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SAFETY BULLETIN



F M C S A
Federal Motor Carrier Safety Administration



December 11, 2015

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Alcohol, Drivers and the Holidays!

Now is a good time to remind your drivers of the consequences of drinking during the Holiday season and what effect their actions can have on their CDL or operator's license and ultimately their employment with your company. Advise your drivers to use caution when indulging in alcoholic beverages and have a designated driver to not only protect their license and job but the motoring public.

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FMCSA Removes Property Carrier CSA Data from Public Display"

Last Friday, President Obama signed into law a [bill](#) to reauthorize the federal highway, bridge and transit programs for five years at a cost of \$305 billion. The bill was passed in the House by a vote of 359-65 and in the Senate by a vote of 83-16.

The legislation, known as the Fixing America's Surface Transportation (FAST) Act, does not raise gasoline or diesel fuel taxes or other federal excise taxes. But it does include some \$70 billion in new revenues generated by reducing dividends and interest paid by the Federal Reserve, selling oil from the Strategic Petroleum Reserve, and increasing fees for customs processing. Although these measures allowed Congress to agree on funding for a five-year bill, they do not establish a longer-term funding mechanism for surface transportation infrastructure.

So how does this impact you as a motor carrier?

Availability and Use of FMCSA Compliance, Safety and Accountability (CSA) Data

As part of the FAST act (**effective immediately**), the FMCSA may not make available to the general public any information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the CMV driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program, until the DOT Inspector General certifies that the CSA reform report is submitted to Congress, the FMCSA's corrective action plan is published and implemented, and all CSA issues have been resolved.

As a result of this provision, the FMCSA has [announced](#) that as of December 4, 2015, much of the information previously available on the agency's website related to property carriers' compliance and safety performance will no longer be displayed publicly. While the agency is not prohibited from displaying all of the data, no information will be available for property carriers while changes are made. This also applies to information provided through the QC Mobile phone app. All information on passenger carriers remains available, and enforcement users and motor carriers can view safety data by using their login information.

Moreover, safety fitness determinations of motor carriers may not be based on CSA data until the DOT Inspector General makes the above certification. This means that the FMCSA's safety fitness rulemaking will be further delayed by this reform process.

The Act also directs the FMCSA to have its Motor Carrier Safety Advisory Committee review and make recommendations on the treatment of preventable crashes under the SMS, including a process for carriers and drivers to make a determination on crash preventability.

For years we have been using the FMCSA CSA program as a way to gain beneficial insight to a potential or existing customer on their operations and as an analysis tool of how we are performing providing maintenance services to our customers.

Motor carriers by using their assigned US DOT pin number can access their CSA SMS data

With all of that said the bottom line is that you as a motor carrier can still access your CSA SMS data, however, you will not be able to see any other motor carriers CSA SMS information. If you are a shipper as well you will not be able to access the CMS SMS data of outside carriers you are using. Consequently, your insurance carrier, attorneys, customers, etc. will not be able to access your data.

being under the influence of alcohol as described by state law will be disqualified from operating a commercial motor vehicle for one year. A second conviction would disqualify the driver from operating a commercial motor vehicle for life.

**Look out for the
2016 Safety
Seminar Schedule!**

You will want to still monitor your CSA SMS data monthly for accuracy and challenge any incorrect data on DataQ's.

<http://www2.idealease.com/e/36492/2015-12-14/3hv7xv/422502423>

If you do not know your US DOT pin number see the options below for obtaining your US DOT pin number.

Request a PIN Number:

- The USDOT Number PIN received at registration may be requested from FMCSA if it is lost or forgotten

PINs can now be requested online and delivered in one of two ways:

- Receive US DOT PIN [by email](#) immediately
- Receive US DOT PIN [via hard-copy letter through the US Post Office](#) (7-10 days)

You can also request a USDOT PIN by going to www.safer.fmcsa.dot.gov and then clicking on the "Click here to request a USDOT Number PIN be emailed" prompt or "Click here to request a USDOT Number PIN be mailed to the address on file."

Proactive vs. Reactive Safety and Loss Control Program... Which One Do You Have?

At the end of the year you should be evaluating your safety and loss control program to determine your performance over the year. Where do you stand compared to last year and the year before? Ongoing analysis programs are vital to a proactive and productive safety and loss control program. It always amazes me that companies cannot tell me what their accident frequency rate is and how it compares to years past.

