



TRANSPORT CENTER UPDATE

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MK CONTACT INFORMATION

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M&K Upcoming Events:

12/1 - 1 p.m. EST -
Webinar Presented by
Doug Marcello
regarding CSA Scores.
Email us for more
information and/or to
register.

12/9 - PMTA's
Safety
Management
Counsel - hosting the
2010 Driver of the
Month and Driver of

CSA BY THE NUMBERS

CSA is about to go live, making company scores available for scrutiny by the public. More importantly, the scores will be available to brokers, shippers, and insurers.

It is an opportunity. CSA is a ranking of comparable companies-the lower your points-percentage, the better. Minimizing your score relative to those in your group is vital to improving your ranking.

This makes point-generating events even more important. Here are some lists of actions you can take to keep your score in check.

You can get more CSA related information on our webpage, www.cdl-law.com, in our blog entries as well as links to 20 minute webinars.

DRIVER AWARENESS

Make sure drivers appreciate that the score is not only important for your company. It is vital to them for three reasons.

1. Drivers' scores will be kept by the Driver Safety Management System (DSMS). While not available to the public, it is available to FMCS investigators, suggesting the potential use of their record.

2. Drivers' future employers see their CSA violations in the Pre-Employment Screening Program. Their future in the industry depends on keeping down their individual score.

3. No freight means no jobs for drivers. Shippers and brokers may be reluctant to ship with carriers with bad scores. No freight,...

PRIMARY POINT GENERATORS

Vigillo, a score monitoring service, has analyzed the mass of data to date and found that there are 3 primary sources for points.

1. Speed-often the basis for "probable cause" stops where required;
2. Lights-visible defects on the vehicle (lights, mudflaps,...);
3. Logs-incomplete or incorrect completion of logs.

NOTE-The first two (speed and lights) account for 20% of the reasons for roadsides, but 80% of the points. More important, these are within your driver's control.

DRIVERS ROADSIDE AWARENESS

Drivers need to know several important points about roadsides.

1. Points come from commercial vehicle roadside inspections. Not from their private car. Not from tickets while in their truck if there is no roadside inspection report. Only roadside inspection reports and crashes generate points.
2. Clean roadside inspections lower scores. Scores are based on averages. Averages for several BASICS are calculated by dividing your points by the number of roadsides. More clean roadsides, the lower you average.
3. Points for an event can vary depending on how it is written on the roadside inspection report. Speeding, without a speed on the report, is 5 points. However, speeding documented on the report as 1-5 m.p.h. over is only 1 point and 6-10 over is 4 points. How the event is written up can add points which are then multiplied by 3 for the first 6 months. In Pennsylvania, a ticket for "failure to obey a traffic control device", a common "break" for speeders, puts no points on a MVR, but 5 points on a CSA score.

COMPANYWIDE KNOWLEDGE OF CSA FUNDAMENTALS

CSA awareness is vital for the entire company. All members of your team need to know the fundamentals. Points are not just a function of

the Year Luceon at the Radisson Penn Harris Hotel in Camp Hill, PA.

12/14 - 12 p.m. EST - Webinar Presented by Doug Marcello regarding EOBRs. Email us for more information and/or to register.

12/18 - Doug Marcello will be speaking at a driver meeting for Frock Brothers.

For more current updates on events, follow M&K on [Facebook](#) and [Twitter](#).

Archived Webinars:

20 Minute Webinars presented by Doug Marcello regarding CSA, PSP and other pertinent topics are now available through the M&K website. To check out these webinars and other resources click [here](#).

Upcoming Events in the Industry:

Jan. 17th - 19th - UMA Motorcoach Expo, Tampa, FL for more info click [here](#).

Jan. 19th - 23rd - Jump Start 2011, Defining Success in Transportation, Atlanta, GA, for more info click [here](#).

Jan. 31st - Feb. 4th - COHMED Conference, Tampa, FL. For more info click [here](#).

COURT COMPELS

drivers.

1. Maintenance--deferred repairs or missed maintenance means points. Visible vehicle defects (lights, mudflaps,...) result in roadsides and ring up points. Out-of-service, by itself, is another 2 points (times 3 for the first 6 months). Maintenance and drivers must work together to identify and eliminate these defects.

2. Operations-increased vigilance to hours-of-service availability of drivers. For example, dispatched runs that necessitate speeding, results in 5 points for the company, none for the driver.

3. Safety-monitoring documentation saves points. Missed medicals (2 points), inadequate training (4 points), and lacking a proper endorsement (8 points) can add up in the Driver Fitness BASIC.

