



## [Trucking Industry Showdown: Carriers vs CSA 2010 and FMCSA](#)

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A lawsuit was filed on Tuesday by three motor carriers groups in federal court asking for a quick court order to stop the federal government's [Comprehensive Safety Analysis 2010](#) from going live, and to keep the [Federal Motor Carrier Safety Administration \(FMCSA\)](#) from releasing [CSA data](#) – which FMCSA could do as early as this Friday, December 5, 2010.

What's this all about? [We wrote about CSA 2010 almost a year ago](#), explaining its pros and cons regarding safety on American roads where heavy commercial trucks ride alongside vulnerable small cars and family vans. (For background on the CSA 2010 Initiative and how it's been received in various states, [read our summary here.](#))

The lawsuit, filed on November 29, 2010, [by the National Association of Small Trucking Companies, the Expedite Alliance of North America and the Air & Expedited Motor Carriers Association in the U.S. Court of Appeals for the District of Columbia](#), moves for an emergency stay from any CSA 2010 implementation until FMCSA finalizes its rules in a way that complies with the Administrative Procedures Act. [The motion also seeks a court order that prevents the federal agency from releasing to the public data pertaining to CSA 2010.](#)

*What are they fighting over?* The plaintiffs allege that FMCSA has not done enough to address CSA issues, such as (note: [we are quoting here from online sources since the actual court filings are not available online](#)):

1. **Due process concerns.** CSA 2010 will assign safety ratings based on citations and warnings that motor carriers have no effective way to challenge.

2. **Peer grouping.** Carriers required to maintain paper logs of drivers' on-duty and driving time are peer grouped with carriers that do not need to do so, resulting in unfair comparisons that prejudice carriers using paper logs, the groups said. A large proportion of logging violations typically involve recordkeeping errors rather than excessive driving hours.

3. **Data inequity.** Enforcement officials in some states need “probable cause” for charging a moving violation in order to stop a truck for a safety inspection, escalating the number of warnings received by carriers in those states. Although this is the case under SafeStat as well, the inequity will be compounded when they can influence an actual safety rating under CSA, the associations said. In addition to geographical inequity, under-reporting of satisfactory inspections skews several of the BASIC scores, resulting in faulty statistical data.

4. **Unexplained methodology changes.** In August of 2010, after two years of test trials, the agency announced it made 800 technical changes in its methodology, none of which have been released or reviewed by the public, the groups said. Because neither the science nor the math behind the methodology appears to have been subject to Data Quality Act review by the agency, the data has no proven reliability and is not fit to be published given the substantial adverse consequences.

*Since the federal filing asks for emergency relief, the federal appeal court should be making at least a preliminary ruling very soon. We'll keep you posted.*