Keep On Truckin
Qualification, Compliance, & ELD’s

How Trucking Regulations Apply
to Insulation Contractors

Johns Manville
A Berkshire Hathaway Company
Agenda

• Today we’ll cover –
  – Why should I care about trucking regulations?
  – Who is considered a “Motor Carrier”
  – Requirements for compliance
  – Where to find answers

• Today’s Goal – provide an overview of the FMCSA Regulations and how they apply to Contractors
Why Should I Care?

• It’s the law!

• Considered minimum safety practices

• Breaking the law exposes risk
  — Financial
  — Jail!

• Don’t put yourself into a situation of having to explain Magic Grits!
Why Should I Care?
Federal Motor Carrier Safety Regulations

- Parts that require ACTION &/OR RECORDKEEPING
  - Part 380 - Special Training Requirements
  - Part 390 – General Requirements
  - Part 391 - Driver qualifications
  - Part 392 - Driving of CMVs (Driver responsibility)
  - Part 395 - Hours of service
  - Part 396 - Inspection, repair, maintenance
  - Part 382 - Controlled substances, alcohol
What is a “Motor Carrier”

Key Definitions – 390.5

• ‘Motor carrier’
  – includes a company’s agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees

• ‘Commercial Motor Vehicle’ (CMV)
  – 10,001+ GCVWR
  – Hazmat in placard quantities

• ‘Driver’ –
  – Person who operates a CMV

• Inter-state v. intra-state
  – All states adopted Federal rules as State rules

• Summarize: If you operate CMV you are a ‘motor carrier’

“The rules ... are applicable to all employers, employees, and commercial motor vehicles which transport property ... in interstate commerce.” – FMCSR 390.3(a)
General Requirements for Compliance
Part 390

- State licensing, registration & insurance
- USDOT number
- Vehicle marking – FMCSR 390.21
- Correct Operating Authority / MC Authority- For Hire
- Weigh scales / Port of Entry
Motor Vehicle Inspection, Repair & Maintenance – Part 396

The motor carrier and the drivers the motor carrier employs must regularly repair, inspect and service the CMV’s it operates.

- **Daily** –
  - Driver pre- and post-trip inspection - FMCSR 396.11, 13

- **Periodic** –
  - Motor carrier performs complete inspection of truck & trailer every 12 months - FMCSR 396.17

- **Scheduled**
  - Vehicle file, maintenance system – FMCSR 396.3(b), 396.3
Driver Requirements – Part 391

The basic infrastructure of motor carrier safety:

• **Hiring** –
  – competent, qualified drivers

• **Training** –
  – Providing mandatory and supplemental, function-appropriate training

• **Supervision** –
  – Monitoring driver activities and performance to ensure compliance
Driver Qualification

Driver qualification (Part 391)

- Application – 391.21
- Driving & employment investigation - 391.23
- Annual reviews – 391.25,27
- Medical qualification - 391.41
- Road test – 391.31
- Pre-employment drug test (CDL drivers) – 40, 382
- Separate DOT file
Driver Training

“Every driver and employee shall be instructed regarding, and shall comply with, all applicable regulations ...” - FMCSR 390.3(e)(2)

• ‘Broad brush approach’ - Limited number of mandatory training requirements
Key Driver Training Topics

- Driver qualification/disqualification
- Defensive driving
- Winter driving
- Load securement/weight distribution
- Road rage
- Distracted driving
- D&A prohibitions
- Hour-of-service record keeping
- Accident scene management
- Vehicle inspection
Question 8: Are carriers liable for the actions of their employees even though the carrier contends that it did not require or permit the violations to occur?

- **Guidance:** Yes. Carriers are liable for the actions of their employees. Neither intent to commit, nor actual knowledge of, a violation is a necessary element of that liability. Carriers “permit” violations of the hours of service regulations by their employees if they fail to have in place management systems that effectively prevent such violations.
Hours of Service ("HOS") — Part 395

- ‘All about Driving time’
- Requires ‘logs’ or time cards
  - 10 consecutive hours off duty before driving
  - 11 hours driving maximum
  - No driving after 14\textsuperscript{th} hour
  - No driving after 70 hours on duty in 8 consecutive days
  - ‘Restart’ permitted after 34-consecutive hours off duty
    
    *\textit{Construction exception- 24 hour restart}*

- 30-minute off duty (break) after 8 hours on duty before again driving
NON-CDL Short Haul Exception

- Non-CDL
- 150 air mile radius
- 26,000 GVWR or less
- 14 hour shift
- Start and Stop at same location
CDL Short Haul Exemption

- CDL
- 100 air mile radius
- 26,000 GVWR or more
- 12 hour shift
- Start and Stop at Same Location
Sample log / Time card

10/4 Start 6:00AM   End   4:00PM   On-Duty 9.5
10/5 Start 6:00AM   End   4:00PM   On-Duty 9.5
10/6 Off duty
10/7 Start 7:00AM   End   7:00PM   On-Duty 11.0
10/8 Start 6:00AM   End   9:00PM   On-Duty 14.5
ELD Mandate

As of December 18, 2017 drivers are required to maintain an Electronic Log via an Electronic Log Device (ELD).

