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## Legalized Marijuana and the Trucking Industry

Ten states, the District of Columbia, and recently Canada, have now approved recreational use of marijuana. Thirty states have legalized medical marijuana use under certain circumstances, while other states have decriminalized the possession of small amounts.

The 10 states that allow recreational use marijuana are:

- Alaska
- California
- Colorado
- Maine
- Massachusetts
- Michigan
- Nevada
- Oregon
- Vermont
- Washington

The ready, legal availability of marijuana in these states must be coupled with a strong reminder for commercial truck drivers, that marijuana is still illegal, federally. It is still part of U.S. Department of Transportation (DOT) mandated drug testing (which includes mixtures and synthetic versions). Marijuana is even illegal to transport in interstate commerce. Colorado and California, two states that have approved recreational use, are also in the vanguard of roadside testing for drivers under the influence of pot. Whether undergoing a DOT drug test or a roadside stop, truck drivers should also remember that marijuana use remains detectable for as many as 30 days of use

National Work Zone Awareness Week (NWZAW) is an annual spring campaign held at the start of construction season to encourage safe driving through highway work zones and construction sites. The key message is for drivers to use extra caution in work zones. For more information, <u>Click Here</u>.

#### Registration Is Open Online for the 2019 Idealease / NPTC Safety Seminars



depending on the user metabolism, water intake, etc. All states have adopted the FMCSA and DOT Drug and Alcohol testing regulations for INTRAstate CDL drivers. So, even in the states that have legalized marijuana for recreational use it is NOT legal for an individual to use marijuana and operate a commercial motor vehicle.

Here is the FMCSA Interpretation to the regulations:

Does the legalization of the use and possession of marijuana by a State, or other country that has drivers who operate in the United States, change the treatment of marijuana use under federal regulations applicable to drivers operating a commercial motor vehicle (CMV) (as defined in 49 <u>CFR § 390.5</u>)?

<u>Answer</u>: No. Marijuana, including a mixture or preparation containing marijuana, continues to be classified as a Schedule I controlled substance by the Drug Enforcement Administration (DEA) in 21 CFR § 1308.11. Under the Federal Motor Carrier Safety Regulations (FMCSRs), a person is not physically qualified to drive a



CMV if he or she uses any Schedule I controlled substance such as marijuana. (See 49 <u>CFR §§ 391.11</u>(b)(4) and 391.41(b) (12)). In addition to the physical qualification requirements, the FMCSRs prohibit a driver from being in possession of or under the influence of any Schedule I controlled substance, including marijuana, while on duty, and prohibit motor carriers from

permitting a driver to be on duty if he or she possesses, is under the influence of, or uses a Schedule I controlled substance. (See 49 <u>CFR §§ 392.2</u> and 392.4). Legalization of marijuana use by States and other jurisdictions also has not modified the application of U.S. Department of Transportation (DOT) drug testing regulations in 49 CFR parts 40 and 382. <u>Click Here.</u>

### ATRI Studies Impact of Marijuana-Impacted Car Drivers on Truckers

As more states continue to legalize marijuana for recreational and medicinal purposes, the likelihood of car drivers operating under the influence of marijuana on the roadways

increases. To understand how marijuanaimpaired driving might impact truck drivers, the American Transportation Research Institute (ATRI) published research exploring the issue. A goal of ATRI's



research was to document methods to identify and deter marijuana-impaired driving. The study recommended:

- Increasing data collection on the frequency and impact of marijuana-impaired driving;
- Educating and informing the public on the risks of impaired driving;
- Equipping law enforcement and the court system to better intercept and prosecute impaired drivers; and
- Targeting tax revenue generated from marijuana sales to fund training activities.

The report also calls for developing more drug recognition experts to identify drivers who might be under the influence of marijuana.

#### <u>Click here to register for a Safety</u> <u>Seminar in your area</u>.

Idealease and the National Private Truck Council NPTC will be hosting safety seminars again in 2019. The oneday seminar this year will focus on new safety technologies available on trucks today, basic <u>Safety</u> and <u>Compliance</u>, regulation changes and CSA. The seminars will be provided to all Idealease customers, potential customers and NPTC members at no additional charge. The seminars provide important information applicable to both the novice and experienced transportation professionals.

#### **Spring Seminars**

3/27/2019	Orlando, FL
3/28/2019	Tampa, FL
4/2/2019	Memphis, TN
4/3/2019	Atlanta, GA
4/3/2019	Manheim, PA
4/4/2019	Charlotte, NC
4/4/2019	Weirton, WV
4/17/2019	Ventura, CA
4/18/2019	San Leandro, CA
4/23/2019	Portland, OR
5/1/2019	Plymouth, IN
5/1/2019	Grand Rapids, MI
5/7/2019	Upper Marlboro, MD
5/9/2019	Aurora, CO
5/21/2019	Baltimore, MD
5/23/2019	Milwaukee, WI

#### **Fall Seminars**

9/12/2019	Nashville, TN
10/15/2019	Reno, NV
10/22/2019	Salt Lake City, UT
10/23/2019	Modesto/Turlock, CA
10/23/2019	Lexington, KY
TBD	Chicago, IL
TBD	Springfield, IL
TBD	San Leandro, CA
TBD	Eugene, OR
TBD	Green Bay, WI
TBD	Erie, PA
TBD	Louisville, KY
TBD	Kelowna, BC
TBD	Everett, WA
TBD	Chattanooga, TN



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**Turn Around Don't Drown** 

It is with a heavy heart that I have been watching the devastation caused by the record setting flooding in my home state of Nebraska during the past two weeks. It is estimated that Nebraska will incur \$1.4 billion dollars of damage due to the flooding. Nebraska Gov. Pete Ricketts said Wednesday that roads, levies and other



infrastructure have sustained an estimated \$449 million in damage. Damage to private homes and businesses has reached \$85 million so far, and farmers have experienced \$400 million in cattle losses and \$440 million in crop losses. Ricketts says an estimated 2,067 homes and 341 businesses have been damaged or

destroyed in the flood. Sixty-five out of the 93 counties in Nebraska have been declared a state of emergency. Two lives were lost due to the flooding. The devastation is not over with. Iowa and Missouri and are now experiencing flooding which will continue to increase as the water flows down the Missouri and Mississippi rivers.

Whether you are driving or walking, if you come to a flooded road, Turn Around Don't Drown. You will not know the depth of the water nor will you know the condition of the road under the water.

- If flooding occurs, get to higher ground. Get out of areas subject to flooding. This includes dips, low spots, canyons, washes etc.
- Avoid areas already flooded, especially if the water is flowing fast. Do not attempt to cross flowing streams. Turn Around Don't Drown
- Road beds may be washed out under flood waters. NEVER drive through flooded
- roadways. Turn Around Don't Drown If your vehicle is suddenly caught in rising water, leave it immediately and seek higher ground
- Do park your vehicle along streams and washes, particularly during threatening conditions
- Be especially cautious at night when it is harder to recognize flood dangers
- Avoid low water crossings
- Use alternate routes to avoid flood prone areas
- · Leave your vehicle immediately if it stalls in flood waters
- · Move to higher ground if you can do so safely
- · Most cars and light trucks will begin to float in as little as 1 to 2 feet of water

To check on weather conditions and flooding, go the National Weather Service website at: www.srh.weather.gov.

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