Accident frequency should be determined throughout the year no less than quarterly to determine trends and be proactive in controlling losses. Accident frequency rates can be calculated by multiplying the total number of accidents for a period of time by one million and then dividing by the total number miles for the same period. Accident frequency rate can be determined for DOT recordable, preventable recordable, non-preventable, by region, by fleet, driver supervisor, injury, etc. However, accident frequency rates are just one piece of the overall safety analysis program that is in place to provide you with a sense of direction of where your program is going. Other areas of your internal analysis program should include, driver turnover frequency, DOT violation analysis (Hours of Service, Drug and Alcohol, driver file), OSHA violations, workers compensation injuries, etc. Another analysis tool that you should

review monthly is your CSA SMS data provided to you by the FMCSA at www.safersys.org or <http://www2.idealease.com/e/36492/2015-12-14/3hv7yb/422502423>

A sound Proactive safety and Loss control program will adequately address the following areas:

- Driver Selection
- Driver recruiting
- Carrier-based training
- Management-driver communications
- Driver safety-performance evaluation
- Safety incentives, Behavior-based safety
- On-board safety monitoring
- Event-data recorder
- Accident investigation
- Improved driver scheduling and dispatching
- Fatigue management
- Carrier-based medical programs
- Advanced safety technologies, Industry-based safety standards and certification
- Preventive maintenance and vehicle inspection

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The FMCSA regulations are specific that a CDL driver while operating any type of motor vehicle is convicted of being under the influence of alcohol as described by state law will be disqualified from operating a commercial motor vehicle for one year. A second conviction would disqualify the driver from operating a commercial motor vehicle for life.

When is Alcohol Use Prohibited?

Alcohol is a legal substance; therefore, the rules define specific prohibited alcohol-related conduct. Performance of safety-sensitive functions is prohibited:

- While using alcohol.

- While having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test.
- Within four hours after using alcohol.
- In addition, refusing to submit to an alcohol test or using alcohol within eight hours after an accident or until tested (for drivers required to be tested) are prohibited.

FMCSA Rulemakings Nearing Completion

The Federal Motor Carrier Safety Administration's rulemakings in a number of other areas are also nearing completion.



- A final rule to mandate electronic logging devices is expected to clear OMB review later this month.
- A final rule to establish an online clearinghouse for CDL driver drug and alcohol test results is expected to go to the Office of the Secretary of Transportation later this month.
- A proposed rule on motor carrier safety fitness determinations is supposed to clear the OMB this month, but any rulemaking will likely be subject to provisions contained in the highway bill currently in conference between the House and Senate.
- A proposed rule on heavy vehicle speed limiting devices is expected to be approved by the OMB later this month.
- Finally, a proposed rule on minimum standards for entry-level driver training was sent to the OMB on November 5, 2015, and is expected to be published in the Federal Register sometime in early 2016.

DOT Issues NPRM on Improved Rear Impact Protection for Trailers and SemiTrailers



On December 7, the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) issued a notice of proposed rulemaking (NPRM) that focuses on upgrading the Federal Motor Vehicle Safety Standards (FMVSSs) that address underide

protection in light-vehicle crashes into the rear of trailers and semitrailers. The proposed rulemaking continues the agency's initiative to upgrade the standards for truck and trailer rear impact crash protection. Earlier this year, NHTSA published an advance notice of proposed rulemaking on rear underide crash protection and visibility conspicuity of single unit trucks.

Most trailers and semitrailers are already required to have bars, known as rear impact guards, hanging down from the back of the trailer to prevent underride. To enhance underride protection, NHTSA proposes to require more robust rear impact guards on trailers and semitrailers. The agency says the more robust guards will help improve underride protection in higher speed crashes compared to current rear impact guards.

FMVSS No. 223 (Rear impact guards) and FMVSS No. 224 (Rear impact protection) together address rear underride protection in crashes into trailers and semitrailers. NHTSA estimates that many new trailers sold in the United States subject to FMVSS Nos. 223 and 224 demonstrate compliance with the more stringent performance requirements under consideration. NHTSA estimates, on average, that the annual incremental material and fuel cost would be \$13 million to ensure that all applicable future trailers and semitrailers in the U.S. fleet will be built to the more rigorous standards.

Rear underride crashes are those in which the front end of a vehicle impacts the rear of a generally larger vehicle, and slides under the rear-impacted vehicle. For example, underride may occur in collisions in which a small passenger vehicle crashes into the rear end of a large trailer and the bed and chassis of the impacted vehicle is higher than the hood of the impacting passenger vehicle.

In excessive underride crashes, there is passenger compartment intrusion (PCI) as the passenger vehicle underrides so far that the rear end of the struck vehicle enters the passenger compartment of the striking passenger vehicle. PCI can result in severe injuries and fatalities to occupants contacting the rear end of the struck vehicle. A rear impact guard prevents PCI when it engages the smaller striking vehicle and stops the vehicle from sliding too far under the struck vehicle's bed and chassis.

The occupant crash protection features built into today's passenger vehicles are able to provide high levels of occupant protection in 35 mph frontal crashes. This NPRM would require trailer and semitrailer guards to remain in place and prevent PCI in crashes of severities of up to 35 mph versus the current requirement of up to 30 mph.

Comments on the NPRM on trailer and semitrailer rear underride protection can be submitted to the docket up to 60 days after publication in the *Federal Register*.

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