



[CSA 2010 – Saving Lives or Killing Businesses? Depends Upon Who You Ask](#)

www.kenallenlaw.com

For those not involved in the details of the American trucking industry, [CSA 2010 refers to a set of new regulations drafted by the Federal Motor Carrier Safety Administration \(FMCSA\)](#). CSA stands for “Comprehensive Safety Analysis” and currently it’s been tested in nine states, in a [staggered calendar](#).

In a nutshell, CSA 2010 expands the current Safestat safety rating system where trucking companies are regulated in *four categories* (Driver, Vehicle, Safety Management, and Accident) to the *new CSA system of seven* (Unsafe Driving; Fatigued Driving; Driver Fitness; Controlled Substance and Alcohol; Vehicle Maintenance; Improper Loading/Cargo Securement; and Crash Indicator).

Testing in Nine States – What We’re Learning

Colorado, Georgia, Missouri, and New Jersey began operating under the CSA in February 2008. Minnesota and Montana came aboard in May 2009; Kansas, in September 2009, and finally, Maryland in November 2009. For each testing state, half of the carriers followed the status quo of Safestat, and half of the carriers operated under the new CSA protocol. The overall testing period was set at 30 months. The entire country is set to follow CSA 2010 by the end of this year, as it is implemented state by state from July – December 2010.

According to [Transport Topics](#), Patti Olsgard, chairwoman of the American Trucking Association, is reporting that most carriers “really like CSA 2010.” And the FMCSA website has optimistic and positive reporting, as well.

However, things aren’t so peachy in Kansas, where the [Kansas Motor Carriers Association](#) has sent a policy statement over to FMCSA to complain about [five areas that are unfair to truckers](#). [Minnesota Trucking Association president John Hausladen](#) has also gone public with concerns over CSA 2010 that include enforcement not being the same from state to state within the testing states, as well as unfairness in FMCSA

enforcement as they appear to focus on the testing states more than those outside the testing areas.

Moreover, there's already more in the wind coming from other sources. Some [trucking industry experts are urging that CSA 2010](#) will help trucking companies that are "proactive" while acknowledging that trucking companies (and truckers) that are overwhelmed or running close to the red on their bottom lines may be stymied by CSA 2010. [Trucking activist Allen Smith](#) is predicting that CSA 2010 can be "easily manipulated," resulting in potential abuse of the professional trucker.

[Owner-Operators United Inc.](#), is vehemently against CSA 2010 and purportedly is investigating filing suit against their implementation nationwide by FMCSA. According to OOU, the new protocol could take 175,000 drivers off the road immediately, and more as audits continue.

[In the opinion of OOU president Dan Little](#), "I feel that this new program will cripple this industry and cause thousands of people nationwide to lose everything they have. This program could not have come at a worse time for this country."

Where Does That Leave the Rest of Us?

It's a valid point that increasing regulation in any industry means more work, more expense, and therefore potentially less profit for those being regulated. Having trucking companies (and independent truckers) face increased costs in this bad economy should have them worried. How the government can fairly enforce seven standards nationwide, when there were already so many infractions of the four standards under the old system is questionable, too.

However, as a group of trial attorneys representing those who have had loved ones killed in [semi-truck accidents](#) and seriously, seriously injured with [traumatic brain injuries](#), or [paralyzing spinal cord injuries](#), it's a little hard to feel anything but hope. Hopeful that somehow, somewhere in all of this, the real danger of big rigs on our interstates, fully loaded and driven by drivers who are exceeding their HOS limits, trying to stay alert on drugs, etc. is going to be successfully addressed.

How successful the CSA 2010 will be in [curtailing wrongful deaths](#) due to [commercial truck crashes](#) waits to be seen. We're going to be thinking positively that the new FSCMA will do what it's supposed to do — save some lives out there.