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US DOT Cell Phone Ban

Source: JJ Keller

The U.S. DOT has set January 3, 2012, as the effective date of a new hand-held cell-phone ban for commercial motor vehicle (CMV) drivers. The new rule was published in the [Federal Register](#) on December 2, 2011.

What does it prohibit?

The new rule says CMV drivers cannot "use a hand-held mobile telephone" while driving a CMV (§392.82). The rule contains the following new definitions:

"Use a hand-held mobile telephone means:

1. Using at least one hand to hold a mobile telephone to conduct a voice communication;
2. Dialing or answering a mobile telephone by pressing more than a single button, or
3. Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with [49CFR393.93](#) and adjusted in accordance with the vehicle manufacturer's instructions."

"Mobile telephone means: a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, [47CFR20.3](#). It does not include two-way or Citizens Band Radio services."

"Driving [for purposes of the ban] means: operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary."

Who does it affect?

For now, the rule applies to:

- All interstate commercial motor vehicle drivers (as "commercial motor vehicle" is defined in section [390.5](#); this includes both CDL and non-CDL drivers); and
- All intrastate CMV drivers hauling a placarded amount of hazardous materials.

In the future, it is expected that the states will adopt a similar provision for all other in-state CMV drivers (with variances based on how each state defines "CMV"). Under [Appendix A to Part 355](#), states are given three years to adopt rules that are similar or identical to the federal standards.

What about "push to talk"?

Most push-to-talk devices are "mobile telephones," so they are subject to the ban.

Can I use my phone at a stop light?

No, CMV drivers cannot use hand-held phones while temporarily stopped due to traffic, a traffic control device, or other momentary delays.

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When can I use a hand-held phone?

Hand-held cell-phone use is allowed if you move the vehicle to the side of, or off, the highway and stop in a safe location. Hand-held cell-phone use is also allowed "when necessary to communicate with law enforcement officials or other emergency services."

Can I mount my phone within reach?

Yes, the rule does not prohibit that. Be aware that the DOT says that "reaching for any mobile phone on the passenger seat, under the driver's seat, or into the sleeper berth are not acceptable actions."

Can officers review my call history?

According to the DOT, "Nothing in the rule authorizes enforcement officers to require a driver to make a mobile telephone available so that the officer can review call history for purposes of enforcing this rule." Enforcement will be handled at the state/ local levels, so the methods used to enforce the new rule will vary.

What are the penalties?

Fines and/ or disqualification. Drivers who violate the new ban will face federal civil penalties of up to \$2,750 for each offense and disqualification for multiple offenses. This includes CDL and non-CDL drivers. Violating a state law on hand-held cell-phone use is considered a "serious traffic violation" under the new rule, and a second conviction of any serious violation in 3 years will result in disqualification for 60 days, or 120 days after three convictions. See [§383.51](#) and [§391.15](#).

Companies that allow their drivers to violate the ban face penalties of up to \$11,000 for each violation.

CSA scoring. The rule is expected to be added to the list of violations tracked under the CSA enforcement program, so violations could affect your CSA scores.

What about texting?

Texting while driving is already prohibited under federal ([§392.80](#)) and most state rules. The DOT says it has already cited over 300 CMV drivers for texting.



New Hours of Service Rule Published

The basic limits, including 11 hours of driving time, the 14-hour duty window, and 60/70 hour limits for drivers of property-carrying commercial motor vehicles, remain intact under the latest version of the hours-of-service regulations.

Published in the December 27, 2011, [Federal Register](#), the Federal Motor Carrier Safety Administration's (FMCSA) final rule includes limitations on the 34-hour restart, a mandatory break, and changes to the definition of on-duty time.

For a driver who uses the 34-hour restart provision, two periods of time between 1:00 am and 5:00 am must be included in the 34 consecutive hours off duty. Also the driver may only use the restart once within a period of 168 consecutive hours. According to FMCSA, this change would limit a driver to (on average) no more than 70 hours in a work week.

Also included in the final rule is a provision that requires a driver to take a break of at least 30 minutes once he/ she has been on duty for a maximum of 8 hours. The driver may take this break prior to the eighth hour, and meal breaks or any other off-duty time qualifies as a break.

