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SAFETY BULLETIN



DON'T BE SHY

Courteous Communication = Road Success

Communicating with other Drivers and Pedestrians while Driving

By appropriately using communication, you make it easier for other drivers to see you. You also make it easier for you to see other drivers. Ensuring that you can see other drivers and that they can see you will drastically reduce the chance of an accident.

The following communication devices are part of your "execution arsenal":

- **Turn signals** can be used to let other drivers know that you are turning, changing lanes, pulling out of a parking space or pulling out from the curb. You should signal at least four seconds before you plan to take action.
- **Emergency Signals** should be used to warn other drivers that you are experiencing vehicle trouble or when you must park on the shoulder of the

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Time to Fall Back.....Daylight Savings Time Change is Sunday!

Daylight savings time will "fall back" at 2:00 a.m. on Sunday, November 6th.

Make sure that all of your drivers are aware that the change to daylight savings will occur. Caution route drivers especially that the amount of daylight will change according to their stops with the change.

roadway for an emergency. This is a warning to other drivers to give you more space.

- The **horn** should be tapped lightly when trying to gain the attention of another driver or pedestrian. It should not be used to vent frustration at other drivers' actions.
- **Headlights:** Many new trucks have daytime running lights that turn on automatically. These help other drivers see you. You can flash your lights to oncoming traffic to warn them of dangers up ahead such as accidents or obstructions in the roadway.

Turn Signals

Use turn signals first to indicate your intent to change lanes, next visually scan for adjacent traffic and road hazards, and then execute a safe lane change. By signaling your intentions well in advance, you will be in a safer position to communicate with the surrounding drivers and you will be able to safely execute the desired driving maneuver.

A good safety practice is to signal at least 4 seconds prior to making a turning maneuver.

Did You Know? A recent study reported that there are approximately 630,000 lane-change crashes annually (including both large trucks and passenger vehicles).

While you certainly wouldn't know it from watching the majority of drivers out there, using a turn signal to indicate a lane change is generally the law.

Emergency Signals (4 Ways)

FMCSA 392.22 Emergency signals; stopped commercial motor vehicles.

Whenever a commercial motor vehicle is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped commercial motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver has placed the warning devices required by CFR 395.22. The flashing signals shall be used during the time the warning devices are picked up for storage before movement of the commercial motor vehicle. The flashing lights may be used at other times while a commercial motor vehicle is stopped in addition to, but not in lieu of, the warning devices required by this section.

Horn

The horn on a commercial motor vehicle is a safety device that can be the sole item that can prevent an accident by sounding an alarm and communicating your presence to another vehicle. However, we all know of drivers that have abused the use of a horn and may in fact cause an accident by startling another motorist. There have instances of Roadrage documented that all started with the misuse of a horn. The sounding of a horn is one of the few actions taken by a driver that can make an

An intersection or street can present different challenges to drivers with one hour change in the position of the sun. One hour of time difference can present unique changes to a driver who is on a route.

**SLEEP SMART.
DRIVE SMART.**
DROWSY DRIVING KILLS

November 6-13 is Drowsy Driving Prevention Week

The National Sleep Foundation has launched Drowsy Driving Prevention week as an educational campaign designed to save lives by increasing awareness of the dangers of driving while sleepy. The National Highway Traffic Safety Administration estimates that drowsy driving causes at least 100,000 police-reported crashes and kills more than 1,550 Americans each year. It is curious that all states have laws in place to enforce drunken driving but few have laws to cite a driver who has fallen asleep causing an accident. Only the state of New Jersey explicitly defines drowsy driving as recklessness under a vehicular homicide statute. Known as "Maggie's Law," New Jersey's drowsy driving law has served to raise awareness of the consequences of fatigue behind the wheel and has spurred significant action in other states. There are now at least 8 states with 12 pending bills that address fatigued driving in various ways.

