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## SAFETY BULLETIN



## Road Safety



September 16, 2016

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### Have you and your Employees "Bought" into Safety?

*A number of years ago, after a driver safety meeting, a driver approached me and commented that he knew how to drive safely. He stated that he had not had any accidents and knew what to do in case of an accident, so why was I so intent on "selling" safety to him every chance I have? I told him that the most important sale I could ever make would be your **life and safety**. You may not be in a buying mood today, but later on- tomorrow, next week, next year, it may be too late. By "buying" into safety, your actions may keep others alive as well as yourself!*

#### This is what it will cost you to "buy" into safety:

- Two seconds to fasten your seat belt.
- Ten minutes for a thorough Pre-trip inspection.
- Ten seconds to make sure your mirrors are properly adjusted.
- Two seconds to shut off your cell phone before operating a motor vehicle.
- Eight hours to get proper rest.
- Thirty seconds to clean the trash from your vehicle at the end of your trip or route.
- Keep your mind on your driving.
- A fraction of a second to flip on your turn signal.



#### Register Now for a 2016 Idealease / NPTC Safety Seminar

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2016. The one day seminar this year will focus on the new Electronic Logging Device (ELD) regulation, basic safety and compliance, regulation changes and CSA. In addition, this year attendees will receive the mandatory two hour

- Two minutes to walk around your entire vehicle while fueling or stopped to make sure it is in safe order.
- Leave on time and allow extra time for adverse weather conditions.
- Slow down in poor weather conditions such as fog, rain, snow or ice.
- Increase your following distance.
- Expect the unexpected.



## Driver Recognition Awards

This week is Truck Driver Appreciation week and it is a good time to review your award and recognition programs that you have in place. It is important that we recognize those drivers who have performed in a safe and compliant manner. Recognition awards are best used for safe driving. A recognition award should be an award that the driver or employee cannot get anywhere else. It is best if these awards are personalized. Benefits of recognition award are that they are non-monetary and have a longer lasting effect. A driver should not be able to go and buy this award on their own. The only way to receive the award and recognition is to meet the requirements for receiving the award. These awards can be further enhanced by presenting award group presentations with peers (i.e. meetings, banquets, etc.).

As a motor carrier, there are a number of state and nationwide association award programs that you can enroll your drivers in. I would recommend that you contact your state trucking association for a listing of the awards programs that are available.

There are a variety of awards programs available for your drivers through organizations such as the American Trucking Association ([www.truckline.com](http://www.truckline.com)) and the National Private Truck Council (NPTC).

The NPTC has the Driver Hall of Fame and National Driver All-Stars driver's awards programs that are available to NPTC members. Go to: [www.nptc.org](http://www.nptc.org) to enroll your driver.

### Driver Incentive Awards:

Incentive monetary awards are best used to motivate a driver to perform. These types of incentive programs are successful in motivating the driver to achieve a specific goal such as a certain fuel mileage or clean roadside inspection.

Drug and Alcohol supervisor training as part of the seminar. 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.

[Click Here](#) to register

## 2016 Idealease Safety Seminar Schedule:

September 20	Lafayette, IN
September 21	Santa Fe Springs, CA
September 22	Santa Barbara, CA
October 4	Green Bay, WI - <b>SOLD OUT</b>
October 4	Erie, PA
October 5	Butler, PA
October 5	Columbia, SC
October 6	Cleveland, OH
October 12	Chicago, IL

## Are your Units Shining in all the Right Places?

Recently I had a question from a customer regarding reflective sheeting (Conspicuity) markings on his tractors. It was discovered that he had a tractor manufactured after July 1, 1997 and the mud flaps had been replaced. After going through a roadside inspection with this unit they were cited for violation of CFR 393.11 that requires reflective sheeting on the mud flap bars of the tractor. Currently, conspicuity regulations address semi-trailers and tractors only. When units are involved in accidents it is also important that the reflective sheeting that is damaged is replaced in accordance to the regulations for compliance and protection of your liability exposure.



## Legal challenge over Electronic Logs rests with judges

The fate of the electronic logging device (ELD) mandate now rests in the hands of a federal appeals court in Chicago.

On Tuesday, September 13, a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit heard oral arguments from both sides in the case of the Owner-Operator Independent Drivers Association (OOIDA) vs. the U.S. Department of Transportation (DOT).

Now it's up to the court to decide if the ELD mandate can stand or will need to be taken back to the drawing board.