The definition of on-duty time for drivers of both property-carrying and passenger-carrying commercial motor vehicles has been amended to no longer include time resting in a parked commercial motor vehicle. Also, for drivers of property-carrying commercial motor vehicles who operate in a team driving situation, the 2 hours spent riding in the passenger seat of a moving commercial motor vehicle before or after a sleeper berth period of 8 hours may count this time as off-duty time.

The compliance date for the amended definition of on-duty time is February 27, 2012. The compliance date for the changes to the 34-hour restart and the mandatory break provision is July 1, 2013.

Click [here](#) for a table summarizing the differences between the current HOS rules and New HOS rules.

Top Ten Winter Driving Tips

Source: Ryder Fleet Products



Winter can be a dangerous time to be on the roadways, even for the most experienced drivers out there. However, if you take action before winter weather hits, you're more likely to sail through the season with no problem. To help you prepare to stay safe this winter, we have consulted experienced truck drivers and fleet managers for their top winter driving tips for heavy duty trucks and commercial vehicles:

1. **Make sure your vehicle is in good condition before each trip.**

Taking a little time before trips and during stops to check your vehicle's condition can make a big difference:

- Clean all snow and ice from your vehicle, especially the hood, roof, trunk, lights and windows. Snow in any of these areas increases the chance that your visibility can be affected while you're driving.
- Do a visual, hands-on inspection of tires, wiper blades and fluid, and lights.
- Maintain at least a half tank of gas at all times during the winter season.

2. **Carry a Winter Driving Kit.**

Keep your Winter Driving Kit close by and stock it with:

- Proper clothing (loose layers, extra gloves, rain gear)
- A flashlight and batteries
- A blanket
- Non-perishable food and water
- A first aid kit and any required prescription medication
- A bag of sand or salt
- Extra washer fluid
- A windshield scraper and brush for snow removal
- Jumper cables
- Tire chains (if allowed) or traction mats
- Cell phone and charger



3. **Start a little slower, drive a little slower.**

Compensate for poor traction by increasing following distance, driving slower, and making all changes gently. A slower speed gives you more time to react if something occurs in the roadway ahead. Extra patience and awareness of other drivers can go a long way this time of year.

4. **Brake and accelerate slowly.**

Avoid sudden stops and starts in icy or rainy weather. If you need to slow down quickly in slippery conditions, try lightly pumping your brakes using just the ball of your foot, keeping your heel on the floor. This reduces your chance of locking your tires and losing control of your vehicle.

5. **Give yourself extra space in front and behind.**

To give yourself enough room to move out of harm's way in a sudden emergency, increase the distance between you and other vehicles and avoid driving in packs. The stopping distance required on ice at 0°F is twice the amount required at 32°F. Normal following distances should be increased to 8-10 seconds when driving on icy, slippery surfaces.

6. **Take evasive action to avoid road hazards and collisions.**

You may need to take evasive action to avoid a collision. At speeds above 25 mph, gentle deceleration and steering around obstacles is better than braking alone because less distance is required to steer around an object than to brake to a stop. In slick conditions, sudden braking can lead to loss of control. The additional distance you have been keeping between other vehicles should give you more time to see and maneuver around obstacles and road hazards.

7. Hold your steering wheel with confidence and control.

Sudden, sharp movements can quickly cause you to lose control of your vehicle. Grip your steering wheel steadily and with a strong arm through ruts in the road, heavy wind, and on ice. Snowy or icy surfaces make steering difficult and require smooth, careful, precise movements of the steering wheel. Sudden movements of the steering wheel and excessive acceleration over ruts can cause your vehicle to go into a skid. Watch out for your trailer pushing you on curves and turns.

8. Watch carefully for black ice.

Black ice is a thin layer of transparent ice that forms when the temperature is close to freezing. Black ice often makes the road surface look slightly wet like a water puddle, making it dangerously deceptive. Shaded spots, bridges, overpasses and intersections are areas where ice is likely to form first or be the most slippery. Hazardous icy road conditions can sneak up on you, so when the temperature gets close to freezing (below 40°F) watch out for these clues:

- Ice builds up on your outside mirror arms or backs, antenna, or the top corners of your windshield.
- Water spray from tires of vehicles in front of you suddenly stops, indicating an ice patch.
- Roadside trees and signs have a frosting of ice even though the road surface only looks wet.

