

DOT Compliance and Auto Safety

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Introduction

No matter the size of your fleet, you must have safety processes in place to ensure a reduction of on-road risk. Minimum safety standards for a successful fleet are based on the personal values, safety skills and knowledge required for both entry-level and experienced motor vehicle operators.

For a carrier to maintain a safe on-road fleet, policies and procedures must be defined companywide for management and non-management. Policies should establish the guidelines for how motor carriers and their employees behave in any given situation. Management commitment and employee involvement must be complementary. In an effective process, management regards worker health and safety as a fundamental value of the organization and applies its commitment to the health and safety process with as much vigor as to other organizational purposes. Management should provide the means through which workers develop and express their own commitment to health and safety. Written policies must also clearly establish procedures that insist on employee involvement by providing visible top management support. All levels of leadership should be involved through the allocation of people and resources.

Outlined procedures explain how to accomplish those policies successfully. Communication of these policies and procedures should outline a motor carrier's commitment so that everyone understands the expectations. Individual personnel will be assigned roles and responsibilities that will establish compliance with the company procedures. Subject matter training will then give personnel the adequate skills and knowledge to perform their assigned role. Once training has taken place and responsibilities have been established, then tracking results will enable the carrier to be aware of their employees' safety performance and compliance with its policies and procedures. With results in hand, the motor carrier now can take action to maintain or improve their employee's behavior, whether by positive reinforcement or disciplinary action led by refresher training.

Taken together, the Safety Management Processes, as outlined by the Federal Motor Carrier Safety Administration (FMCSA), help to provide a framework for motor carriers to identify and correct breakdowns or safety compliance issues before or after they have occurred. This framework can be applied to all of the seven Behavior Analysis and Safety Improvement Categories (BASICS): Unsafe Driving, Hours-of-Service Compliance, Driver Fitness, Controlled

Substances/Alcohol, Vehicle Maintenance, Hazardous Materials Compliance, and Crash Indicator.

Driver Selection

Prior to the implementation of these company processes, we must start with the initial selection of new employees, our future drivers. Creating a safe driving workforce starts at the front door. If you hire a bad driver, you have a bad driver. Hoping they'll get better doesn't work. A bad driver will always be a bad driver unless they have the significant emotional event, *the crash*, or they get significant constructive training to overcome years of poor driving habits. A safe workforce starts with the application.

It is important to provide hiring personnel with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company safety policies. Carriers should develop a job description for each position that requires driving. Individual employees should be assigned roles that will establish hiring compliance with the company safety procedures. Ongoing training will ensure that these hiring officials can be held accountable in their role and have the current knowledge, training, and experience regarding driver fitness regulations, both interstate and intrastate. I have listed some of the regulations below that require employment compliance with federal DOT regulations.

General qualifications of drivers (391.11)

A person shall not drive a commercial motor vehicle unless they:

- are at least 21 years old,
- can read and speak English sufficiently,
- can operate the vehicle safely,
- are physically qualified,
- have a current driver's license
- have furnished the carrier with a list of convicted traffic violations
- have successfully completed a road test

Application for employment (391.21)

Employment applications should capture all of the safety information that is required by the Federal Motor Carrier Safety Regulations (FMCSRs). That would include 3 years of history pertaining to employers and previous crashes and violations. For drivers applying for a Commercial Drivers License (CDL) position, applicants must supply 10 years of employment history. Review and evaluate gaps in employment and frequent job changes. The applicant must sign the application to certify that all of the information is true.

Investigation and Inquiries (391.23)

Carriers must request a Motor Vehicle Record (MVR) from each state where the applicant held a license during the preceding 3 years. A copy of the MVR must be placed in the Driver Qualification File (DQF). Carriers must also investigate the 3 year safety performance history of applicants for CDL positions. The results of the investigation must be placed in the Driver Investigation History File (DIHF).

The FMCSA has a program that helps motor carriers make more informed hiring decisions by providing electronic access to a driver's crash and inspection history. Pre-Employment Screening Program (PSP) records are available for commercial drivers and persons conducting pre-employment screening services for the motor carrier industry.

Prospective DOT regulated employers must investigate the required alcohol and substance testing and verify that applicants for safety-sensitive positions do not have a current controlled substance and/or alcohol problem by querying them and checking with their employers over the previous 3 years regarding controlled substance and alcohol violations, related background, conditions and behaviors indicative of controlled substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Pre-Employment Testing (382.301)

Prior to the first time a driver performs safety-sensitive functions (CDL), the driver shall undergo testing for controlled substances.

Road Test (391.31)

The road test assures the carrier that the driver can physically and safely operate a company vehicle. No person shall drive a commercial motor vehicle unless they have successfully completed a road test given by the carrier and has been issued a Certificate of Driver's Road Test. The road test should be signed by the person who gave it and if it is successfully completed then the Certificate should be completed and a copy given to the driver tested. The original road test and the original Certificate of Road Test must be kept in the driver's Driver Qualification File (DQF).

