

FAST Transportation Bill, ELD Mandate & Safety Refresher



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New Highway Bill

- **Fixing America Surface Transportation or FAST Bill**
 - This Bill was signed in law by the President this month
 - The FAST Bill has a strong commitment to safety, over the past couple years Congress has questioned what the FMCSA's CSA (Rules and Regulations) were doing for the motor carriers and how are they promoting safe driving and reducing crashes, and they have been told that the CSA/SMS system is not a true measurement of a trucking company and the measurement system is not a fair judgement of a company's overall safety culture.

New Highway Bill

- The FAST Bill gave 1 day to hide scores
- The FMCSA in response took not only the scores but also **ALL** the information down – The FMCSA Recognize that they were not prohibited from displaying all of the data, but in the timeframe given they did not have the proper programs in place to just remove the scores, therefore, until appropriate changes are made all data was removed.
- **Effectively Immediately - CSA scores/percentiles have been removed from public view.**
 - The Trucking Companies (Through the FMCSA Portal) and the DOT have access to CSA percentiles for the CSA/SMS BASICS.
 - In the Future: The Public would be allowed to see the violations that have been added to the BASIC each month and the points that go along with those violations along with DOT recordable crashes.

New Highway Bill

- WHAT DID NOT GET INCLUDED?
- **Under-21 truckers** – Both the House and Senate bill proposals brought to the committee included measures to let states enter into an agreement with one another to allow 18-21 year-old CDL holders to cross state lines. This did not make the final version of the FAST Bill.
- It instead sets up a controlled study, to be performed by FMCSA, that will collect data on under-21 truckers who are former members of the military or reserves. The agency will study the “benefits and safety impacts,” per the bill, of allowing such truckers to drive in interstate commerce.

UNSAFE DRIVING

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CFR Parts 392 and 397

Unsafe Driving Issues

Speeding – Is the #1 Probable Cause for Officers to pull a driver over

- **Watch the reduced speed zone areas**

Seatbelts

- **Must be properly worn – Shoulder Strap cannot be placed under the arm or behind the driver.**
- **Do not take the Seatbelt off until you ask the officer. This brings to their attention you have the seatbelt on.**
- **Using a mobile Device (Phone/I-pad/GPS)**

HOURS-OF-SERVICE COMPLIANCE

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CFR Parts 392 and 395 (Hours of Service)

