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SAFETY BULLETIN



September 1, 2017

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**No Safety Bulletin next week
Friday, September 8th, 2017**

Drive Sober or Get Pulled Over!

National Labor Day Enforcement Crackdown

This Labor Day weekend Holiday Law enforcement officials will be targeting drunk drivers. The National Drunk Driving "Drive Sober or Get Pulled Over" impaired driving crackdown is a comprehensive impaired driving prevention program organized by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) that focuses on combining high-visibility enforcement with heightened public awareness through advertising and publicity.

The CVSA Announces Phase-In Enforcement of ELD Regulation

The Commercial Vehicle Safety Alliance (CVSA) will begin enforcing the electronic logging device (ELD) mandate requirements on Dec. 18, 2017. The out-of-service criteria (OOSC) associated with the ELD mandate will go into effect on April 1, 2018.

The Federal Motor Carrier Safety Administration's (FMCSA) congressionally mandated [ELD compliance](#) deadline is still set for Dec. 18, 2017. On that date, inspectors and roadside enforcement personnel will begin documenting violations on roadside inspection reports and, at the jurisdiction's discretion, will issue citations to commercial motor vehicle drivers operating vehicles without a compliant ELD. Beginning April 1, 2018, inspectors will start placing commercial motor vehicle drivers out of service if their vehicle is not equipped with the required device. Please note, a motor carrier may continue to use a [grandfathered automatic onboard recording device \(AOBRD\)](#) no later than Dec. 16, 2019. The AOBRD must meet the requirements of 49 C.F.R. 395.15.

This announcement does not impact enforcement of the OOSC for other hours-of-service violations.



Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2017. The one day seminar this year will focus on the new Electronic Logging Device (ELD) regulation, basic

safety and compliance, regulation changes and CSA. The seminars and will be provided to all Idealease customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals. To register for an upcoming seminar in 2017 click on the following link:

<http://www2.idealease.com/e/36492/safety-seminar-registration/5d9zm6/589645085>

**Idealease 2017 Safety Seminar
Schedule**

CVSA supports moving forward with the compliance date as specified in the rule. However, setting an April 1, 2018, effective date for applying the ELD OOSC will provide the motor carrier industry, shippers and the roadside enforcement community with time to adjust to the new requirement before vehicles are placed out of service for ELD violations.



CVSA member jurisdictions have used this phased-in approach in the past when implementing a significant change in regulatory requirements. The CVSA Board of Directors, in consultation with FMCSA and the motor carrier industry, agreed that the phased-in approach to implementation of the ELD requirements outlined in the [North American Standard Out-of-Service Criteria](#) will help promote a smoother transition to the new ELD requirement.

A [letter](#) was sent to FMCSA notifying the agency of CVSA's commitment to implementing the new requirement, as scheduled, on Dec. 18, 2017, and noting the April 1, 2018, effective date for applying the ELD OOSC.

Date	Location
September 12	Santa Rosa, CA
September 12	Santa Rosa, CA
October 3	Charlottesville, VA
October 3	Charlottesville, VA
October 4	Erie, PA
October 4	Erie, PA
October 10	Kansas City, MO
October 10	Kansas City, MO

Have you Prepared your Terminal Facility for the upcoming Labor Day weekend?

It is not uncommon for thieves to target truck terminals over the holidays as they know it is a good opportunity as no one is there. Make sure that you take extra precaution to secure the trucks and items of value at your terminal. If your units do not have anti-siphon devices or locking caps, instruct the drivers not to fill the units at the end of the day. Make sure that all security alarms are in working order. Walk the perimeter of the lot

to make sure that security fencing is in good condition. Move units and all other material such as pallets, tires, etc far enough away from the fence so they cannot be used to climb on to get over the fence. Consider blocking the entrance and exits to the lot so units cannot be stolen. Throughout the three day weekend assign management personnel to check the terminal randomly. Using a little prevention and common sense can deter a thief from striking your facility.



Can you use the 'Emergency Exemption' for your Hurricane Harvey relief efforts?

There is often a big difference between what a driver or motor carrier considers an "emergency" and what the Federal Motor Carrier Safety Administration (FMCSA) thinks. Do you know when you can legitimately

claim to be exempt from hours of service and other safety rules due to an “emergency”?

