



MARCELLO & KIVISTO

LLC

TRANSPORT CENTER UPDATE

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CSA-FOLLOW UP

The impact of CSA continues to be felt throughout the industry. Scores have been posted. Warning letters have gone out.

Many potential repercussions remain. Insurers, shippers, and brokers continue to struggle with what to do with the scores. The potential impact in litigation remains to be seen.

However, a potential preview of the perversion of this safety analysis can be seen in a recent newscast in which CSA scores were presented in a sensationalized manner. This disturbing newscast can be viewed by clicking [here](#).

Remember and apply the fundamentals to keep your score in check:

- Speed, lights, and logs create 80% of the points-drivers must slow down to avoid unnecessary inspections, check for correctable vehicle defects, and have fully completed logs;

- Check your scores regularly-look for erroneously posted violations, mistakes in scoring, and for company trends to address immediately;

- Use DataQ to challenge violations-winning in court doesn't remove points as

MK CONTACT INFORMATION

Marcello & Kivisto, LLC

1200 Walnut Bottom Rd.

Third Floor, Suite 331

Carlisle, PA 17015

T: [\(717\) 240-4686](tel:(717)240-4686)

F: [\(717\) 258-4686](tel:(717)258-4686)

www.cdl-law.com

[Transportation Legal News Blog](#)

Douglas Marcello, Esq.

dmarcello@cdl-law.com

Sonya Kivisto, Esq.

skivisto@cdl-law.com

Angela N. Rainey, Esq.

arainey@cdl-law.com

supporting evidence;

-Remind drivers-the points they get stay with them for 3 years through PSP;

-Emphasize pre-trips to avoid unnecessary points for correctable conditions;

-Have a safety audit plan-an excellent example is one developed by R+L that is posted on the CVSA website (email us if you would like a copy);

-MCS 150 kept current-adjust your vehicle count on your MCS 150 as it could effect your peer group rating;

-Maintenance and Drivers must work together-develop a team approach to avoid vehicle violations;

-Secure correctly-avoid unnecessary points due to securement violations. Make sure all straps and chains are on and defect free.

These are just a reminder of some of the key points to maintain your CSA score. More information can be found in the webinars on our webpage.

Depositions...What Are They and How Do I Prepare for One?

A deposition is the component of a lawsuit in which a party or witness can be asked questions under oath. The answers are recorded by a stenographer who then types a transcript of the testimony.

If you have been noticed for a deposition you should prepare by doing the following:

1. Meet with your attorney - this should be done prior to the day of the deposition.
2. Remember the following when responding to a deposition question:
 - a. TELL THE TRUTH
 - b. Listen to the entire question prior to answering
 - c. Do NOT answer if you did NOT

Alyssa Adams, Esq.

aadams@cdl-law.com

M&K Upcoming Events:

For more current updates on events, follow M&K on [Facebook](#) and [Twitter](#).

Upcoming Events in the Industry:

April 10th-13th -

COSTHA Annual Forum & Expo, in Scottsdale, AZ. For more information click [here](#).

April 11th-16th -2011
CVSA Workshop, in Rosemont, IL. For more info click [here](#).

April 12th - Motor Fleet
Accident Investigation hosted by PMTA. For more information click [here](#).

April 26th - HAZMAT
Seminar hosted by PMTA. For more info click [here](#).

Documents and Resources Available From M&K

If you are interested in obtaining copies of the

- d. Answer what was asked
- e. Be concise in your answers
- f. Stop when you finish your answer and wait for the next question
- g. Do not feel the need to fill the silence between questions
- h. Do not guess--if you do not know simply say "I do not know"
- i. Don't argue
- j. Remain calm
- k. Don't try to win the case
- l. Make sure you mean what you say - for instance there is a difference between saying "I don't recall" and "I don't know."

3. Go over the substance of your deposition - you should expect your attorney to prepare you by providing questions that he/she anticipates the opposing counsel will ask you. This will give you the opportunity to give thoughtful answers at the time of the deposition, rather than just "off-the-cuff" responses.

Your preparation should also consist of the following:

- a. Speaking in a dialogue with your attorney asking the anticipated questions and you responding as you would during the deposition.
- b. Be prepared to answer personal questions, i.e. age, address, educational history and training
- c. Review the pleadings - especially if you are the one who verified the pleading
- d. Review prior discovery responses provided
- e. Review documents that are related to the case

4. Ask your attorney any follow-up

following, please call or email.

- Hours-of-Service Rules Safety Impact 2010 Analysis compiled by ARTI in May 2010

- Accident preparedness DVD and/or forms

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles click [here](#).

Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

session and the actual deposition.

Remember if you have properly prepared for the deposition it will be easy. After the deposition do not second guess yourself. Hindsight is 20/20; however, if you have properly prepared any second guessing you do should be at a minimum. For more in depth version of this article click [here](#).

Time to Comment on FMCSA's Proposed Rule on EOBRs and HOS Supporting Documents Ends Soon

The comment period for FMCSA's proposed rule regarding electronic on-board recorders (EOBRs) and hours of service (HOS) supporting documents ends on April 4, 2011. To view the proposed rule click [here](#). You can comment on the proposed rule at <http://www.regulations.gov>.

Under the proposed rule, all motor carriers who are required to keep records of duty status (RODS) for HOS recordkeeping will be required to use EOBRs. The rule would also require the use of EOBRs to track HOS for some motor carriers who operate in interstate commerce. The proposed rule would eliminate the requirement that motor carriers retain supporting documents that would verify driving time.

FMCSA's proposed rule would also require all motor carriers, regardless of whether they use RODS or timecards, to monitor their drivers' compliance with HOS requirements. Motor carriers would be given three (3) years to become compliant after the final rule becomes effective.

Don't Like a Current Regulation? Let DOT Know

Is there a current DOT regulation that you believe is outdated, ineffective and/or overly

[Federal Motor Carrier Safety Administration](#)

[PA Travel Information To-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

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and suggestions on current regulations pursuant to an Executive Order signed by President Obama on January 18, 2011. You can submit your suggestions and comments to current DOT regulations through the DOT's website at <http://dotregreview.idealscore.com>. The website is open to the public. Visitors to the website are able to view the comments and suggestions made by others and vote in favor or against ideas submitted by others. Here are some helpful hints if you are going to submit an idea:

1. Refer to the regulation citation that you are commenting on
2. Describe your concern, suggestion and/or idea
3. Provide any information you believe to help and/or support your suggestion and/or comment.

About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

QUOTE OF THE MONTH

"Baseball is the only field of endeavor where a man can succeed three times out of ten and be considered a good performer."

~ Ted Williams

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