [here](#).

- **CSA Presentation for Lancaster Chapter of PMTA on February 25, 2010 at 6:30pm** - to be held at the Statesman Room at Willow Valley Resort - Doug Marcello and Sonya Kivisto will be presenting.

CSA 2010 Resources

- **FMCSA Proposed Rule Making** click [here](#).

- **CSA 2010 Webpage** click [here](#).

- **Powerpoint presentation regarding CSA 2010** presented by ATA - to obtain a copy contact us.

- **Powerpoint presentation regarding CSA 2010** presented at Marcello & Kivisto webinar on CSA 2010 - to obtain a copy contact us.

- **CSA 2010 Frequently Asked Questions** click [here](#).

- **CSA 2010 Outreach** click [here](#).

Updates for Previous Newsletter Article Topics

- **Updated ATRI Compendium on Idling Regulations**- available by clicking [here](#).

- **Updated ATRI Cab**

TIME-SMS also assigns weight based upon when the violation or crash occurred. More recent events have greater weight than those that are more remote.

Carrier records cover a twenty-four (24) month period. Events within six months of today are given a time weighting of 3, as opposed to which occurred 7-12 months ago (weighting of 2), or 13-24 months ago (a weighting of 1).

Driver records cover a thirty-six (36) month period. Events within 12 months of today are given a time weighting of 3, as opposed to which occurred 13-24 months ago (weighting of 2), or 25-36 months ago (a weighting of 1).

SCORE-A carrier or driver's score in a particular safety area is calculated by totaling the time and severity weighted violations in a particular area. This total is then, "normalized" (averaged) based upon the area being evaluated.

Vehicle violations are "normalized" (averaged) by the number of vehicle inspections. Driver oriented violations are "normalized" by the number of driver inspections.

Some particular areas of safety scores are "normalized" based upon a carrier's size. These areas are unsafe driving, drug and alcohol violations, and crash indicators.

"Carrier size" is determined by the average number of power units of a carrier over the last 18 months as reported on its MCS 150 or 151. This number is the total of the reported units 18 months ago, 6 months ago, and today divided by 3.

PEER GROUP-After receiving a score in a particular area, a carrier and a driver will be assigned a "percentile" based upon its "peer group" to compare measures of entities with similar levels of exposure.

This percentile will be a number from 1 (best) to 100 (worst) upon which a potential need for FMCSA action will be determined.

Peer groups are determined by either the number of inspections or the number of power units depending on the category being assessed. For categories based upon

Card with Idling Regulations - available by clicking [here](#).

- Current State Laws Regarding Handheld Cell Phone and Texting Bans - available by clicking [here](#).

Recent M&K Case Results

Moser v. Crete: Federal Court in North Carolina denied Plaintiff's discovery motion and limited the discoverability of logs and satellite tracking records to 8 days prior to the accident.

To see more case results and articles click [here](#).

Documents and Resources Available From M&K

If you are interested in obtaining copies of the following, please call or email.

- Accident preparedness DVD and/or forms

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles

inspection violations, there is a minimum number of inspections with applicable violations required for a percentile to be assigned.

No percentile will be assigned to a carrier if it has not had an inspection with a violation in the previous 23 months. However, some categories based upon inspections also require that the most recent inspection not have a violation in that category.

What constitutes a carrier or a driver's peer group depends upon the particular area being evaluated. Again, it varies by area from number of inspections in which there were violations to number of units.

FREQUENCY OF SCORING-Each month, a carrier and a driver's score will be updated.

A carrier's score will be based upon two (2) years of data. A driver's is based upon three (3) years of data.

III. AREAS OF MEASUREMENT

Scores will be calculated in seven safety behavior areas pursuant to the BASICS program. BASICS is an acronym for Behavioral Analysis and Safety Improvement Categories (it's the government).

There are seven BASICS scores--six categories of inspection data plus crash data. The inspection categories are comprised of four related to driver behavior and two to vehicle integrity.

A. BASICS CATEGORIES

1. UNSAFE DRIVING-Dangerous operation of a commercial motor vehicle is scored in this area based upon traffic violations noted on roadside inspection reports or crash reports.
2. FATIGUED DRIVING-Hours-of-service violations or fatigue noted in roadside inspection or crash reports in which fatigued driving was a contributing factor.
3. DRIVER FITNESS-Lack of training, necessary experience, or medical approval. This is derived from inspection violations for failure to have a cdl or medical documentation, crash reports citing medical reasons or

click [here](#).

Other Resources

To get construction and accident updates for Pennsylvania roadways click [here](#).

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel InformationTo-Go](#)

For more resources click [here](#)

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Lancaster County TDCs

Marcello & Kivisto, LLC would like to encourage all drivers and companies that are eligible to participate in the Lancaster County Truck Driving Championships. For more information regarding

lack of experience as a contributing factor, or violations found in on- or off-site inspections for DQ file requirements or use of unqualified drivers.

4. DRUG AND ALCOHOL-This score is based upon roadside drug or alcohol violations, crash reports citing intoxication or impairment as a factor, or lack of an appropriate program.

5. VEHICLE MAINTENANCE-This is comprised of roadside mechanical defect violations, crash reports citing mechanical failure as a contributing factor, and violations found in on- or off-site inspections of maintenance records and repairs records.

6. CARGO SECUREMENT-These points arise from roadside inspection violations relating to load securement, cargo retention, and hazmat handling. It also comes from crash reports citing shifting loads, dropped cargo, or unsafe hazmat handling as a contributing factor.

7. CRASH INDICATOR-This is the history or pattern of crash involvement from law enforcement crash reports and on-site investigation reviews of recorded crashes.