Equivalent of Road Test (391.33)

A motor carrier may accept a valid Commercial Driver's License (CDL) or a copy of a Certificate of Driver's Road Test completed within the last 3 years in place of the carrier's road test. If the carrier accepts the CDL or Certificate, then a copy of the CDL or Certificate must be kept in the driver's DQF. A carrier may always require a road test as a condition of employment.

Physical Qualifications for Drivers (391.41)

A person must not operate a commercial motor vehicle unless they are medically certified as physically qualified to do so. Once certified, they must have their current medical examiner's certificate on their person while on-duty.

Driver Investigation History File (DIHF) (391.53)

Carriers should ensure that prospective drivers will drive safely by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding the drivers' safety performance going back three years. Detailed written records of each inquiry relating to the investigation into the safety performance history of prospective drivers for hiring decisions should be maintained in a secure location with limited and controlled access for as long as the driver is employed and for 3 years thereafter. The file must include:

- The driver's written authorization for the carrier to seek information about the driver's alcohol and controlled substance history

- Investigative responses received from previous employers or documentation that the carrier made good faith efforts to contact them.

Unsafe Driving

The FMCSA continues to hold motor carriers responsible for the job performance of those who work for them. Therefore, motor carriers are held accountable for their employees' poor driving.

Applicable Operating Rules (392.2)

Every Commercial Motor Vehicle (CMV) must be operated in accordance with the laws, ordinances and regulations of the jurisdiction in which it is operated. Speeding is a highly cited violation.

Use of Seat Belts (392.16)

A commercial motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver is properly restrained. Failing to wear a seat belt is a very common violation.

Prohibition Against Texting (392.80)

No driver shall engage in texting while driving and no motor carrier shall allow or require its drivers to engage in texting while driving. While texting is a major driver distraction, something so simple as talking to passengers can divert a driver's attention from the task of operating a motor vehicle. Remember, driving needs your undivided attention. The consequences are not worth the risk.

Using a hand-held mobile telephone (392.82)

No driver shall use a hand-held mobile telephone while driving a CMV and no motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving. Like the prohibition on texting, mobile phones may not be used while stopped in traffic.

While on-road safe driving can be started in a classroom, the safe habits that the driver will use for life will be set behind-the-wheel. Safety rides are used to observe and correct the driver's ability to recognize the hazards they face while driving. A good trainer should take the wheel during this ride and show the student how to keep their eyes scanning, recognizing those hazards that may affect their travel path and how to react accordingly. Constructive feedback should be used on the mental and physical driving skills demonstrated by the driver since there will always be areas of improvement noted.

Getting employees involved in their own safety is critical. Safety committees should be developed and maintained since they can affect behaviors, attitudes, work processes, compliance, and the general work environment. A safety committee process should be outlined in detail as to how people at all levels can work together to make improvements for the good of their fellow employees. Daily, weekly and monthly commitments by safety committees should be outlined in writing for all to see. Immediate feedback on prevention activities with their results is important. As with any commitment, results matter. To maintain this process, commitments must be obtainable.

HOS Fatigued Driving

Hours of Service (HOS) regulations were developed to get tired drivers off the road before serious accidents could occur. These rules apply to those carriers with vehicles that have a gross vehicle weight of over 10,000 pounds or transport hazardous materials that require placarding. Both employers and drivers have an obligation to comply. The roles and responsibilities of all personnel as they pertain to HOS policies and procedures should be reviewed in new-hire, initial and refresher training.

Rest Breaks (395.3(a)(3)(ii))

After June 30, 2013, driving is not permitted if more than 8 hours have passed since the end of the driver's last off duty.

All drivers should be trained on the hours of service requirements and how to maintain a complete, legible, and accurate driver's daily log or how to enter data into electronic on-board recording system and perform all necessary calculations. Managers and dispatchers should be held responsible for reviewing the driver's Record of Duty Status (RODS) for accuracy and making sure that all RODS are collected and stored per regulations. Disciplinary measures, if needed, should focus on taking corrective action to ensure all personnel comply with hours of service regulations.

Driver Fitness

Motor carriers are required by law to use qualified drivers to move their passengers and goods. It is also in the best interest of the carrier since a safe, dependable driver can be their top asset.

Annual Inquiry and Review of Driving Record (391.25)

Carriers must, at least every 12 months, make an inquiry to the appropriate state agency to obtain the MVR for each employee that drives one of their vehicles. A note is required naming the person who reviewed the MVR. A copy of the new MVR and the review note must be kept in the DQF.

