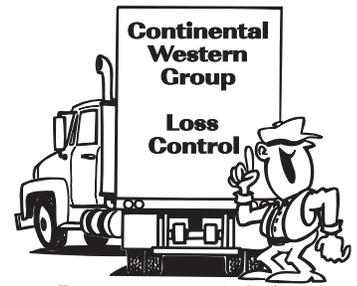


TRUCK TALK

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The Changing World of FMCSA

In the changing world of FMCSA – there always seems to be something new or changing and here are some that have come to our attention:

Compliance, Safety, Accountability (CSA): Within the world of CSA, there are only a few states that are 100% in line with CSA initiatives. The primary stumbling blocks relate to the fact that procedures are not in place for Off Site investigations and/or the creation and filing of Cooperative Safety Agreements. This situation should resolve by the end of 1st quarter 2012 according to the plan currently in place.

State Accident Report forms will be modified to acknowledge “accountability”. These forms will be used as a part of the Safety Fitness Determination for Carriers. This is an interim process for the near term and may be amended a year or two down the road. Any determination on an accident report may be challenged under the FMCSA’s DataQs system. It is important to note that the plan is for DataQ challenges in the Crash Indicator BASIC not go to the state, but to an uninvolved 3rd party for review.

Cargo BASIC: The current plan is to move the load securement section to the Vehicle BASIC – leaving only Hazmat rules in the CARGO area which will more than likely be renamed HM BASIC.

Safety Fitness Determination: The proposed rule should be finalized in the first quarter of 2012. The ratings will be figured on a monthly basis. This is on track for final implementation in 2013. With all of the other changes and nuances regarding CSA, this one topic promises to bring the most challenges as the CSA system unfolds in the future.

FMCSA to Study Dock Delays: FMCSA wants to focus on how these delays affect trucking safety and what the agency’s regulatory options might be. They need to understand the impact of detention time and its impact on the drivers, their fatigue and their health. It is anticipated that this study will take two years.

Proposed Cell Phone Rules: On Sept, 13, 2011, the U.S. National Transportation Safety Board recommended banning the use of all mobile phones by commercial drivers except in emergencies. The NTSB recommends safety improvements for U.S. agencies to act upon; it cannot implement them itself.

On November 23, 2011, as part of its campaign to put an end to the practice of distracted driving, U.S. Transportation Secretary Ray LaHood announced a final rule specifically prohibiting interstate truck and bus drivers from using hand-held cell phones while operating their vehicles. Using a hand-held cell phone is defined as “using at least one hand to hold a mobile telephone to conduct a voice communication”. FMCSA is proposing to allow hands-free mobile telephone use as long as it does not require the driver to reach for, dial, or hold a mobile telephone, taking the driver’s eyes off the forward roadway and a hand off the wheel. Drivers may push a single button to initiate, answer or terminate a call. However, the rule prohibits all push-to-talk functions on cellular phones.

Drivers who violate the restriction may face federal civil penalties of up to \$2,750 for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally, states will suspend a driver's CDL after two or more serious traffic offenses in a 3-year period. Commercial truck and bus companies that allow their drivers to use hand-held cell phones while driving may face a maximum penalty of \$11,000. The FMCSA also stated its view to hold motor carriers accountable for violations committed by their drivers during the course of employment. Approximately 4 million commercial drivers would be affected by this final rule.

While driver distraction studies have produced mixed results, FMCSA research shows that using a hand-held cell phone while driving requires a driver to take several risky steps beyond what is required for using a hands-free mobile phone, including searching and reaching for the phone. Commercial drivers reaching for an object, such as a cell phone, are three times more likely to be involved in a crash or other safety-critical event. Dialing a hand-held cell phone makes it six times more likely that commercial drivers will be involved in a crash or their safety-critical event.

The final rule was published in the Federal Register on December 2, 2011 and will take effect on January 2, 2012, barring legal action or other delays. It is for Commercial Motor Vehicles that have a gross vehicle weight/gross vehicle weight rating of 26,001 pounds or greater. This ruling affects interstate commerce, not intrastate commerce.

FMCSA notes that the use of CB radios is not restricted in this proposed rule because they do not fall under the definition of "commercial mobile radio services" as defined by the FCC. GPS and fleet management systems are not included in the prohibition.

Medical Certification on CDL: Beginning January 2012 when a driver's CDL is scheduled to be renewed, the driver must present a current medical exam certificate to the licensing bureau. The plan is for the State to collect the medical examination certificate and record, as a part of the license, the Medical Examination Date. It is important to note that every time a driver gets a new medical exam certificate, a copy must be forwarded to the licensing bureau. States are required to begin collection of data 2/1/12 but it is anticipated that many will be late as compatible systems are initiated. All Medical Examination data is to be active and populated by 2014.

Truck drivers will have to carry paper copies of their medical exam certificates through January 2014. FMCSA originally planned to end the requirement in January 2012, when states will be required to integrate medical exam information into commercial driver licenses and post it to a national system that tracks CDLs. States are still expected to meet a January 2012 deadline, while carriers must continue to keep medical exam information in drivers' files until 2014. The CDL will downgrade to an operator's license if the Medical Examination information is not updated through the State licensing authority.

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