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# THE BASSETT BULLETIN™

## NAVIGATING THE CSA 2010

### INTRODUCTION

The Comprehensive Safety Analysis 2010 initiative or “CSA 2010” is the Federal Motor Carrier Safety Administration’s (FMCSA) effort to improve the efficiency and effectiveness of motor carrier safety compliance and enforcement. Its ultimate objective is to reduce crashes, injuries, and fatalities involving motor carriers, while also maximizing the FMCSA’s resources.<sup>1</sup>

Currently, the non-CSA 2010 safety compliance process only reaches about 2% of the motor carrier population, with the focus solely on carriers.<sup>2</sup> CSA 2010 seeks to reach a larger segment of the industry and to improve identification of unsafe carriers *and* drivers. It will hold drivers and carriers responsible for sustained performance via regular evaluations of their safety fitness and will expand the potential interventions for when safety standards are not met.

### THE NEW RATING CATEGORIES

The Safety Measurement System (SMS) of CSA 2010 monitors and measures the behavior of carriers and drivers in order to identify specific safety problems. Safety fitness determinations consider performance data from the SMS, as opposed to only basing ratings on compliance reviews like under the current system. The new SMS replaces ratings of satisfactory, conditional, or unsatisfactory with *continue to operate*, *marginal*, or *unfit*.<sup>3</sup> “Marginal” ratings result in intervention by the FMCSA, while “unfit” ratings result in a suspension.<sup>4</sup>

### THE “BASICS” SAFETY RATING FACTORS

The SMS focuses on those safety behaviors that lead to crashes. As a result, behaviors are weighted in terms of their risk of resulting in a crash.<sup>5</sup> Actions are grouped into the various Behavior Analysis & Safety Improvement Categories (BASICS) identified and discussed below.<sup>6</sup>

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<sup>1</sup> *The CSA 2010 Dispatch: Frequently Asked Questions*, U.S. Dep’t of Transp., Fed. Motor Carrier Safety Admin., <http://www.fmcsa.dot.gov/safety-security/csa2010/CSA2010-Fact-Sheet.pdf> [hereinafter FAQ].

<sup>2</sup> *Motor Carrier Safety*, U.S. Gov’t Accountability Office, GAO-08-242R Motor Carrier Safety, p. 3, <http://www.gao.gov/new.items/d08242r.pdf> [hereinafter GAO Memo].

<sup>3</sup> *Comprehensive Safety Analysis 2010: Fact Sheet*, U.S. Dep’t of Transp., Fed. Motor Carrier Safety Admin., <http://www.fmcsa.dot.gov/safety-security/csa2010/csa2010-factsheet-opmodel.pdf> [hereinafter Fact Sheet].

<sup>4</sup> See GAO Memo, *supra* note 2, at 6 (displaying the operational model for carriers).

<sup>5</sup> See FAQ, *supra* note 1, at 2.

<sup>6</sup> See GAO Memo, *supra* note 2, at 5 (charting the BASICS categories).

## ***CRASH INDICATOR***

This section concerns a carrier's crash and accident history. It includes consideration of both the frequency and severity of one's crash history relative to others in the industry.

## ***UNSAFE DRIVING***

This category refers to the operation of a commercial motor vehicle (CMV) in a manner that is careless or dangerous. Examples of violations include traffic citations for speeding, inattentiveness, reckless driving, improper lane change, or failure to adhere to traffic signs.

## ***FATIGUED DRIVING***

Activities relating to the operation of CMVs by drivers who are not just tired and fatigued, but also those that are ill or sick, all fall into this category. Logbook violations and hours-of-service violations are categorized as "fatigued driving" as well.

## ***DRIVER FITNESS***

This category centers on drivers of CMVs who are improperly trained, lack the necessary experience, or are medically unqualified to drive. Other violations include failure to have a valid commercial driver's license or appropriate training or medical documentation.

## ***CONTROLLED SUBSTANCES AND ALCOHOL***

The operation of a CMV by a driver who is under the influence of illegal drugs, alcohol, or medications (whether they are prescription or over-the-counter) fall into this category. Additionally, possession of alcohol or controlled substances is a violation as well.

## ***VEHICLE MAINTENANCE***

Activities grouped in this category include instances when a CMV fails because of improper or insufficient maintenance. Examples of violations could also include mechanical defects, brake failures, inadequate lighting placements, or postponing necessary repairs or maintenance.