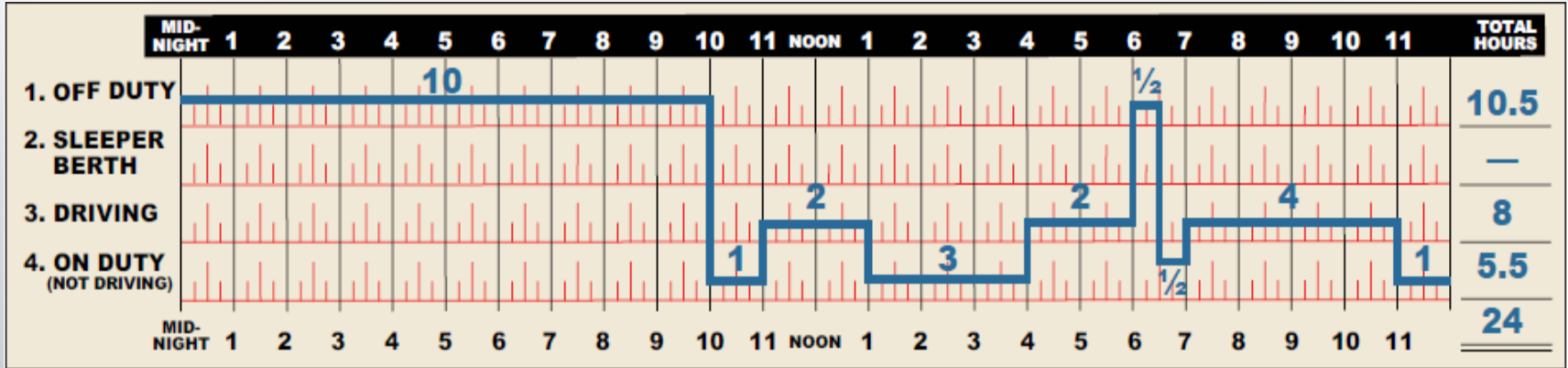
HOS Compliance

- **Must be current to last duty status**
- **Must have the 11 Mandatory items completed (Form and Manner)**
- **Follow Hours Rules = 11hr./14hr./70hr. Rules**
- **30 Minute Break is a Critical Violation**
 - Reviewed in a later slide
- **34 – Hour Restart**
 - Reviewed in a later slide
- **False Logs – they could look at all your supporting documents that are generated from the trip. Make sure they match up with your logs.**
- **Fatigued Driver**

34 Hour Restart

- As of December 2014 – You may now use the 34 Hour Restart as many times as you need to & you NO LONGER have to have 2 consecutive days between 1 am and 5 am.
- Back to normal
- There is some discussion within the FMCSA to fight and try to get the 34 –hour restart provisions back to what is mentioned above, but nothing has developed yet.

30 minute Break



- In this example, beginning with the start of the driving window at 10:00 a.m., the driver was on duty for 1 hour, drove for 2 hours, was on duty for 3 hours, and then drove 2 more hours – totaling 8 hours (combined driving and on-duty time). At 6:00 p.m. on Day 1, the driver takes the required minimum 30-minute off-duty break.
- *Rule of thumb:* Take your 30 min. break between 4 to 6 hours of combined work

E- Log Mandate Update



Electronic Logging Device Mandate:

- Final Rule passed on November 17, 2015
- The electronic logging mandate **WILL** go into effect in December 2017.
- The mandate applies to all drivers **EXCEPT**:
 - All drivers who keep records of duty status in 8 or fewer days out of every 30 days.
 - Driver in drive-away and Tow-away operations
 - Truckers operating vehicles older than Modal Year 2000.

DRIVER COERCION RULE PUBLISHED

- **The rule goes into effective January 29, 2016.**
- This rule will Fine carriers up to \$16k for coercion instances
- Any carrier, broker, shipper, receiver or anyone else in the supply chain who attempts to force drivers to operate their vehicles when it would violate federal rules to do so, such as when a driver is out of hours
- The rule defines coercion as: “A threat by a motor carrier, shipper, receiver or transportation intermediary, or their respective agents ... to withhold business, employment or work opportunities from or to take or permit any adverse employment action against a driver in order to induce” the trucker to drive “under conditions which the driver stated would require him or her to violate one of more of” FMCSA regulations

DRIVER FITNESS

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CFR Parts 383 and 391

Driver Fitness

Medical Cards

- Expired

CDL's

- Downgraded CDL – Due to failing to self certify
- Suspended CDL – Make sure when you are taking care of your CDL issues, you pay ALL your fines and Fees. If you forget a court fee – Your License will still be Suspended.

CDL / Medical Merge “Self Certification”

- Drivers and/or companies must take all their medical certification information to the DMV and have it added/(Merged) to their CDL.
- Drivers and/or companies must also take the medical information to the DMV upon renewal of their medical certificates.
- The only way to check to see if this has been done and done correctly is run a new MVR on the driver about 7/10 business days after the transaction.

CONTROLLED SUBSTANCES/ ALCOHOL

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CFR Parts 382 and 392

Controlled Substance & Alcohol

- **Controlled Substances/Alcohol - 392.4(a) - Driver uses or is in possession of drugs**
- **Controlled Substances/Alcohol - 392.5(a) - Possession/use/under influence alcohol-4hrs prior to duty**

VEHICLE MAINTENANCE

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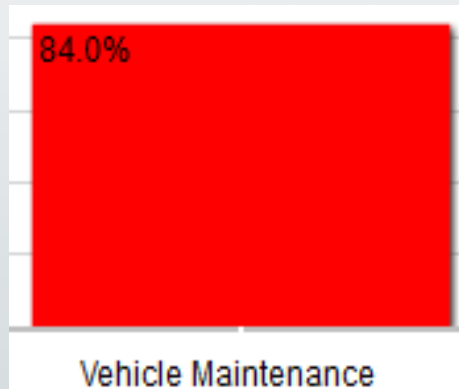