B. REPORTING OF MEASUREMENTS

As set forth above, a score will be calculated in each of the seven area. The score will be the total of the violations, weighted for time and severity. The score will then be "normalized " either by the number of total inspections or average number of units, depending on the particular BASIC area.

A percentile ranking will then be generated within the "peer group". Again, what is considered a "peer group" depends upon the specific BASIC area being evaluated.

The score and the percentile for each BASIC area will then be posted to a website, available to an "entity of interest", including shippers, brokers, and insurers. Percentile scores above an intervention threshold will be highlighted in yellow, while a percentile of 97 or higher will be highlighted in red.

Scores are revised on monthly basis.

IV. MEANS OF EVALUATION

the Lancaster County TDCs, please contact Rich Graybeal at (717) 475-4993.

Marcello & Kivisto, LLC will pay the entry fee for all drivers who register.

Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

About Our Law Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

LET US KNOW WHAT YOU THINK

We want to focus our articles on issues and concerns of our clients. If you have suggestions for our newsletter please do not hesitate to contact us.

QUOTE OF THE MONTH

The BASIC scores and percentiles will be used to identify which carriers warrant intervention and what level of intervention is appropriate. They will also be used to determine a carrier's fitness to operate.

The Safety Fitness Determination (SFD) methodology is currently being developed subject to rulemaking requirements. The result will be a methodology producing a carrier fitness determination of either unfit, marginal, or continue operation.

V. INTERVENTION

As opposed to the present situation in which the only option is a Carrier Review, CSA 2010 provides a means of intervention commensurate with the level of degree of difficulty in a specific area. There are three levels of intervention with various means within each level.

A. EARLY CONTACT

The means of early intervention, the lowest levels of action, are as follows:

1. **WARNING LETTER-** Correspondence that identifies a deficient BASIC area and the possible consequences of continued safety problems. It also provides instructions for accessing carrier data and measurement and a point of contact.
2. **CARRIER ACCESS TO SAFETY DATA AND MEASUREMENT-**This allows the charting of violations and improvement with monitoring for accuracy.
3. **TARGETED ROADSIDE INSPECTIONS-**Specific problems by BASIC area are identified.

B. INVESTIGATION

This level is proactive and progressive, increasing in severity and degree of interaction based upon the risk posed by the carrier. The potential means of intervention in these middle levels are as follows:

1. **OFF-SITE INVESTIGATION-** Documents are provided by a

"There is nothing wrong with change, if it is in the right direction."

~Winston Churchill



carrier for off-site review pursuant to the regulators' request.

2. ON-SITE FOCUSED INVESTIGATION-This investigation is at the carrier, focusing on two or less BASIC problem areas.

3. ON-SITE COMPREHENSIVE INVESTIGATION-A carrier exhibiting broad and complex safety problems, continually deficient or worsening BASICs in three or more areas, a fatal crash, or a complaint may be subject to a full investigation.

C. FOLLOW-UP

1. COOPERATIVE SAFETY PLAN (CSP)-This is a voluntary plan collaboratively created by the carrier and FMCSA based upon a standard template to address underlying problems resulting from the carrier's substandard performance.

2. NOTICE OF VIOLATION (NOV)-This will be issued for a regulatory violation serious enough to warrant formal action, but not a civil penalty or when the violation is immediately correctable and there is a high level of and desire for cooperation. The carrier must provide evidence of corrective action or initiate a successful challenge to the violation.

3. NOTICE OF CLAIM (NOC)-These are issued for regulatory violations serious enough to warrant a civil penalty.

4. SETTLEMENT AGREEMENT-This is a contract negotiated with the carrier to enact remedies that address the root cause of a safety problem, defer or reduce penalties, or terminate enforcement proceedings.

VI. DRIVER SAFETY MEASUREMENT SYSTEM

This is the second major component of the Safety Management System intended to directly monitor the safety and performance of individual drivers. It is intended to monitor drivers based upon records across multiple employers.

This also enables investigators to evaluate roadside performance of drivers across employers over a three year period. Safety investigators can identify "high profile" drivers with overall poor safety histories.

Drivers will have scores and percentiles generated as a result of roadside inspections. Scores will be weighted by severity and time.

For drivers, the time weighting is over a three year period. Violations within the prior 12 months will be factored by three, during the prior 13 to 24 months by a factor of two, and from 25 to 36 months by a factor of one.

VII. IMPLEMENTATION

Testing of CSA 2010 began in four states in 2008. Several more were added in 2009. CSA 2010 will be implemented in the remaining states in July, 2010.

VIII. PREPARING FOR CHANGE

What can you as a carrier or driver do to prepare for the changes imposed by CSA 2010. Here are some suggestions.

1. LEARN THE SCORING SYSTEM-Review the point system so you are aware of the violations that carry the greatest penalties and take action to avoid them. Click [here](#) to view the schedule of potential roadside safety violations.
2. KNOW THE CVSA CRITERIA-Study the CVSA inspection and out-of-service criteria.
3. BE PROACTIVE WITH YOUR UNITS-Educated in the point system and CVSA criteria, inspect your units and re-emphasize pretrip inspections.
4. TRAIN AND EDUCATE DRIVERS-Redouble efforts for pre-trip inspections, hours-of-service compliance, meeting medical requirements, and particularly cargo securement regulations and requirements.
5. EXPLORE WAYS TO PRE-QUALIFY FOR INSPECTIONS-Explore opportunities such a pre-pass to potentially reduce the number of roadside inspections

and, ultimately, the potential for
point producing violations.