Record of violations (391.27)

Carriers must, at least every 12 months, require employees that drive one of their vehicles to furnish it with a list or certification of convictions of motor vehicle traffic laws for the preceding 12 months. A copy of this list or certification should be kept in the DQF.

Roles and responsibilities of managers and supervisors must be outlined for providing training and maintaining safe driving qualifications for all drivers. Serious consideration should be given to violations such as speeding, reckless driving, operating under the influence of alcohol or drugs, or any indication that the driver has disregarded the safety of the general public.

Controlled Substances/Alcohol

Drugs and Other Substances (392.4)

No driver shall be on duty and possess, be under the influence of, or use, any regulated controlled substance.

Alcohol Prohibition (392.5)

No driver shall use alcohol or be under the influence of alcohol within 4 hours before going on duty or operating a CMV.

Carriers must develop a written company policy incorporating all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees. Personnel in safety-sensitive positions should receive the required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled substance and alcohol use.

Vehicle Maintenance

A carrier's inspection and maintenance programs are critical to a carrier's on-road safety process. Vehicle maintenance helps to prevent crashes caused by vehicle deficiencies. Worn, failed or incorrectly adjusted components can cause or contribute to an incident. Preventive maintenance and periodic inspection procedures can help prevent mechanical failures from occurring while vehicles are being operated. Vehicle inspections help to ensure that vehicles are in a safe operating condition while being driven. Required inspection procedures and documentation assist the process.

Pre-trip Inspection (396.13)

The pre-trip inspection of your vehicle is required by state and federal regulations. It is forbidden to operate any vehicle in such condition that its operation would be hazardous or likely to result in a crash or breakdown. A quality pre-trip provides a safe operating vehicle for the driver and general public. Drivers must make a pre-trip inspection of their vehicle every day prior to going on the road to be satisfied that the vehicle is in safe operating condition.

Post-trip Inspection (396.11)

Every motor carrier must require its drivers to prepare a Driver Vehicle Inspection Report (DVIR) at the completion of each day's work on each vehicle that the driver operated. The DVIR should cover at least the following parts:

- Service brakes, including trailer brake connections
- Parking brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horns
- Windshield wipers
- Rear vision mirrors

- Coupling devices
- Wheels and rims
- Emergency equipment

A system of preventive automotive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping should be developed. This system should be coordinated with the manufacturer recommendations, the carrier's own experience, and regulatory requirements.

Hazardous Material Compliance

Transporting hazardous material can be extremely dangerous, not only to the driver but the general public. The general public is subject to a greater safety risk if hazardous materials are involved in a motor carrier crash and any unmarked or poorly marked cargo can result in a less effective emergency response leading to injuries or fatalities for emergency responders.

Policies and procedures must be developed to address the regulatory requirements for HAZMAT transportation registration, recordkeeping, packaging, securement, marking, labeling, placarding, reporting, documentation, security, and emergency response. Roles and responsibilities must be defined of drivers, dispatchers, managers, and other designated personnel in relation to regulations and company policies and procedures. Disciplinary measures must be implemented to insure accountability.

Crash Indicator

Maintain high standards when it comes to crash avoidance. An auto crash is any occurrence in which a vehicle is in any way involved and which results in personal injury, property damage, or collision. While the DOT has its own definition of what's recordable, as listed below, a carrier should track and demand accountability on any incident no matter how slight and regardless of fault.

Definition (390.5)

An accident means an occurrence involving a commercial motor vehicle operating on a highway in interstate or interstate commerce, which results in:

- A fatality
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The driver and the local management team must investigate and fill out a detailed prevention report, detailing what should have been done to prevent the crash. The objective of the investigation is to determine any errors in judgment or driving made by the carrier's drivers, and to point them out to them for the purpose of making them better drivers, and thus, avoiding future similar incidents. These prevention reports should also refer back to previous documented training as well future remedial training that this driver will receive to prevent a reoccurrence. For liability reasons, if remedial training is needed, then it must be completed in a timely manner.

Not only should front-line operations be held accountable for their automotive frequencies, they should also experience an immediate one-time expense charge when an incident has occurred. Immediate feedback is required to change habits. This expense should be based on the closed-case historical cost of the specific type of accident. This cost chargeback should be updated regularly to reflect a running expense based on the incident.

Compliance Is Safety

DOT regulations and fleet safety are not mutually exclusive. Compliance is a matter of safety and must be used to reinforce policies and procedures that lead to a safer on-road fleet.

Communication about concerns helps to disseminate the safety message throughout the company and reinforce upper level commitment. Documented training on roles and responsibilities throughout the ranks introduces accountability for the use of safe methods. Tracking results and taking corrective action where needed closes the loop for company-wide accountability.

Injuries and fatalities are no longer a cost of doing business; they are a failure of business. As carriers begin to use these Safety Management Processes, injuries and fatalities will decline.