CFR Parts 393 and 396

Maintenance Notice of Violation from the FMCSA

- Trucking companies now may receive a Notice of violation “Fine” with or without a DOT Audit for violating the following regulation:
- 396.3(a)(1) – Failing to inspect and maintain your vehicles for safe operations
- 2 Things must happen to receive this Fine:
 - **Your Vehicle Maintenance BASIC MUST be in Alert Status (80%/75% or higher) &**
 - **Your Vehicle Out of Service rate must be 34% or higher**
- If you have both of these, then you should expect notification of violation for violating the above citation = 396.3(a)(1)

EXAMPLE



FMCSA US Inspections (24 months prior to) 47 Total Inspections

Inspection Type	Vehicle	Driver	Hazmat
Inspections	27	47	0
Out of Service	11	5	0
Out of Service %	40.74%	10.64%	0.00%
National Average %	20.72%	5.51%	4.50%

Vehicle / Trailer Issues

Reflective Tape / Lighting

- This is a “HOT” item that officers are writing more frequently. Drivers need to watch for rips, gauges, fading, and pieces missing.

Emergency Equipment

- Fire Extinguisher – Secured, not loose, fully charged
- Triangles – need 3 fully functional (Not Broken)
- Spare Fuses – This is an item that officers have started to cite more.

Vehicle / Trailer Issues (cont'd)

Rubbing & Chaffing of Hoses

- Drivers need to make sure that ALL wires that are close together are in a TIGHT bundle (Zip Ties) or the wires/hoses have the spacers in place. OFFICERS love to write this citation

Exhaust / Oil / Grease Leaks

- If you have had a previous leak it is VERY important that either you, or mechanic, ensure that the leak(s) are cleaned up completely. If there is evidence of a leak and you meet the wrong officer it can still be written up.

DOT Inspections

- Make sure all truck / trailers have DOT Inspections
- Sticker and Paper Copy should be the preferred method. Some of the stickers are fading and if you do not have a back up they can cite you for this.

Pre-Trip Inspections

- **Walk-Around Inspection at the beginning of your shift.**
- **Regulations do not require this inspection to be documented. However, Drivers must sign off that repairs were made from the previous days inspection report & Flag on their Log sheet.**
- **A company can make them “Mandatory” as part of their company’s Maintenance Policy.**

Post Trip Inspections

- Completed at the end of day ONLY when defects have been found. If no defects found no report needed. (As of 12-16-2014)
- Driver **MUST** note defects or indicate deficiencies for the entire day, including defects found on roadside inspections.
- This means if you fix a defect before the end of their shift you still need to document the defect on the post trip inspection report.

CRASH INDICATOR

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Reportable Crashes

Crash Indicator

- **This BASIC will track all DOT Recordable accidents regardless of fault.**
- **3 Types Tracked:**
 - Fatality
 - Tow-Away (Disabling Damage)
 - Medical Treatment away from the Scene

Adjudicated Citation Policy

Effective August 23, 2014

How the New Policy Works

- Not retroactive – only applies to inspections occurring on or after August 23, 2014.
- Documentation is essential:
- States will review the request and the documentation provided by the requestor.
- States will record the result of the adjudicated citation in State data systems, which will then impact FMCSA data systems upon an update of the system (i.e., SMS and PSP).

How the New Policy Works Cont.

- Adjudicated citation results will appear in SMS and PSP as follows:

Result of Adjudicated Citation Associated with a Violation	SMS	PSP
Dismissed without a fine or not guilty	Violation removed	Violation removed
Conviction of a different charge	Violation indicated as conviction of a different charge; SMS severity weight reduced to 1	Violation indicated as conviction of a different charge
<i>Conviction or dismissed with a fine</i>	<i>Violation retained</i>	<i>Violation retained</i>

- Carriers logged in to Portal or SMS will be able to see all of the violations listed on an inspection and associated adjudicated citation results.

Thank You

Questions?

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