This may eliminate the need to maintain paper logs.
ELD Exemptions

• Drivers who qualify for the Short Haul Exemption
• Drivers who use paper RODS for not more than 8 days out of every 30-day period.
• Drivers who conduct tow-away operations
• Drivers of vehicles manufactured before 2000.
FMCSA – Safety Measurement System
# CSA - Compliance, Safety, Accountability

## Violation Summary

### Inspection History

Please select to view your Inspection History. You can also sort your data by Date, Report Number, Vehicle Type, etc.

- **Vehicle Inspections**: 11
  - (or)
  - With Vehicle Maint. Violations (7)
  - Without Vehicle Maint. Violations (4)

<table>
<thead>
<tr>
<th>Inspection Date</th>
<th>Number</th>
<th>State</th>
<th>Plate Number</th>
<th>Plate State</th>
<th>Type</th>
<th>Severity Weight (SW)</th>
<th>Time Weight (TW)</th>
<th>Total Weight (TotW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/16/2014</td>
<td>N1123567650</td>
<td>NM</td>
<td>AM123455</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>4/24/2014</td>
<td>VA067654321</td>
<td>VA</td>
<td>AM123455</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Violation: 383.9 Inoperative required lamps</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/11/2014</td>
<td>OK122234566</td>
<td>OK</td>
<td>AM987665</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2/27/2014</td>
<td>MA008988786</td>
<td>MA</td>
<td>AM001122</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>5</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>Violation: 383.9 Inoperative required lamps</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation: 383.9(E) No spare fuses as required</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation: 393.78 Windshield wipers inoperative/defective</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sum of Violation Weight =&gt; Inspection Severity Weight (SW)</strong></td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/1/2014</td>
<td>AR2233445565</td>
<td>AR</td>
<td>AM55667</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>11/21/2013</td>
<td>AR1112233365</td>
<td>AR</td>
<td>AM87755</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>9</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Violation: 393.78 Windshield wipers inoperative/defective</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation: 393.29(E) Power steering violations</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation: 393.9 Inoperative required lamps</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sum of Violation Weight =&gt; Inspection Severity Weight (SW)</strong></td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/5/2013</td>
<td>SC498688777</td>
<td>SC</td>
<td>AM87755</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>4</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Violation: 396.17(C) Operating a CMV without proof of a periodic inspection</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/29/2013</td>
<td>MD029877768</td>
<td>MD</td>
<td>AM79066</td>
<td>CA</td>
<td>Truck Tractor</td>
<td>29</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>Violation: 396.7 Unsafe operations forbidden (OOS)</td>
<td>3 + 2 (OOS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation: 396.5(C) All violations must be kept</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Sum of measure weights**: 77

**Performance Measure Last Month As of 5/30/2014**

<table>
<thead>
<tr>
<th>TotW</th>
<th>TIW</th>
<th>TotW/TIW</th>
</tr>
</thead>
<tbody>
<tr>
<td>104</td>
<td>20</td>
<td>5.20</td>
</tr>
</tbody>
</table>

**Performance Measure This Month As of 6/20/2014**

<table>
<thead>
<tr>
<th>TotW</th>
<th>TIW</th>
<th>TotW/TIW</th>
</tr>
</thead>
<tbody>
<tr>
<td>104</td>
<td>23</td>
<td>4.52</td>
</tr>
</tbody>
</table>

***The sum of all violation severity weights (violation weight + out-of-service) for this inspection has been capped at 30.***

## Investigation Results

### Summary of Activities

<table>
<thead>
<tr>
<th>Carrier Registration</th>
<th>Penalties History</th>
</tr>
</thead>
</table>
Drug and Alcohol Testing

- Must have a random testing plan in place
- Must ensure plan is managed per regulation
- Must have negative pre-employment test results before allowing behind the wheel
- Supervisors must have Reasonable Suspicion Training and documentation of training
When It Comes To Managing Risk

Be a Ms. Vito!
QUESTIONS?

Glostone Trucking Solutions
www.glostone.com
503-607-1088
daveg@glostone.com