## ***IMPROPER LOADING/CARGO SECUREMENT***

Incidents stemming from improper cargo handling fall into this category, as do spilled cargo, shifting and improperly secured loads, and unsafe management of hazardous materials.

## **POTENTIAL PENALTIES**

CSA 2010 provides for a wide array of progressively severe interventions in response to a "marginal" rating to alert carriers that they need to improve their safety performance. The type of intervention used depends on a variety of factors, such as safety and intervention history record. The possible interventions include (in order of increasing severity):

1. Issuance of warning letter;
2. Targeted roadside inspection;
3. Off-site investigation;
4. Focused on-site investigation;
5. Launch of a cooperative safety plan;
6. Notice of violations requiring response;
7. Comprehensive on-site investigation;
8. Notice of claim warranting penalties;
9. Consent/settlement agreement; and
10. Suspension of a carrier that does not comply with other interventions.

Interventions target unsafe behavior on the part of the carrier and are less resource intensive than the current compliance reviews.<sup>7</sup> Additionally, interventions are investigative in nature in order to determine the root cause of a behavioral safety problem early, which can then be used to rectify the problem and thwart future potential crashes.<sup>8</sup>

## THE PROGRAM'S START DATE

The implementation of CSA 2010 procedures *for carriers* is set to begin in the summer of 2010 following the completion of the ongoing operational model test program, which ends in June of 2010.<sup>9</sup> Depending on the results of the model test, the FMCSA might make changes to the system accordingly. Also in 2010, the operational model test *for drivers* will commence.<sup>10</sup>

## WHAT SHOULD YOU TAKE AWAY?

Carriers and drivers alike should note several points about the CSA 2010 initiative. The FMCSA specifically added the assessment of drivers to CSA 2010 due to data continuing to point to driver behavior as a leading contributing factor in crashes.<sup>11</sup> This should give drivers added motivation to improve their own safety fitness.

Safety fitness determinations under CSA 2010 consider new factors that must not be ignored. Safety violations from all sources, especially those at roadside inspections, are factored into the rating.<sup>12</sup> As a result, clean inspections with no violations can enhance one's safety rating, just as violations impair it.<sup>13</sup> Another key is that while crashes do factor into safety fitness ratings, the process considers accountability for crashes.<sup>14</sup> This means if a carrier is not deemed at fault, then the crash will not count against them, though it will remain on their record.

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<sup>7</sup>See GAO Memo, *supra* note 2, at 13.

<sup>8</sup>See FAQ, *supra* note 1, at 3.

<sup>9</sup>See GAO Memo, *supra* note 2, at 12.

<sup>10</sup>*Id.*

<sup>11</sup>*Comprehensive Safety Analysis 2010*, CSA 2010 Listening Sessions, p. 25, [http://freight.transportation.org/doc/highway/idaho/csa\\_2010\\_fmcsa0606.pdf](http://freight.transportation.org/doc/highway/idaho/csa_2010_fmcsa0606.pdf).

<sup>12</sup>*How Will a Motor Carrier's Safety Performance Be Measured under CSA 2010?* U.S. Dep't of Transp., Fed. Motor Carrier Safety Admin., <http://www.fmcsa.dot.gov/safety-security/csa2010/CSA2010-SMS-Poster-Final.pdf>.

<sup>13</sup>*Enhancing the Accuracy and Uniformity of Roadside Inspection Data*, U.S. Dep't of Transp., Fed. Motor Carrier Safety Admin., p. 9, <http://www.fmcsa.dot.gov/documents/safety-security/Roadside-Uniformity-presentation.pdf>.

<sup>14</sup>Gary R. Woodford, *Comprehensive Safety Analysis: CSA 2010*, Motor Carrier Safety Advisory Committee, p. 38, <http://mcsac.fmcsa.dot.gov/documents/CSA%202010%20Overview.pdf>.

Overall, poor safety performance will result in an escalating likelihood of the FMCSA conducting an intervention. While interventions by the FMCSA should be less time-consuming responses than the current system, avoiding them through month-to-month sound safety performance should still be desired. Every thirty days the safety fitness ratings are updated, so sustained safe performance is critical. Through the CSA 2010 process, the FMCSA expects to see the desired reduction in CMV crashes, injuries, and fatalities.

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