

SOLID WASTE INSURANCE MANAGERS – “SWIM”

NSWMA REGULATORY UPDATE

The following is an update on the implementation of CSA 2010 (Comprehensive Safety Analysis 2010) by the Federal Motor Carrier Safety Administration (FMCSA)

**Special thanks to
Ron Proto for providing this information to all CRRC members**



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NSWMA REGULATORY UPDATE CSA 2010 August 16, 2010

The following is an update on the implementation of CSA 2010 (Comprehensive Safety Analysis 2010) by the Federal Motor Carrier Safety Administration (FMCSA). For a complete look at CSA 2010, refer to your copy of the May 10, 2010, NSWMA Regulatory Update or contact NSWMA's Chaz Miller at 202-364-3742 or cmiller@envasns.org.

MOTOR CARRIER DATA REVIEW

On August 16, FMCSA will update its Data Preview Website, allowing motor carriers to see where they stand in the new Safety Measurement System's (SMS) Behavior Analysis and in each of the seven Safety Improvement Categories (BASICs). This assessment is based on roadside inspection data and investigation findings. The seven BASICs are Unsafe Driving, Fatigued Driving (Hours-of-Service), Driver Fitness, Controlled Substances/Alcohol, Vehicle Maintenance, Cargo-Related and Crash Indicator.

This early look allows motor carriers to see their performance data, address safety compliance issues and update and verify their data online. FMCSA advises motor carriers to look at their assessment on the Data Preview Website, identify any data mistakes, verify and update their motor carrier census data, in particular power units (PU) and vehicle miles travelled (VMT) on the MCS-150 form, and take the necessary steps to correct unsafe driver and/or company safety practices.

Any motor carrier that has not already accessed its data should do so immediately. The Carrier Data Review website is at <https://csa2010.fmcsa.dot.gov/login.aspx?ReturnUrl=%2fDataReview%2fDefault.aspx>. A motor carrier can challenge data which is not accurate using the DataQs System: <https://dataqs.fmcsa.dot.gov/login.asp>. Failure to challenge inaccurate data could lead to unnecessary enforcement actions. Motor carrier safety data will be publicly available on November 30, 2010. For FAQs about the Data Review system go to http://csa2010.fmcsa.dot.gov/Documents/Data_Preview_Guidance.pdf.

OVERWEIGHT VIOLATIONS NO LONGER IN CARGO-RELATED BASIC

Size and weight violations have been removed from the Cargo-Related BASIC. This is a significant victory for the solid waste and recycling industry due to the unique

relationship between weight requirements and refuse and recycling trucks. However, FMCSA stresses that roadside inspectors will continue to cite these violations and safety investigators will continue to address these violations. Enforcement actions will be taken if appropriate. In explaining its decision, FMCSA noted that it is developing "more refined" methods to identify carriers with size and weight violations (see No. 4, http://csa2010.fmcsa.dot.gov/Documents/SMS_Changes_Explanation.pdf).

OTHER CHANGES

Other FMCSA changes to CSA 2010 including improvements to the Safety Measurement System methodology and a discussion of weight-related violations, along with preliminary analysis of the relationships of the seven BASICs to future crashes, can be found at <http://csa2010.fmcsa.dot.gov/Documents/SMSImprovementsFAQs.pdf>. FMCSA's announcement of these changes can be found at http://csa2010.fmcsa.dot.gov/whats_New.aspx#18409.

CSA 2010 IMPLEMENTATION DATES

The nine "test" states (Colorado, Delaware, Georgia, Kansas, Maryland, Minnesota, Missouri, Montana and New Jersey) began full implementation on July 1, 2010. Full implementation and enforcement in the remaining 41 states and the District of Columbia begins November 30, 2010. The official notice of the implementation schedule was published in the Federal Register on April 9, 2010 at <http://edocket.access.gpo.gov/2010/pdf/2010-8183.pdf>.

FOR FURTHER INFORMATION ABOUT CSA 2010

CSA 2010's web site <http://csa2010.fmcsa.dot.gov> has a wealth of information including:
General Fact Sheet: <http://csa2010.fmcsa.dot.gov/Documents/GeneralFactSheet.pdf>
CSA 2010 Brochure: http://csa2010.fmcsa.dot.gov/documents/brochure_twopager.pdf
FMCSA December 2009 "listening sessions" slide presentations on CSA 2010: <http://csa2010.fmcsa.dot.gov/listeningSessions/>
FAQs: <http://csa2010.fmcsa.dot.gov/FAQs.aspx?role=MC>
Driver Fact Sheet: http://csa2010.fmcsa.dot.gov/Documents/CSA2010_DriverFactsheet.pdf
Driver Powerpoint Presentation: http://csa2010.fmcsa.dot.gov/Documents/CSA2010_CMVDrivers.ppt
Data Review FAQs: http://csa2010.fmcsa.dot.gov/Documents/Data_Preview_Guidance.pdf
Safety Measurement System Methodology: A guide to the methodology and point listing for each violation in each of the seven BASICs (revised August 2010): <http://csa2010.fmcsa.dot.gov/Documents/SMSMethodology.pdf>

For more information contact NSWMA's Chaz Miller at 202-364-3742 or cmiller@envasns.org.