Owner-Operator's Business Association of Canada
Association professionnelle des routiers autonomes du Canada

...from the director's chair

CSA 2010 – shape up or ship out

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I've been suggesting for some time that drivers could use CSA 2010 to their advantage, by pinning down – perhaps in their contract – the carrier's responsibility in running a safe and compliant operation. Take that "iffy" tire on a trailer in the drop yard, for example; no more "don't worry, we'll fix it when you get back" attitude that leaves the driver feeling forced to take the trailer or suffer the consequences. Under CSA 2010, the consequences could be serious for the carrier too, as points rack up for damaged or defective equipment.

It seems some carriers have already figured it out – and are making sure the contract speaks to the driver's responsibility – if not their own. One of our members recently received a letter from the safety and compliance department of his carrier that laid it out in spades.

I've taken the liberty of paraphrasing some of the original letter-writer's comments and exaggerating certain aspects of the memo for comic effect, but don't be surprised if you get a similar missive reminding you of your obligation to run safe and compliant so the carrier maintains a healthy safety profile.

The memo, addressed to all owner/operators, reads as follows:

"CSA 2010 comes into effect in November 2010, and in order to protect our interests as a motor carrier operating in the US, we will forthwith require nothing short of total compliance with all FMCSA regulations as outlined in Chapter 49 of the Code of Federal Regulations.

"Upon reviewing our past performance and record of violations in the context of CSA 2010, we note we are over-exposed in several of the Behaviour Analysis Safety Improvement Categories (BASICs). We'll be taking steps to improve compliance and your cooperation is expected. Since certain of the BASICs, such as Unsafe Driving, are clearly and solely the responsibility of the driver, we'll be amending the owner/operator contract, adding financial penalties and fines for non-compliance. Continued disregard for the rules will result in termination.

"Owner/operators and drivers will be responsible as well for compliance with other BASICs such as Driver Fatigue, Vehicle Maintenance, and Cargo Related.

"Hours-of-service violations will not be tolerated, no matter what scheduling demands customers might place on the fleet. Timely delivery is our only product, and service failures are out of the question. Overweight and axle-weight violations are the driver's responsibility. You are expected to take appropriate steps to ensure compliance with applicable weight regulations before leaving the customer's premises. Cargo securement compliance, as well, is your responsibility.

"Operators are expected to maintain their equipment properly. Equipment violations will be costly under this new regimen, so proper vehicle inspections are mandatory. Damaged and/or inoperative company equipment is the responsibility of the driver. You are expected to notify fleet maintenance of any required repairs so we can schedule the work upon arrival at a company maintenance facility." The letter was signed by the safety manager.

The need for compliance may seem greater today than in the past because of the potential consequences of this new US legislation, but I wonder why is hasn't always been so?

Any motor carrier genuinely concerned about safety would be no more anxious today than it was yesterday about not breaking anything or hurting anyone.

Adding clauses to contracts that speak of termination or financial penalties for non-compliance suggest to me that certain carriers are embracing CSA 2010 now because the cost of not doing so would be too great. Dare I say many were willing, in the past, to occasionally turn a blind eye to certain transgressions in the name of expediency?

In the original memo, there was not a single mention of what the carrier is prepared to do in order to improve compliance, such as ensuring company-owned equipment would be properly maintained and free of defects, or dealing with shippers who waste drivers' time at loading docks or overload trucks by understating the weight of the load on the bills.

The underlying message in the memo was "comply or else." No talk of remedial training or of dispute resolution (we know that violations no longer require the burden of proof from an actual conviction before being registered in a carrier's safety profile), and no mention of fuzzy stuff like teamwork and combined effort to improve.

Clearly the issuing carrier is still under the mistaken belief that owner/operators are a dime-a-dozen, and that there are 10 more waiting outside the gate ready to jump into an open position.

I can't overemphasize the importance of running compliant under CSA 2010. Drivers and carriers will accumulate bad records pretty quickly if they're operating without due regard for the law, and could find themselves targets for roadside inspection. Once a safety profile starts to sour, the carrier – and all its drivers and contractors – will come under even more scrutiny. It'll be like having a target painted on the side of the truck.

That's why it's important for drivers to check out potential carrier partners before signing on. You can do this now at www.safersys.org (and watch for a new Web site as CSA 2010 rolls out officially at year's end). Get a head start and check out your carrier now, then decide if you want to stay there, or find one with a less adversarial approach to safety.

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