9. Be extra cautious when driving in mountains.

Mountain weather in winter can be severe and can change rapidly. Be ready for wind gusts in exposed positions and be aware of emergency vehicles and snowplows. Watch for melting or hard-packed snow and strong side winds as these can also cause a loss of control. If at all possible, do not stop in avalanche zones and always obey posted rules. Tire chains or snow tires may be required for certain routes. Local signage should indicate this and most states have a transportation radio station you can monitor with traffic and road condition updates in your trip area.

10. If you do find yourself in a skid:

- Depress the clutch fast;
- Look at the left mirror only;
- Steer and counter-steer as fast as you can to get back in front of the trailer; keep fighting it until you regain control.

Remember: Don't ask your truck to do more than it can. If you don't feel comfortable driving for any reason, DON'T DRIVE!



NHTSA RELEASES NATIONAL ATTITUDE SURVEY ON DISTRACTED DRIVING

A new [national NHTSA survey](#) reveals insight into how drivers behave when it comes to texting and using cell phones behind the wheel, as well as what their perceptions are of the safety risks of distracted driving. The results indicate that the many factors associated with distracted driving continue to be a major problem for the country. More than three-quarters of the survey respondents indicated that they are willing to answer or send calls on all, most or some trips without hesitation. Many replied that they would use their phones in most driving situations and some admitted that they do send and receive text messages behind the wheel. However, over one-third of respondents also said that they feel unsafe riding in a vehicle when the driver is texting or reading a text and they largely support bans on texting and cell phone use behind the wheel. NHTSA is also planning a study involving 2,000 vehicles that will be fitted with cameras and other equipment that will record driver behavior over a 2-year period to more clearly define accident data relating to distraction behaviors. Data from this study will be available in 2014.

Notice to Carriers: DOT Supervisory Drug and Alcohol Training

In recent months, the FMCSA has received numerous inquiries regarding companies using aggressive marketing tactics to sell supervisor training to employers who may be subject to the Federal Motor Carrier Safety Administration's drug and alcohol testing requirements. Please note that the FMCSA is not familiar with these companies nor the training they are offering.

[49 CFR §382.603](#) requires supervisors of CDL drivers to take 60 minutes of training on the symptoms of alcohol abuse and another 60 minutes of training on the symptoms of controlled substances use. The purpose is to qualify supervisors for determining when reasonable suspicion testing is needed.

The FMCSA does not certify trainers or training companies, nor does it pre-approve the curriculum presented. Employers are responsible for meeting the training requirement of 49 CFR §382.603 including ensuring that any training company/entity that they purchase training from provides training in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. It is up to the employer to select which training to attend, keeping in mind the aforementioned guidelines.



Commercial Motor Carriers Must Update Vehicle Miles Traveled and Power Unit Data

As a commercial motor carrier, it is important to have updated and accurate Vehicle Miles Traveled (VMT) and Power Unit (PU) data reported on your Motor Carrier Registration form (MCS-150). This information is used to calculate your Unsafe Driving and Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) percentiles, required by the [Compliance-Safety-Accountability \(CSA\)](#) program. If your VMT data is from 2009 or older, it will not be used in your calculations when the January [Safety Measurement System \(SMS\)](#) snapshot is posted at the beginning of February 2012, and it could adversely affect your safety rating. To update your MCS-150 form now, you should use the 2010 VMT/PU information. If you wait until after January 1, 2012, you can include your 2011 data to ensure Federal Motor Carrier Safety Administration (FMCSA) is using the most accurate and current data available. To update the MCS-150 information, go to the [FMCSA website](#), link to the "Existing Registration Updates" section, choose the first option – "I need to update my USDOT number registration information or file my biennial update," and fill in the data. Please note that the [SMS website](#) is updated monthly, so your MCS-150 changes will not be reflected on that site until the next monthly update. The [schedule of SMS updates](#) is posted on the website, and they show up fastest on the [SAFER](#) and the [FMCSA Portal](#) websites.

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