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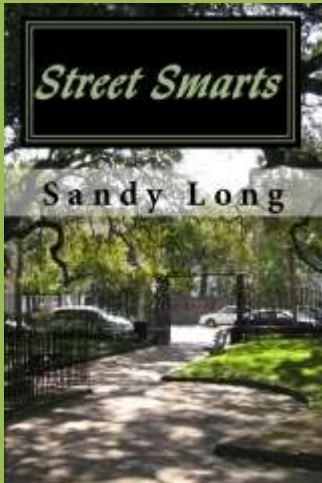


1. Prepare for winter driving: ready your vehicle and yourself for the cold months ahead.
2. Learn all you can about CSA 2010 and how these new regulations will affect your career.
3. Increase your following distance on wet and icy roadways.
4. Be mindful for black ice.
5. Watch out for lost travelers
6. Take time to go home this holiday season and ENJOY your family.
7. Keep your Christmas low but your heart big.
8. Know your return to work date BEFORE you go home for the holidays.
9. Remember the little ones and watch out for them as you pass through their towns.
10. Try to avoid travel on New Year's Eve. It is statistically the most dangerous night of the year to be on the road.
11. Talk to The DOT Doctor and learn how you can make next year even safer than the last.
12. Drive Safely! You are the best present you can bring home to a loved one.

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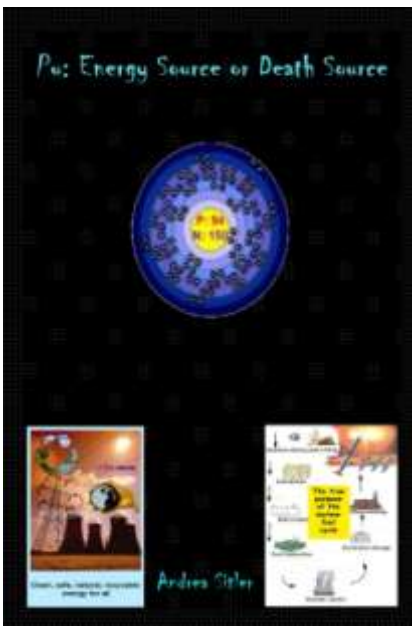
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FMCSA Announces Changes to CSA 2010's Measurement System

CSA 2010's data collect went live this month. The newly named Compliance, Safety, Accountability (CSA 2010) program consists of weighted calculations on three aspects of a carrier's performance. The cargo-related BASIC scoring will be adjusted according to the Federal Motor Carrier Safety Administration (FMCSA) (2010) due to deficiencies found in the scoring system. This revelation came upon the heels of the first CSA 2010 lawsuit. Severities of the violations are being reassessed and a new algorithm is being created. Once complete, the new algorithm will be run on that segment which will provide updated scorings. Term changes in SMS Basic from "Deficient" to "Alert" will occur along with a color change of red to orange.

Announces CSA Safety Measurement System (SMS) Improvements

On August 16, 2010, FMCSA began providing carriers with information about where they stand in each of the new CSA SMS's Behavior Analysis and Safety Improvement Categories (BASICS) based on roadside inspection data and investigation findings. Based on feedback and analysis from the Data Preview period, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration will roll out the new SMS to the nation in December with the following revisions:

1. Modify the presentation of SMS BASIC results

- Change the term "Deficient" to "Alert" when a motor carrier's score in one or more BASICS is above the FMCSA threshold for intervention.
- Change the highlight color from red to orange.
- Improve the language to clarify that BASIC results signify the carrier is prioritized for an FMCSA intervention.

Explanation: Feedback during the Data Preview indicate that the display of SMS results needs to clarify that BASIC percentiles above the FMCSA threshold signify the carrier is prioritized for an FMCSA intervention and do not signify or otherwise imply a "safety rating" or safety fitness determination.

2. Modify Cargo-Related BASIC

- Recalibrate the Cargo-Related BASIC by adjusting the cargo securement violation severity weightings based on input from subject matter experts (SMEs).
- Modify the public display to show the SMS Cargo-Related BASIC violations only. The percentiles and intervention status will not be on public display.

Explanation: Feedback during the Data Preview period identified a concern that the BASIC was over-representing certain industry segments and potentially creating a misleading safety alert warning. The Agency conducted additional analysis and concluded that the Cargo-Related BASIC be recalibrated with SMEs providing input on the cargo securement severity weights. The agency received SME input and will now adjust the severity weights and run the algorithm accordingly.

Additionally, the agency is conducting further analysis to better understand the impact on the different industry segments of a carrier's exposure in this BASIC. During this analysis period, the BASIC results will continue to be an effective intervention prioritization tool for enforcement personnel based on sound safety principles. Accordingly, the percentiles and intervention status will be accessible to the FMCSA enforcement community and motor carriers only.