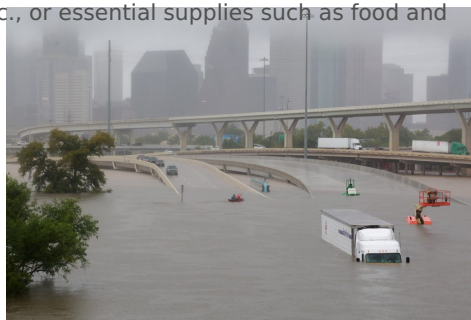
With hurricane Harvey in the news, it’s a good time to remind your drivers of when they can and cannot claim the emergency exemption.

Under 49 CFR §390.23, motor carriers and commercial drivers who “provide emergency relief during an emergency” are exempt from the Federal Motor Carrier Safety Regulations in 49 CFR Parts 390 through 399. This includes such requirements as hours of service and driver qualification.

It’s important to understand the definitions of some of the terms used above:

Emergency

Any severe event (hurricane, tornado, high water, earthquake, drought, blackout, etc.) or other natural or man-made occurrence which interrupts the delivery of essential services such as electricity, medical care, sewer, water, telecommunications, etc., or essential supplies such as food and fuel, or otherwise immediately threatens human life or public welfare. The key to this definition, however, is that the event **MUST** result in a declaration of emergency (or tow truck drivers can be exempt if there is a police request for tow trucks). An emergency declaration must come from the President, a state governor(s), or the FMCSA.



Emergency Relief

An operation in which a motor carrier or driver is providing “direct assistance” to add to state and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency.

Direct Assistance

Transportation and other relief services provided by a motor carrier or its driver(s) related to the immediate restoration of essential services or supplies. It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed.

“Direct assistance” ends when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort, or when the motor carrier dispatches the driver or commercial motor vehicle to another location to begin operations in commerce.

When claiming the emergency exemption, keep the following in mind:

- Relief from the Federal Motor Carrier Safety Regulations is limited to a maximum of 30 days, unless extended by the FMCSA itself. Refer to current emergency declarations listed at www.fmcsa.dot.gov/emergency.
- Drivers eligible for the exemption are exempt in all states on their route to the emergency, even if those states are not involved in the emergency or stated in the declaration of emergency.
- The federal exemption, when in effect, only applies to certain safety regulations. You still have to comply with CDL, drug/alcohol, hazardous materials, size and weight, insurance, and state/federal registration and tax requirements unless a governor's emergency

declaration specifically adds one or more of those exemptions.

- Even if an emergency declaration is still in effect, the emergency must be on-going and you must be providing direct emergency relief in order to be exempt from safety regulations.
- Even though safety regulations may be suspended, the FMCSA expects drivers and carriers to use good judgment and not operate vehicles with fatigued or ill drivers, or under any conditions presenting a clear hazard to other motorists using the highways.
- At the roadside, a driver may be asked to prove that he/she is exempt. The bill of lading, invoice, or other shipping document describing the cargo should be sufficient for this. Law enforcement officers are expected to give the benefit of the doubt if they can't really be certain that a load is destined for emergency relief.
- Drivers are NOT required to log their hours while providing direct assistance. However, drivers should keep track of their total time providing direct assistance so that they can satisfy the requirements of §390.23(b) and (c) with regard to returning to duty once they're done providing direct assistance.
- After emergency work is complete, drivers are again subject to the regulations, with one exception: a driver may return **empty** to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390-399. However, a driver who tells the motor carrier that he or she needs immediate rest must be given at least 10 consecutive hours off duty before being required to return to the terminal or other location.
- To return to regular duty, the driver must comply with the driving, on-duty, and off-duty limits (§§395.3(a) and 395.5(a)). If the driver has been on duty for more than 60/70 hours in any 7/8 consecutive days, then the driver must be given at least 34 consecutive hours off duty.

National Truck Driver Appreciation Week

Sept. 10-16, 2017

Make plans now to recognize your drivers.

CVSA's Operation Airbrake Program is holding one more brake safety enforcement event this year. The next Brake Safety Day event will take place on Thursday, Sept. 7, 2017, at participating jurisdictions throughout Canada, Mexico, and the U.S.

Operation Safe Driver Week announced by CVSA

October 15-21, 2017, motorists throughout North America will experience heightened traffic safety enforcement, the Commercial Vehicle Safety Alliance (CVSA) announces.

Mark Your Calendar:

CVSA Brake Safety Day - Sept. 7th

National Truck Driver Appreciation Week - Sept. 10-16

Operation Safe Driver Week - Oct. 15-21st

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