At Tuesday's hour-long court session, appellate judges David Hamilton, Michael Kanne, and William Bauer had the opportunity to question attorneys Paul Cullen Sr., representing OOIDA, and Joshua Waldman, an attorney for the U.S. Department of Justice representing the DOT.

OOIDA filed its legal challenge almost as soon as the ELD rule was officially published in December 2015. Unless that challenge is successful, the rule will require most interstate commercial motor vehicle drivers to use electronic logs in

place of paper logs starting in December 2017.

### **OOIDA brought five issues before the court, arguing that the rule:**

- Fails to satisfy a congressional requirement that ELDs “automatically” record all changes in duty status;
- Fails to ensure that ELDs are not used to harass drivers (an argument that resulted in the DOT giving up its first attempt to mandate electronic logs);
- Does not provide enough benefits to offset the costs;
- Violates drivers’ Fourth Amendment rights against unreasonable search and seizure; and
- Does not satisfy a legal requirement to preserve confidentiality and limit the use of ELD data by enforcement personnel.

### **Automated recording**

The first question from the bench concerned OOIDA’s argument that ELDs have to record everything drivers do, with Judge Hamilton saying such a device “would have to be unbelievably intrusive,” going so far as to “detect whether the driver was asleep or not ... without harassment and without intruding unduly on his privacy.” “Your theory seems to be that Congress ordered the [Federal Motor Carrier Safety Administration] to invent a square circle,” Hamilton said.

DOJ attorney Waldman agreed, saying it would be a “highly intrusive sea change” that Congress did not intend, and is not even possible with today’s technology. “We don’t read [the statute] that way,” Cullen countered. “It is contingent upon automatic recording of changes in duty status and hours of service. Without that automatic [recording], there’s not going to be any improvement [in compliance].”

Judge Hamilton also questioned both attorneys about whether ELD data could be used inappropriately to enforce other state or local rules besides hours of service, and whether ELDs are more intrusive than paper logs.

Waldman said the DOT has taken “appropriate measures” to prevent unintended use of ELD data, citing a DOT enforcement policy saying that ELDs should only be used to enforce hours-of-service rules.

*A final decision in the case is expected by early 2017.*

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## **ATRI and Mayo Clinic survey will examine Driver Medical exam process**

The American Transportation Research Institute (ATRI) and Mayo Clinic launched a set of surveys designed to solicit motor carrier and commercial driver input on the impact that the National Registry of Certified Medical Examiners (NRCME) has had on the driver medical exam process.

The NRCME was deployed in 2014 and since then, medical examiners performing Department of Transportation (DOT) physicals are required to take an approved



course, pass an exam, and be listed in the registry before issuing medical certificates.

ATRI says the research will quantify how effective the NRCME process is in improving the DOT physical exam process, and ensuring that medical examiners understand the Federal Motor Carrier Safety Administration (FMCSA) regulations and guidance for issuing medical certificates.

The research includes three separate data collection surveys; one each for motor carriers, commercial drivers, and medical examiners. The first two surveys for motor carriers and drivers are available on ATRI's website. Mayo Clinic will be distributing the third survey to medical examiners through their targeted network.

Motor carriers and commercial drivers are encouraged to complete the confidential surveys available online [here](#).

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## Operation Safe Driver Week is Oct. 16-22

On August 2, 2016, the Commercial Vehicle Safety Alliance (CVSA) announced that its 2016 Operation Safe Driver Week would be held during Oct. 16-22, 2016. During this event, law enforcement agencies throughout North America will engage in increased traffic safety enforcement and education that will be focused on at combating unsafe driving behaviors by commercial motor vehicle (CMV) drivers and passenger-vehicle drivers.



The CVSA holds Operation Safe Driver Week in partnership with the FMCSA. It is supported by industry and transportation safety organizations, and aims to reduce the number of crashes, deaths and injuries involving large trucks, buses and cars due to unsafe driving behaviors.

### **Some unsafe behaviors that enforcement will be tracking throughout the event include the following:**

- Speeding
- Failure to use a seatbelt while operating a CMV or in a passenger vehicle
- Distracted driving
- Failure to obey traffic control devices
- Traveling too closely
- Improper lane changes

According to the CVSA, unsafe driver behavior by CMV drivers and passenger-vehicle drivers continues to be the leading cause of crashes. The Federal Motor Carrier Safety Administration's (FMCSA) "Large Truck Crash Causation Study" cites driver behavior as the critical reason for more than 88 percent of large truck crashes and 93 percent of passenger-vehicle crashes.

For additional information:

<http://www2.idealease.com/e/36492/rograms-operation-safe-driver-55kh71/531920970>

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