

April 2011 Safety Article

T'is the Season – For CSA

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Compliance, Safety, Accountability (CSA) seminars are underway in Vermont and New Hampshire and the theme for this series is the ten most often cited violations being experienced by carriers. Not surprisingly, the violations are common and can be addressed by carriers and drivers alike without excessive strain or effort. What was called the Comprehensive Safety Analysis (CSA2010) is now Compliance, Safety, Accountability. The title is significant.

The program's focus begins with compliance. Our nation is built upon the foundation of laws and its laws are designed to bring a measure of order from anarchy or chaos. Our system of laws sets our country apart from other nations that do not have the same codes of conduct as ours. Traffic laws and regulations (including the Federal Motor Carrier regulations) in particular are designed and intended to protect those who travel America's roads and highways. Without these regulations we would have chaos and yet, even with the regulations in place, we still have traffic crashes due in large part to those who flaunt the laws for whatever reason, and more often than not, these are the ones who wind up in traffic crashes. Compliance with rules and codes that regulate safety on our system of highways is vital for all who are issued a license to operate a motor vehicle.

Today, there is a debate in some states about mandatory seat belt laws. The argument of some is that these laws are threats to the freedom of mankind and remove the right of choice from the individual. This argument is specious as it ignores the principle that laws governing motor vehicle operation have been enacted to protect the public from death, injury and loss of property. The seat belt regulation is no different from that of a regulation that requires a driver to stop and yield the right-of-way to another vehicle at a stop sign. The same principle applies to the Federal Motor Carrier regulations that require carriers and drivers to comply with specific tasks, such as pre- and post-trip inspection, vehicle maintenance, hours-of-service, cargo securement, etc. Of course, the federal regulations are separate from state regulations governing the ordinary movement of vehicles in traffic, but the two are intertwined.

The purpose of the CSA seminars being presented with the state and federal agencies is to address the compliance issues and offer sample corrective measures to assist carriers and drivers come into compliance. The seminar, open to all at no charge, reviews the laws most often violated and gives participants the tools necessary to avoid the potential for crashes that will imperil the welfare of their drivers, the public, and the company's ability to remain in business.

Safety is the overall concern of the CSA seminar and the federal CSA program as a whole, and while second, it is certainly not a secondary matter. Safety of operations is paramount for any motor carrier and any professional driver. It is for safety that carriers and drivers comply with regulations, understanding WHY the regulations are in place and WHY it is vital to be in compliance. But, we as a nation of drivers take our own safety for granted. A look at how other drivers operate their vehicles while being distracted from the principal focus of their activity, i.e., driving (!), will give the most safety conscious of us pause about being complacent. Driving is serious business, but most of us do it so frequently, we are prone to giving in to the distractions that have become so familiar: drinking, eating, changing radio stations, talking with passengers (yourself?), arguing, talking on the cell phone, reading, combing hair...shaving, and brushing one's teeth, to mention just a few! Distracted driving has become a serious threat to the health and welfare of the driving community at large, and yet it is a fact of life that people, when given the chance, will be distracted because they truly believe they can drive safely while distracted. Their confidence in their prowess is misplaced.

It is an odd position that legislators in some states have been put on record against "texting" because it endangers the safety of the public but will not back efforts to prohibit cell phone use because it is perceived as being a matter of skillful multi-tasking. These same individuals contend that seat belt laws restrict a person's liberty and freedom of choice. Meanwhile, a group of vocal public advocates has denounced efforts to ban texting postulating that the act is more dangerous when drivers try to hide the fact that they are texting. Where does the safety argument fit in with all this? One has to wonder.

Accountability is the third part of the CSA program. Carriers and drivers have to seriously consider their own accountability when it comes to compliance and safety. Drivers have hours-of-service to consider along with a multitude of regulations with which they are required to be in compliance. On the other hand, they have the demands of schedules and performance. Being a professional driver is not an easy job and makes for a difficult way to earn a living, but the fact remains, they must be held accountable for their actions and it is incumbent upon their employers to hold them accountable. The safety record of the company is dependent upon them and it behooves the companies invested in interstate and intrastate commerce to enact their own rules of employment for the governance of their drivers.

Anywhere in the regulations where it states that an employer "must require" a driver to comply with a regulation, the company should have a policy that requires the driver to comply with that regulation. But, with so many regulations that make requirements, where does a company begin with policies?

This is another reason the CSA seminars are being presented in order to give participants the necessary tools to develop the policies they need.

Company policies serve to strengthen the regulations and ensure their compliance. A company is held responsible for their driver's actions...or inaction...in short, compliance. Thus, a driver's future employment rests on their desire and ability to follow company policies and applicable rules and regulations.

Discipline is a measure of last resort, but a company is expected to have a disciplinary policy and be willing and able to exercise it. A company should always review any policies, especially disciplinary policies, with their legal counsel to ensure that they conform to state and federal laws. Still, when FMCSA comes knocking on your company's door, they expect to hear more than, "We've told our driver a hundred times..." They expect to see what measures your company has taken to correct deficient behavior.

When and if your company receives a warning letter, you are not required to make a written response. The warning letter is just that...a warning that deficient conditions have been detected and it is incumbent upon the carrier or driver to ensure that the deficiencies do not continue. The response that FMCSA expects is that both the carrier and driver will take those actions necessary to make sure that corrective measures are made. The proof of correction will come from future inspections.

Informational seminars covering the most cited violations are scheduled and even if your company has not received a warning letter, you are invited to attend one of the free programs to help you, your drivers and your company, navigate the regulations that are being experienced daily and how to correct them.

For more information, call the NHMTA at (603) 224-7337 or email: laura@NHMTA.org.

We are here to help.