For more information on Drowsy Driving Prevention Week, visit

intrusion into the driving compartment of another vehicle. Horns on commercial vehicles vary in size from small electric (city horns) to large exterior mounted chrome trumpeted air horns. Novelty horns are also popular that play familiar tunes to college football fight songs.

So what does the Federal Motor Carrier Safety Administration say about a horn?

The Answer is found in CFR§393.81 :

Every bus, truck, truck-tractor, and every driven motor vehicle in driveaway-towaway operations shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

§393.81 DOT Interpretations

Question 1: Do the FMCSRs specify what type of horn is to be used on a CMV?

Guidance: No.

Question 2: Are there established criteria in the FMCSRs to determine the minimum sound level of horns on CMVs?

Guidance: No.

Can I drive my commercial motor vehicle if the horn is not operational?

Answer: NO

Answer:CFR§392.7

Equipment, inspection and use.

No commercial motor vehicle shall be driven unless the driver is satisfied that the following parts and accessories are in good working order, nor shall any driver fail to use or make use of such parts and accessories when and as needed:

Service brakes, including trailer brake control, Parking (hand) brake., Steering mechanism, Lighting devices and reflectors, Tires, Horn, Windshield wiper or wipers, Rear-vision mirror or mirrors and Coupling devices.

Headlights

Many companies now have their trucks programmed to have the low beam headlights on anytime the engine is running. Many states have laws that now require headlights to be on any time that windshield wipers are in use. Both of these are good safety practices.

Are your headlights on your truck “fogged” or dirty?

Do you make sure your headlights, turn signals and brake lights are clean during your pre and post trip inspections?

Per the National Institute for Traffic and Highway Safety, the number one reason for severe night time accidents and reduced driving safety is dim or cloudy and improperly lit headlights. If a headlight has ineffective or diminished light output, your night time driving safety is greatly at risk. According to a study by the University of Iowa, a 20 to 50% reduction in headlight output leads to a 90% increase in the

www.drowsydriving.org.

WARNING SIGNS OF DROWSINESS & FATIGUE:

If you:

- can't remember the last few miles driven
- have wandering or disconnected thoughts
- experience difficulty focusing or keeping your eyes open
- have trouble keeping your head up
- drift from lanes or hit a rumble strip
- yawn repeatedly
- tailgate or miss traffic signs
- find yourself jerking your vehicle back into lane....

Then you may be suffering from drowsiness or fatigue.

Continuing to drive in this condition puts you at serious risk of being involved in a fatigue-related crash. You should pull over in a safe place and get some rest before resuming your trip.

WHAT YOU CAN DO TO STAY ALERT WHILE DRIVING:

Sleep / Take naps: Your best bet is to get enough sleep every day. If you must stay up late, afternoon naps are a great way to get more sleep. If you feel drowsy while driving, a 15-minute nap can be very effective. Make sure to pull over in a safe place.

Caffeine: Avoid caffeine during the last half of your workday as

possibility of an accident occurring. This is a very unnecessary risk as it is easy to either clean, replace or fix these headlights. **Dim it!**

Is flashing high beams at cars illegal?

Someone told me that flashing your headlights at a vehicle in front of you, particularly if it is going slow in the fast lane, is a citable offense. Is this true?

Yes, in some states that is true.

The main concern of flashing an oncoming motorist is that they may be temporarily blinded and may create blind spots for other motorists while operating their vehicles, thus creating an obviously hazardous situation.



Parking Lot Accident Exposure Increases during the Holidays!

