



RIGHT OF WAY

While investigating accidents over the years and talking with drivers, the driver would often state, "I had the right-of-way." What does this really mean? When we have the "Right-of-Way," does this allow us to proceed without regard for other vehicles?

The FMCSA, in their accident countermeasure program, addresses "Right-of-Way" as follows:

Objective: To prevent accidents by drivers giving "right-of-way" until it is apparent that the other driver is giving right-of-way.

Description: Generally, the driver who arrives last gives right-of-way to those who were already there. You give right-of-way when entering traffic. You give right-of-way when turning left in front of approaching traffic. You give right-of-way when changing lanes. You move into your intended path or direction only after being assured you will not conflict with other traffic.

As a Transportation Manager, you should ask yourself the following:

1. Do my drivers understand the meaning of right-of-way?
2. Periodically, does a qualified person ride with your drivers to evaluate their behavior in right-of-way situations?
3. Do you have a realistic scheduling policy that does not encourage drivers to take the right of way rather than give it?
4. Are the drivers aware of the concept of "preventable accident"?

Tips for Drivers concerning "Right-of-Way":

- Do not force other drivers to brake or steer because of your obstructive maneuver into their path.
- Assume other drivers will not see you and avoid you when you maneuver into their path.
- Move into your intended path or direction only after you are assured you will not conflict with other traffic.

Are you driving with "Tunnel Vision" this winter?

Tunnel vision occurs when a driver scrapes off only a small area of ice and/or snow on their vehicle windshield to allow just enough space to see through a small hole as they drive. This practice significantly reduces a driver's field of vision and greatly increases their risk of collision. The Kansas Highway Patrol estimates that drivers who do not clear their entire windshield of ice, snow, and fog limit their field of vision to only about 2 to 3 percent of what a driver with a clear windshield can see.

A recent survey by the Center for Safe Driving found that more than 50 percent of drivers admitted to not fully clearing snow or ice from the windows of their vehicles. As a countermeasure, many states have enacted laws requiring drivers to make reasonable efforts to remove snow or ice from their vehicles. Numerous law enforcement personnel across the country plan to target drivers who do not clear their windshields this winter. As part of your pre-trip inspection, you should ensure that the



2023 DOT Random Testing Rates Notice

ODAPC's website has been updated to reflect the CY 2023 random drug and alcohol testing rates. <https://www.transportation.gov/odapc/rar-testing-rates>

Please note: the PHMSA annual random drug testing rate will be 25% in 2023. For all other DOT Agencies, including the FMCSA, the 2023 annual random testing rates will remain the same. Thus, in 2023 companies will still be required to give random drug tests to 50% of their drivers and random alcohol tests to 10% of their drivers. These random tests must be unannounced and spread out reasonably throughout the year in testing periods that cannot exceed one quarter.



Do you have Bendix Wingman Fusion Accident Mitigation Systems on Your Trucks?

Accident mitigation technology can significantly reduce the frequency and severity of accidents in your fleet if the



windshield, side windows, and mirrors are clear of any snow, ice, or fog before starting your route or trip. Another dangerous situation is chunks of snow or ice flying off the top of your vehicle and landing on other vehicles behind you. These chunks can be quite heavy and become dangerous projectiles that can cause crashes, injuries, and deaths. If heavy snow is forecasted, it is recommended that you pull your unit away from the dock or terminal building, so a drift of snow does not build up from the roof of the building to the top of your trailer or truck. As a professional driver, it is important to recognize this unsafe act in other drivers and be prepared to avoid a collision and stay out of their way.

FMCSA to Require 10-Year Refresher Training for Medical Examiners

The Federal Motor Carrier Safety Administration has announced it is implementing a regulatory requirement that all medical examiners certified and listed on the agency's National Registry of Certified Medical Examiners maintain their certification by completing refresher training 9 to 10 years after certification and passing a recertification test 10 years after certification.

Private sector training organizations will deliver the required 10-year refresher training in the same manner as the initial National Registry medical examiner training. The two FMCSA-approved testing organizations will provide the 10-year recertification test in the same manner as the initial National Registry medical examiner certification test. Medical examiners can upload proof of completion of the 10-year training to their National Registry accounts and be eligible to take the 10-year recertification test starting January 1, 2023.

According to the notice, the first medical examiners certified and listed on the National Registry must complete 5-year refresher training in January 2018. Because the information technology system improvements were not yet completed, FMCSA could not deliver the 5-year refresher training to meet that deadline. On July 14, 2022, FMCSA issued the 5-year refresher training to all medical examiners who were either past due or currently due for the training using their National Registry accounts. FMCSA notified eligible medical examiners past due for the training that they have until December 31, 2022, to complete the training.

Because of the delay in issuing the 5-year refresher training and the extended timeframe offered for completion, the programming to process the 10-year refresher training and recertification testing in the National Registry was also delayed. This functionality is available starting on January 1, 2023, and MEs will have until December 31, 2023, to complete the refresher training and recertification process.

drivers understand how the technology works! Before placing any driver into a commercial vehicle with an accident mitigation system, they need the training to understand how it works. If you have the Bendix Wingman Fusion system, make sure your drivers have seen the 7-minute video accessible by clicking on the following link: <https://bendix.sharefile.com/d-5cd68104170b46be>

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