



MARCELLO & KIVISTO

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TRANSPORT CENTER UPDATE

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CSA DEBATE

CSA has been the focus of a debate involving reviews and analyses by multiple governmental agencies. Steve Bryan of Vigillo provides a great summary of these proceedings in his blog. You can read his updated analysis at <https://vigillo.com/2014/03/csa-2014-state-union/>.

CSA FOR DRIVERS

At our driver safety meetings, we have found that while drivers have generally heard of CSA, few really understand how it applies and what it means. We have developed two five-minute, narrated PowerPoint presentations on our webpage as a resource to explain this to them.

The first, "CSA-INTRO", explains why CSA is important to both drivers and companies and how it works. The other, "CSA-OPERATION" explains the BASICS and the weighted point system.

We hope these are helpful in providing a concise explanation to educate your drivers. It is also intended to eliminate many of the misconceptions we have encountered in the drivers' meetings.

A reminder-we have also posted two five-minute, narrated PowerPoint presentations that explain last year's HOS changes.



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M&K Upcoming Events:

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

You can view the PowerPoint presentations at <http://www.cdl-law.com/video>. Please let us know if these are helpful and if you have any suggestions for improvements.

ELECTRONIC LOGGING DEVICE PROPOSED REGULATIONS ISSUED

The long awaited proposed regulations for electronic logging devices (ELDs) have been issued. The purposes of the proposed regulations are 1.) require new technical specifications for ELDs that address the statutory requirement; 2.) mandate ELDs for drivers now using RODs; 3.) address supporting document requirements, and; 4.) provide measures to prevent driver harassment.

The technical specifications include requirements for data documentation by the ELD. These would include geographic information every 60 minutes when the vehicle is in motion, at any change of duty status input by the driver, and when the CMV is started and shut off. There is also a proposal for engine synchronization with the ELD.

Drivers who use RODs infrequently or intermittently can continue to do so, so long as their use is not more than 8 days in any 30 day period.

ELD installation will be required within 2 years after the effective date of the final regulations.

Upcoming Events in the Industry:

April 7th - CVSA Workshop - Los Angeles, CA, for more info click [here](#).

April 8th-10th - North American Cargo Securement Hamronization Public Forum - Los Angeles, CA, for more info click [here](#).

FMCSA Cab Card on New HOS

FMCSA has put out an updated cab card with information on the HOS rule changes that occurred in February and the ones that became effective July 1st. You can get a printable version of the cab card by clicking [here](#).

Webinars On-Line

Several 20 minute webinars on key issues in the trucking industry have been posted to our webpage. These are audio/video presentations that explain the issues and the challenges they present to the trucking industry.

The topics are as follows:

Companies that require its drivers to use AOBDRs that meet the requirements of section 395.15 before the compliance date for ELDs could continue to use such devices for 2 years after the compliance date.

The supporting document provision, also applicable 2 years after the compliance date, would require a motor carrier to maintain not more than 10 supporting documents from the following 5 categories:

1. Bills of lading, itineraries, or other documents indicating origin and termination of each trip;
2. Dispatch records, trip records, or similar;
3. Expense receipts;
4. Electronic mobile communication records;
5. Payroll records, settlement records or similar.

Finally, the regulations specifically prohibit harassment of a driver involving the use of ELD information. This section becomes effective immediately upon installation of the ELD on the unit. The regulation provides a complaint procedure for drivers.

Aggressive Defense
of Trucking
Accidents

New Hires and PSP

CSA

We also have two 5 minute PowerPoint presentations posted to our website regarding information concerning the HOS changes effective in July.

You can view the webinars by clicking [here](#).

Documents and Resources Available From M&K

If you are interested in obtaining copies of the 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

For a copy of the FMCSA explanation of the proposed regulations, click [here](#).

IS YOUR INSURER ON THE SAME PAGE FOR IMMEDIATE RESPONSE?

You recognize the need for immediate response to accidents to a degree necessary based upon the severity of the injuries and damages. You want to be proactive and aggressively defend the claim.

Does your insurer? Are they on the same page? Are you frustrated by their "wait-and-see" philosophy?

Doug Marcello discusses this issue and provides suggestions for dealing with this frustration in his article, "Accident Response and the Art of Insurance Company Negotiation" in last month's Penntrox magazine. You can read a copy on our webpage at <http://www.cdl-law.com/cases-articles/>.

M&K Rewind

We find that some issues we have covered in previous newsletters may come up again for our clients. Therefore, this section will provide information on topics we have previously covered but are still relevant today.

Fair Share Act Becomes Law

On June 23, 2011, Governor Corbett signed the Fair Share Act into law. The Fair Share Act generally bars the application of joint and several liability. However, joint and several liability will still apply in the following actions:

1. intentional torts;

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 \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel InformationTo-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

M&K Truck News Blog

Truck News now includes a blog by Doug Marcello. You can find his blog by clicking [here](#). Truck News blog provides other writers with insight and perspective of the various challenges of our industry.

2. fraud;
3. Where the defendant is found to be 60% or more liable;
4. Involving a release or threatened release of a hazardous substance under the Hazardous Sites Cleanup Act; or
5. Where the defendant has violated Section 497 of the Liquor Code.

A joint and several liable defendant who has paid more than their proportionate share of the damages is entitled to contribution from other defendants who have paid less than their proportionate share. To see a copy of the bill's language 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.

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.

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Quote of the Month:

"It took me time to realize that the men who won the Olympic gold medals in the decathlon are just me, just like me."

~ Dan O'Brien



DISCLAIMER: The Information Contained in this Newsletter is NOT Legal Advice.



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