

Compliance *News*

& Commentary

Q&A

My operation is close to the state line and sometimes my drivers are *intrastate* and at other times *interstate*. We're a 'short-haul' operation most of the time. Do my drivers have to fill out a logbook when they go across the state line?

Not necessarily. It's a common misconception that the 100-air-mile radius, or short-haul provisions of 395.1(e)(1) and (2) only apply to *intrastate* drivers. The truth is actually the opposite— individual states might or might not permit these exemptions, depending on the individual state's statutes.

The exceptions described in 395.1 (e)(1) and (2) are for drivers engaged in *interstate* commerce. [(Part 390.3(a) sets the stage] The driver is not granted any additional driving time. He or she is still limited to 11 hours driving time before having to complete 10 consecutive hours off duty. The provision simply provides relief from keeping track of all the details of the day's trip.

It's important to bear in mind that on those days when the driver doesn't qualify for the exemption, he or she must prepare a detailed daily log, complete with the locations of each change in duty status, shipping document information, miles driven, and so on.

For answers to your compliance questions, contact Standard & Best (503) 263-6162. Or logon to www.standardandbest.com



Safety Conference dishes out 'food for thought' in big helpings

Last month's conference in Bend may have raised more questions than answers.

■ Beginning with the Federal Motor Carrier Safety Administration's top regulator, keynote speaker John Hill, the two-day conference was stocked with top drawer experts in their field, each reminding the audience of new things to come, or old things that shouldn't be overlooked. Points to remember -

- ✓ The highway transportation system is **safer today** than it has been in the past—about 5 crashes/100 million miles in the 70s compared with 2.3/100 million miles today.
- ✓ New initiatives mean safer roads for all. For example, grants now place state police in the pas-

senger seat of big rigs to nab motorists driving dangerously around trucks.

- ✓ **Technology** is creating a new tomorrow: Stability control systems prevent roll-overs. Lane departure warning systems keep drivers alert. Driver information systems will provide better information.
- ✓ **Highway congestion** isn't going to get better. The repair projects covered under the Highway Trust Fund won't keep up with the increase in freight traffic.
- ✓ **Rules** continue to change. A national registry of medical examiners someday. The CDL and medical certificate to merge eventually. Change in hours of service rules? None expected as long as the courts rule favorably to motor carriers.
- ✓ The FMCSA... *Continued on page 2)*

CDL drivers could lose their license without realizing it

Drivers with hazmat endorsement who ignore notice risk loss of commercial driving privileges

■ The notice looks like any other piece of official mail, full of details and dates. And if you once had a hazmat endorsement on your CDL but haven't needed it for awhile, you might be tempted to think the notice doesn't apply to you. But

read the letter carefully, failure to respond according to instructions can result in the loss of *all* your commercial driving privileges.

There are slightly more than 141,000 Oregon CDL holders, of which 20,580 carry hazmat endorsements, according to the DMV. Four years prior to the expiration date... *(Continued on page 2)*

Conference *(Continued)*

... and its state partners will "contact more carriers and drivers, use improved data to better identify high risk carriers and drivers" under its **Comprehensive Safety Analysis** initiative scheduled for 2010.

✓ You don't have to spend big bucks on your next **safety video** if you are fairly handy with a camcorder and can find your way around some of the standard software that comes bundled with standard Microsoft suites.

✓ **Accidents**, even the minor ones, continue to deserve close attention to details and may easily justify a call to a qualified attorney who knows the way around transportation law and practices.

✓ Larger carriers still seem to be doing better in driver **recruiting and retention** than others. Their secret? Be consistent and have standards high enough to challenge the better drivers to compete for the job.

✓ The industry is doing better at being a **drug free** workplace as time goes on, but there's still drivers out there who abuse their freedoms. Knowing how to recognize the early warning signs is crucial.

✓ **Oregon OSHA** consultants want you to let them know when you have questions about occupational safety issues. And, they will be more interested in the future in "how do you manage your fleet safety program?" Check www.orosha.org and look for "Guidelines For Employers to Reduce Motor Vehicle Crashes." Free safety videos are available online to assist employers on a variety of training issues.

✓ **Driver Wellness** is getting more attention. Seventy-seven percent of drivers are overweight, according to studies, and drivers die 10-12 years earlier than the average person. Changing behavior isn't easy, but OHSU has taken up the challenge in a study to learn the best way to reverse the trend towards unhealthy habits in drivers. Surf the web for "body mass index" to learn the risks.

NAFTA looms large in the headlines

■ The prospect of trucks from Mexico operating beyond the border commercial zones hasn't lost its power to draw comments and raise concerns. In the first ten days after the FMCSA officially announced the initiation of a demonstration project that will allow 100 Mexico-domiciled motor carriers to operate beyond the border zone, 613 comments poured in. Safety, jobs lost for US drivers, drug trafficking and terrorists threats are recurring themes in the first flush of respondents.

Under investigation, however, the fears don't necessarily address the facts. According to **Logistics Today**, motor carriers who have been operating in the US for years and who now have terminals in Mexico will more likely be representative of those accepted in the pilot program. These carriers are familiar with US standards and highly motivated to see the pilot project succeed. Deliveries point-to-point within the US, or "cabotage", is prohibited during the pilot project. No start date has been set at this time. US carriers will be able to make deliveries into Mexico as well.

Hazmat *(Continued)*

... the DMV sends out a notice that the license holder must contact the Transportation Security Administration (TSA) at www.hazprints.com or 1-877-429-7746 to complete the application and submit fingerprints for the criminal background check. The cost is \$94. After completing the online application, the driver must go to the nearest facility designated for collecting fingerprints to complete the process.

If a driver chooses to relinquish the hazmat endorsement, they must go to the DMV where a CDL without the hazmat endorsement will be reissued. There's no charge for the replacement CDL.

Cost of noncompliance high for carriers failing to meet minimums.

According to public records, motor carriers continue to discover that the cost of noncompliance can be high. A sampling of notices in May reported:

➔ Mid-western carrier with 20 trucks has \$3783 in fines that were waived in a settlement agreement reinstated when follow-up audit discovers high rate of false logs.

➔ Eastern concrete and brick company fined \$8860 for failing to obtain D&A info from previous employers, and failing to complete follow-up testing. The penalty schedule can be found in Appendix B to Part 396 of the FMCSRs.

Stats

● In 2006, of 10,102 compliance reviews conducted **nationally** 65.4% received Satisfactory ratings, 21.1% Conditional, 5.3% Unsatisfactory, and 8.1% were not rated. In **Oregon** for the same period the stats were 51.1%, 33.0%, 13.6% and 2.3% respectively. **Washington** fared better for the same period at 65.8%, 24.5%, 3.1% and 6.6% according to the FMCSAs website.

● A Quest Diagnostics study shows that positive drug test results dropped by 72% from those in 1988. Only 2% of drivers tested had positive results.

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⊕ Portland Compliance Practitioner's BOOT CAMP

⊕ School of Motor Carrier Regulatory Compliance
⊕ Fundamentals of Driver Training (Eugene & Portland)