As we are drawing near to the holiday season it is time to remind your drivers of the exposures that exist in parking lots as they make deliveries and pickups. Parking lots at this time of the year can be especially dangerous for drivers making deliveries or just stopping for lunch. The exposure exists for a vehicle accident as well as being involved in an accident as a pedestrian. This holiday season pay special attention when operating in a parking lot and observe the following advice:

- Wear your seatbelt – even low speed collisions can throw you around the cab of your truck.
- Obey all traffic signs such as Stop and Yield
- Drive slowly and use your turn signals and headlights – make sure your vehicle is seen and watch for distracted motorists who do not see you coming
- Obey traffic lanes and do NOT drive diagonally across lots (watch for cars cutting diagonally across lots)

it may contribute to sleeping problems. You can gain short-term alertness by drinking coffee or other caffeine sources if driving, but it usually takes 30 minutes to take effect and wears off after a few hours.

Regular stops: You should stop every 100 miles or 2 hours. Switch drivers if you can.

AC MAX – Recirculation: Do not operate the vehicle for extended periods of time with the AC on MAX or Recirculation. Under these conditions the level of CO₂ in the vehicle is increased contributing to drowsy driving.

Avoid Alcohol: If you have been drinking, please don't drive! In addition to being illegal, alcohol makes you sleepy and amplifies your fatigue.

If you are planning a long trip, AAA offers the following tips for avoiding fatigue:

- Prepare for your trip by getting a good night's sleep the night before. Plan to drive during the time that you are normally awake, and stay overnight rather than traveling straight through.
- Avoid driving during the body's "down time". According to AAA, this is generally in the mid-afternoon and between midnight and 6:00 a.m.
- If you have passengers, talk to them. It will help to keep you alert, and they will also be able to tell if you are showing signs of

- Slow down for speed bumps as not to injure yourself or damage your cargo.
- Use delivery driveway entrances for customers that auto traffic is not likely to use.
- Beware of motorist who are lost or distracted looking for specialty stores that are not frequented.
- Be extra careful at entrances and exits – motorists stop suddenly and for no apparent reason – tailgaters often end up in rear-end collisions, and rushing while turning into access road or side street traffic can also lead to collisions
- Be especially careful in lots that contain Post Offices, package stores and other locations where people are prone to dart in and out hastily in a hurry to be on their way
- Be extra careful during peak times when reckless drivers may speed through lanes while trying to get a “better spot” closer to the shops
- Some drivers are on the “hunt” for an ideal parking spot and may drive erratically – watching for open spots rather than watching where they are driving! These drivers often circle the lanes nearest to their store – parking away from stores may make a longer walk, but prove less dangerous from a vehicle collision standpoint
- Lock your truck at all times when not attended. Parking lots are very busy and are often targeted by thieves.

The first parking lot in the world was created in Fort Wayne, Indiana no doubt just in time for holiday shopping.

FMCSA Allows ME's to use up stocks of Medical Exam forms/certs

The Federal Motor Carrier Safety Administration has published a notice to allow certified Medical Examiners (MEs) to use the Medical Examination Report (MER) Form, MCSA-5875, and Medical Examiner's Certificate (MEC), Form MCSA-5876, with October, November, and December, 2015 revision dates that are located in the top left corner of the forms until existing stocks are depleted. 81 Fed. Reg. 74700 (October 27, 2016).

Some State Driver Licensing Agencies were refusing to accept from CMV drivers the MEC, Form MCSA-5876, with an October or November, 2015 revision date because of non-substantial changes in the form. The FMCSA is now directing SDLAs to accept the MEC, Form MCSA- 5876, with October, November, and December, 2015 revision dates until existing stocks are depleted.

getting sleepy.

- Schedule a break every 2 hours or every 100 miles. Take a nap, stretch, take a walk and get some exercise before resuming your trip.
- Stop sooner if you show any danger signs of sleepiness.

"TRICKS" THAT DO NOT WORK

Opening the window, turning on the air conditioning, or playing loud music are not effective in keeping drivers alert for any extended period of time



Electronic Logging rule survives court challenge

This wasn't the Halloween treat that many commercial drivers may have been hoping for. Describing the electronic logging device (ELD) rule as "reasonable," a federal appellate court in Chicago has struck down a legal challenge that was seeking to stop the ELD mandate in its tracks.