The DOT Doctor's newsletter keeps you apprised on CSA 2010 developments as well as other industry happenings. Visit us to subscribe to our newsletter or schedule a consultation. (http://thedotdoctor.com/csa_2010) The DOT Doctor is here to help. We cure compliance and CSA 2010 ills!

Reference: FMCSA. (2010, November 18). *FMCSA Announces CSA Safety Measurement System (SMS) Improvements*. Retrieved from http://csa.fmcsa.dot.gov/whats_new.aspx



The First CSA 2010 Lawsuit

"Petitioners have not satisfied the stringent standards required for a stay pending court review," a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit said in its order. The court did not elaborate except to cite one court case and the court's own handbook of procedures.

The first CSA 2010 lawsuit has been filed in September according to Avery Vise (2010) of Overdrive Magazine. Attorney

Henry Seaton represents the National Association of Small Trucking Companies, The Expedite Alliance of North America and the Air & Expedited Motor Carriers Association. These groups are moving to block the disclosure of certain data that could misrepresent a carriers' safety record and delay the onset of CSA 2010.

CSA 2010 operates off a multiple level measurement system. The results are then readily available to the public. Carriers are claiming that this data is detrimental to their business. While similar data has long been available under the forerunner, *SafeStat*, this new format highlights a carrier's shortcomings. The rolling, weighted system is no longer a two-year snapshot that can cancel deficiencies. CSA 2010 clearly states when a carrier does not measure up to government standards.

Groups named in this lawsuit say this new information is hurting business. However, this is not new information. It is the same information being presented in a new light. Carriers are going to have to shape up or their freight will be shipped out on another line.

Past Practices vs. Modern Trucking

Since deregulation no longer controls the industry and the unions have lost control, we move into a new era. For years, we have had the DOT punish the driver for the crimes of the com-

pany. This was a ploy to "teach" drivers to choose their company wisely. Did it work? No! Drivers have greener grass syndrome and go with the flow. Others are happy just to be employable. Few know/knew how to grade/judge a carrier so most of these efforts were for not. The criteria drivers used was based on word of mouth not stats, therefore, these punitive efforts were useless.

Now we move into an era where companies are held liable for their drivers. Okay, that makes sense. You are the employer and you are responsible for the actions of your employees. With the change of HOS the other year, the idea was to raise awareness of regulations with shippers and carriers. Companies who are still dispatching with the notion of "just get it there" and not looking into available hours need to change their business mode. These are all attempts at doing so. Recall when there was talk about having shippers check the logbook to ensure the driver could run the load legally? This is all a revisit of those days along with many other liability issues.

Policing Passed From DOT to Industrial Players

Real problem, the DOT/FMCSA does not have the manpower to properly enforce the regulations. Due to this, the policing of regulations are being passed in an outward spiral from driver to company to shipper to who

knows next, maybe the receiver. When comes the day that if you sign for your package and don't check the logbook to be sure it was delivered in a legal manner, then you are liable? If this is allowed to continue then there is no real end in sight.

What we can do to protect our position - shippers take an active role. Don't say well I called my 3PL and now it's their problem. Set criteria that your 3PL must follow on your behalf and write it into the contract. We, The DOT Doctor, have done this for a number of our customers. Then, at the warehouse level, have someone to check that the carrier you contracted is the name on the side of the door. If not, don't load the truck. Want to go one-step farther, look over the logs or if e-logs, have the company send you the last 8 days to review along with the driver's information.

This ends sub-brokering and allows each company the right to bid on a job instead of taking a giant's crumbs. Who knows, this may in fact, lower the rates in the end. Of course, you will need those savings to pay for the extra hand you hired to check all this info at the dock.

Everyone is Held Accountable

Bottom-line, each of us plays a role in regulatory compliance. None of us is free and clear. Think of the person of steals the TV and then sells it to the pawnshop broker. They in turn sell it

to a buyer who ships it to his kid for Christmas. Now each party is liable for the movement/handling of the stolen goods. The pawnshop should have asked for a sales receipt or some proof of ownership. The customer should have asked for proof of ownership before purchasing the TV and round it goes.

Substitute car for TV and now we are talking major felony. The point is, everyone is responsible for their own actions in business as in life. Accountability is what this is all about and always has been.



How to Protect My Company's Interests

At what score should I cutoff a carrier to protect my company? The government says 75% requires intervention. "A"s and "B"s kept mamma happy during school days. Why not protect yourself with an 80% cutoff for FAK? If you ship high value or hazmat, then raise the bar to an "A". Look not only at the scores

but also at the OOS status and why the carrier or driver was placed out of service.

Perform a little analyzation on perspective carriers. Build a database of "approved" carriers. Re-check their standings at least every 3 months. Monthly would be better. Share this list with your 3PL as the only carriers who may haul your freight. Allow other carriers to "audition" to be on your approved list. Build personal relationships with your carriers and not just names on the side of a door.

My consulting team created a trucking matrix years ago that allowed our client to see the best rate vs. time of service on a designated lane. This matrix is constantly evolving. Carrier grading is now being incorporated into this matrix.