CONSTANTLY MONITOR YOUR RECORD

Your company score is calculated monthly. Constantly monitor the violations that comprise that score. You can review your score at the [Data Preview Website](#). Because points are weighted by time, you need to challenge and remove them as soon as possible.

1. Require drivers to turn in roadside inspection reports. These are crucial to compare against what is posted on your company's score page. Prompt receipt is vital to ensure timely challenges as some states have adopted time limits for challenges.

2. Review your company's violations. Erroneous or duplicate entries are not uncommon and can result in unwarranted points. Find them and get them removed.

3. Identify point generating areas. Look for trends of point generators in your company's report. Re-train drivers, increase vigilance, and reverse the trends.

CHALLENGE POINTS THROUGH DATAQ

Take action to remove points that are unwarranted or erroneous through the DataQ system.

1. Go to <https://dataqs.fmcsa.dot.gov/login.asp>, register, login, and make your challenge.

PLAINTIFF TO DISCLOSE FACEBOOK AND MYSPACE INFORMATION

In a recent court opinion the Jefferson County Court of Common Pleas held that a Plaintiff's Myspace and Facebook pages, user name, user login and passwords were discoverable because the information posted by plaintiff on those sites was not confidential and did not fall under a privilege.

Plaintiff filed a personal injury action following a motor vehicle accident. Plaintiff's complaint alleged he suffered permanent injuries and loss and impairment as well a loss of his ability to enjoy life's pleasures.

The information posted on the public portion of Plaintiff's sites contained information contrary to Plaintiff's claims.

Defendant argued that the information contained in the private portion of Plaintiff's websites may contain more relevant posts. The court agreed.

To see a copy of decision click [here](#).

Documents and Resources Available From M&K

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

2. Support your challenge. You need to provide the information to the reviewer to persuade them of our challenge.

3. Be timely. States are developing time limits for filing challenges. For example, Pennsylvania now requires driver challenges within 30 days and company challenges within one year.

NOTE-Winning at a hearing on a ticket does not remove it from your score. Neither does it ensure the success of your challenge. The challenge is a distinct, separate proceeding. You must support your challenge.

CSA CONSCIOUS HIRING

Points assessed to a driver while under your authority sticks with you for two years. Use the PSP to review a driver's CSA scores before hiring.

1. Go to www.psp.fmcsa.dot.gov to register for 24/7 access to the scores of potential hires. There is an annual fee depending on the size of your company and a \$10/record fee.

2. Get a release from the applicant to access their score. This is required before you can request their score.

3. Review the report. A driver with a good MVR, but marked problems on the PSP report can result in CSA points down the road.

Open reporting of CSA is at hand. Be prepared. Be vigilant. Be pro-active. For a 20 minute review of this subject, go the link to the webinar found on our website.

TWO OUT OF FIVE AUTOMOBILE DRIVERS ADMIT TO FALLING ASLEEP AT THE WHEEL

Earlier this month, the AAA Foundation conducted a survey that revealed the extent of drowsiness in car drivers. To see a copy of the report click [here](#). 41% of drivers surveyed admitted to falling asleep or nodding off while driving at least once in their lifetime. This includes 11% who did so during the last year and 3.9% within in the last month.

A closer look at the statistics provides

- Hours-of-Service
Rules Safety Impact
2010 Analysis compiled
by ARTI in May 2010

- 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 click [here](#).

Other Resources

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](#)

[National Traffic and
Road Closure
Information](#)

For more resources click
[here](#)

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interesting insight into those who fell asleep. A greater percentage of people indicated that they fell asleep between the hours of noon and 5 p.m. than those who reported falling asleep between midnight and 6 a.m. Also, a greater percentage of drivers admitted to falling sleep within the first hour of driving than those who did so after driving 3 hours or more. For a snapshot of the statistical results check out the factsheet available by clicking [here](#).

As the industry waits for the latest revisions to the hours-of-service regulations, these statistics as to automobile drivers by an automobile association are of particular interest.

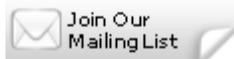
Free Presentations for Your Driver Meetings

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 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.



DISCLAIMER: The Information Contained in this Newsletter is NOT Legal Advice.



[Transportation Legal News Blog](#)

QUOTE OF THE MONTH

"This is my wish for you: peace of mind, prosperity through the year, happiness that multiplies, health for you and yours, fun around every corner, energy to chase your dreams, joy to fill your holidays!"

~ D.M. Dellinger

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