



Date/Issue: **April 2009/Issue 64**

Title: **New FMCSA program expected to reduce accidents**

Author: *Anna Vize, Product Manager, Avalon Risk Management, Inc.*

Truck accidents involving fatalities are costly, even for property brokers. Recently, an Illinois jury reached a verdict requiring the freight broker, C.H. Robinson, to pay more than \$23 million in damages. While many industry professionals believe freight brokers are not liable for motor carrier accidents, these types of lawsuits will continue as plaintiffs try to obtain money from any business involved. Possibly, the only way to avoid expensive lawsuits is to prevent accidents.

In 2004, the Federal Motor Carrier Safety Administration (FMCSA) started working on an initiative called Comprehensive Safety Analysis (CSA) 2010 with a goal to further reduce large truck accidents. The new initiative is designed to increase the effectiveness of the FMCSA motor carrier compliance and enforcement program by reaching more carriers. Currently, the FMCSA conducts labor intensive on-site compliance reviews to determine a motor carrier's safety fitness. Since the reviews take 3 to 4 days each, FMCSA can only reach a small number of the 700,000 active interstate motor carriers.

CSA 2010 will utilize roadside safety violation data to identify both high-risk drivers and carriers. The data is weighted based on its relationship to crash causation and classified in the new measurement system. The seven Behavioral Analysis Safety Improvement Categories (BASIC) for classification include: unsafe driving, fatigued driving, driver fitness, controlled substances/alcohol, vehicle maintenance, improper loading/cargo and crash indicator. When a carrier has a score higher than the unfit threshold in any one of the seven BASICS, FMCSA will use an intervention method. Each of the intervention methods are designed to inform motor carriers about their potential safety problems so motor carriers can change unsafe behavior and prevent accidents. The intervention methods include: a warning letter, targeted roadside inspection, off-site investigation, on-site investigation – focused, cooperative safety plan, notice of violation, on-site investigation – comprehensive, notice of claim/settlement agreement.

In Feb. 2008, FMCSA launched the 30-month field test with participating states: Colorado Georgia, Missouri and New Jersey. The first phase implemented three of the BASICS including: unsafe driving, fatigued driving and vehicle maintenance. The remaining BASICS were implemented during the second phase which began in Oct. 2008. Implementation of CSA 2010 is planned to start after the field test is completed in the middle of 2010.

According to the FMCSA, during the first six months of the field test, 1,800 carriers received a warning letter of which 45 percent reviewed their safety measurement data. In addition, the FMCSA received letters from a few carriers stating plans on how they planned to fix their safety problems. With the current program, these carriers would not have received a notice from the FMCSA about their potential safety issues. For more information on CSA 2010, please visit: www.fmcsa.dot.gov/csa2010.

The Quest Newsletter is published quarterly and is designed to provide critical information in the transportation industry. Avalon Risk Management is not responsible for the accuracy or reliability of information contained in articles. The reader/user assumes all risk in the use of such information.



Page 2 of 2

While the FMCSA works on reducing accidents, maintaining the proper insurance is still required by law. Carriers not only need an insurance program to meet the government's requirements, but a quality program is vital to protecting a carrier's assets when an accident does occur. As an insurance broker dedicated to the transportation industry, Avalon understands your needs and can provide you with a comprehensive insurance program to help protect your business.

Our Truck Insurance program offers:

- Primary Liability
- Physical Damage
- Non-Trucking Liability
- Motor Truck Cargo
- General Liability
- Property and Warehouse coverage
- Umbrella

For a competitive quote, please contact your local Avalon office or Anna Vize, Product Manager at (847) 700-8154 or at avize@avalonrisk.com. A list of our eleven North American offices can be found at www.avalonrisk.com.

The Quest Newsletter is published quarterly and is designed to provide critical information in the transportation industry. Avalon Risk Management is not responsible for the accuracy or reliability of information contained in articles. The reader/user assumes all risk in the use of such information.