The court's 28-page decision, issued on Halloween, clears the way for the rule to go into full effect. Barring a successful appeal of the decision, about 3.5 million interstate truck and bus drivers will need to begin using ELDs in place of paper logs starting on December 18, 2017.

The legal challenge was brought by the Owner-Operator Independent Drivers Association (OOIDA) on behalf of two drivers who may have had reason to expect a different outcome, since the same court sided with OOIDA in 2011 when it vacated an earlier version of the electronic logging rule. This time around, however, a three-judge panel concluded that none of OOIDA's five arguments held merit.

Automatic recording

As it did during oral arguments held on September 13, 2016, the court used its most derisive language to rebut the argument that ELDs need to record a driver's every move. In a 2012 law authorizing the ELD rule, Congress asked the Federal Motor Carrier Safety Administration (FMCSA) to require ELDs that "accurately and automatically" record drivers' hours of service. Attorneys for OOIDA argued that the law requires complete automation to prevent drivers from falsifying their duty status. The court wrote that such an outcome could only be accomplished through "constant video surveillance or perhaps some form of bio-monitoring device," both of which "would be breathtakingly invasive."

"We are confident that Congress did not intend to require such invasive devices when it used the word 'automatically,'" the judges wrote, adding that the FMCSA "balanced the competing directives in a reasonable manner."

Petitioners also argued that the ELD rule does not adequately protect drivers from harassment, but again the court determined that the FMCSA's approach was

“reasonable.”

Costs

A third argument against the ELD rule centered on its cost. OOIDA claimed that the FMCSA’s cost-benefit analysis was flawed, in part because ELDs will not result in improved compliance.

“We also reject this challenge,” the court wrote. “The agency was not required to conduct a cost benefit analysis for this particular rule [because the rule was required by Congress]. Even if it had been required to do so, its studies were sufficient ... to justify the rule.”

Even without considering a reduction in accidents, “the estimated paperwork savings alone outweigh the costs of the ELD mandate,” the court noted.

Confidentiality

Another OOIDA argument centered on the confidentiality of ELD data. Congress required the FMCSA to consider confidentiality when writing the ELD rule; OOIDA argued that they failed to do so. The court disagreed, writing that “the agency’s treatment of the confidentiality requirement is sufficient,” citing several privacy laws and FMCSA policies that will help protect drivers.

Fourth Amendment

Finally, OOIDA argued that the ELD mandate is an unconstitutional and unreasonable “search” and “seizure” that violates the Fourth Amendment.

But the “petitioners’ arguments are unpersuasive,” the court concluded, given that trucking is a “pervasively regulated industry” which does not, therefore, enjoy full protection from “reasonable” inspections similar to those done using paper logs.

“ELDs do not create a search regimen substantially different from what has occurred with the paper records for generations of drivers,” the court noted.

The FMCSA has also enacted an important limit on the discretion of inspecting officers, the court found. The agency issued a memo limiting the use of ELD records to enforcement of the hours-of-service requirements and not other laws like speed limits. Here again, the court concluded that the ELD rule is “reasonable” and does not violate the Fourth Amendment.

The federal appeals court is the second-highest court in the land. The plaintiffs could still appeal the decision to a full panel of judges at the same Chicago court, or could appeal to the U.S. Supreme Court.

USDOT Issues 30-day extension to Public Comment Period for

proposed rule requiring Speed Limiters for large Commercial Vehicles

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA) today announced a 30-day extension of the public comment period for a September 7, 2016 Notice of Proposed Rulemaking which would require all newly manufactured U.S. trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating more than 26,000 pounds to be equipped with speed limiting devices.



The new public comment deadline of December 7, 2016, will provide all interested parties sufficient opportunity to fully develop and submit comments and evidentiary materials to the agencies via www.regulations.gov.

Requiring speed limiting devices on heavy vehicles could save lives, as well as an estimated \$1 billion in fuel costs each year.

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