The DOT Doctor customizes this list to your needs. We update it and maintain the database. This is a service we proudly offer but it is also one a good analyst who understands trucking and has a good working knowledge of Excel and database software (i.e. SQL, Access) could create in house. Taking the time to do so, helps protect your company and yourself. It is worth the cost and effort.

Even with this matrix in place, you still need a person to check the doors at time of loading. This is a two-part ordeal. Miss either piece and your protection

factor is gone. Learn more by contacting The DOT Doctor at info@thedotdoctor.com. We will custom design a truck-rating matrix for your company.

Reference: Vice, A. (2010, November 23). Groups' lawsuit would block CSA 2010 carrier disclosure. *Overdrive*.

Arrow Trucking Employees Receive Wages a Year after Closure of Company



Photo courtesy of The Trucker

Christmas may finally be coming to the 564 forgotten truckers of Arrow Trucking, a former Tulsa based flatbed carrier, thanks to Judge Dana Rasure who approved the distribution of \$1.97 million of owed wages this week. This victory comes almost a year after Arrow stranded its drivers by the roadside last Christmas.

Arrow Trucking abruptly closed its doors on December 21, 2009 without notice. Driver's fuel cards were turned off and no one was taking calls. Instead drivers received a recorded message instructing them to drop off their truck at the dealership. Arrow

assumed the drivers would be given a ticket home however, that was not the case for many drivers. Others were under loads or incapable of making it to a dealership. This left hundreds of drivers stranded for Christmas without a way home and without pay.

Malloy estimates Arrow's assets at \$8.55 million and liabilities at \$98.97 million.

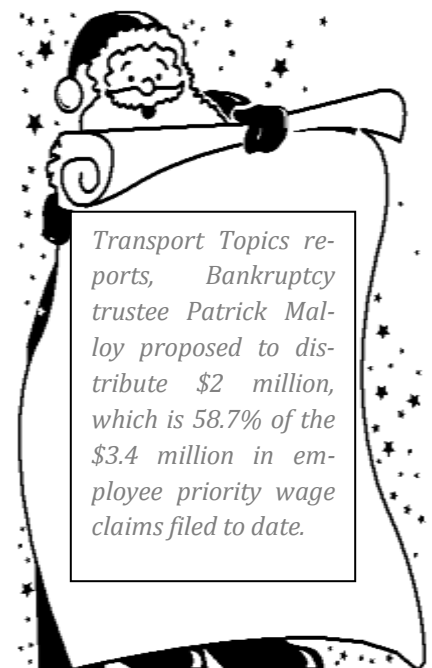
Many trucking groups, organizations, carriers and truck manufacturers rallied to aid those stranded. Still many drivers were AWOL from their loved ones for as long as a month as they worked their way home.

Schneider and some other larger carriers offered refuge in way of a ride home and a job offer to these unsuspecting drivers. Arrow, who was once an excellent company and operated over 1400 units, abandoned their duty and responsibility to their drivers, creditors and workers in this crowded maneuver. The FMCSA stepped in on Jan. 1, 2010 and issued an emergency order for the carrier to get its trucks and cargo to safe locations or face penalties. By this time, drivers had abandoned their trucks and Arrow was hard pressed to find retrieval drivers.

After almost a year of deliberation, the amended distribution plan was approved. Drivers should finally see at least some

of their pay this Christmas, which was due them last year, reported Kevin Jones (2010) of *The Trucker*.

Reference: Jones, K. (2010, December 10). Judge approves distribution of \$1.97 million to former Arrow employees. *The Trucker*. Retrieved from <http://www.thetrucker.com/News/Stories/2010/12/10/Judgeapprovesdistributionof197milliontoformerArrowemployees.aspx>





In the Next Issue

Return to Blog Talk Radio

The DOT Doctor returns to Blog Talk Radio. Catch our new episodes as we discuss current topics, breaking news and continue our series "So You Want to be a Trucker".



Listen live and participate or enjoy a pre-recorded show. <http://www.blogtalkradio.com/the-dot-doctor>

Follow us on iTunes. Our podcasts will be available for download by Spring 2011.

The Economy and Trucking

Did you survive 2010? How many trucking companies closed their doors this year? How is the high cost of doing business along with increased regulations affecting your bottom-line?

Special section geared for Owner/Operators in this report. Are they the wave of the future or a dinosaur from the past?

Send in your comments to be included in this exclusive. (<mailto:info@thedotdoctor.com>)

Comments must be received by February 28, 2011 to be included.

Improving Your CSA 2010 Score

Learn how The DOT Doctor can help you improve your score. We keep you trucking' while handling the piles of paperwork. Discussion is focused on monitoring and interpreting the CSA 2010 database.

The Tax Man Cometh

While tax cuts are approved, taxes still need to be filed. Let us show you how to save money in business and personal tax expenses.

http://thedotdoctor.com/tax_filings