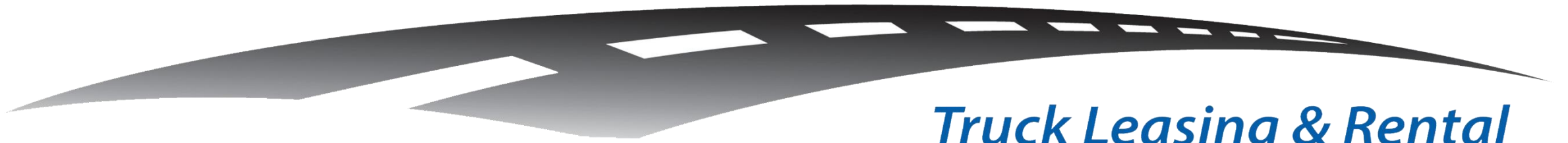


IDEALLEASE



Truck Leasing & Rental



2025 Idealease Safety and Compliance Seminar

Presented by:
Mike McGowan



Idealease Safety Seminar 2025

- Applicability of the FMCSR
- Driver Qualifications
- Drug and Alcohol Testing
- Accidents
- Maintenance and Inspections
- Driver's Hours of Service Logs
- Utilizing FMCSA Compliance Safety and Accountability (CSA)
- Elevate – Data Utilization in Transportation Safety

Part ONE



- **Applicability of the FMCSR**
 - Applying Commercial Motor Vehicle Regulations
 - CMV Marking
 - USDOT Authority Application and MCS-150
 - Disqualifications

Commercial Motor Vehicle – **1st Definition** **§390.5**

- Self-propelled or towed motor vehicle used on a highway in INTERstate commerce to transport property or passengers when the vehicle:
 - Has a GVWR/GCWR or gross weight of 10,001 lbs. or more, whichever is greater, or
 - Transports more than 8 passengers (including driver) for compensation, or more than 15 passengers (including driver) not for compensation
 - Transports hazardous materials in placarded quantities

Commercial Motor Vehicle – 1st Definition **§390.5**

- Vehicle operations meeting this criterion require:
 - Qualification Files
 - Physical Certification
 - Hours of Service Records
 - Maintenance Records

Commercial Motor Vehicle – 2nd Definition §383.5

- A motor vehicle or combination of motor vehicles if:
 - A single unit having a GVWR of 26,001 lbs. or more, or
 - A unit with a gross combination weight rating of 26,001 lbs. or more inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 lbs., or
 - Is designed to transport 16 or more passengers, including the driver, or
 - Is of any size and is used in the transportation of hazardous materials requiring placarding

Commercial Motor Vehicle – 2nd Definition §383.5

- Vehicle operations meeting this criterion require:
 - Commercial Drivers License
 - Drug and Alcohol Testing Regulations

* Remember to check state license requirements

Inter**State** vs. Intra**State**

INTERstate

- Operates truck (>10,001 lbs) across state lines
- Operates for-hire bus (>15 people transported) across state lines
- Operates truck/for-hire bus within one state, as part of movement that begins/ends in another state

INTRAstate

- Operates a truck or for-hire bus as part of a movement that begins and ends within one state

IntraState **Regulations**

- The majority of the states have adopted the Federal Motor Carrier Safety Regulations (FMCSR) in part or in its entirety for INTRAstate operations
- As we go through the seminar, we will reference the INTRAstate regulations and their particular differences with federal regulations
- Please refer to the handout you were given at check in

Your Company **Policies** and the **FMCSA Regulations**

- Today we will review federal and state regulations
- Most states have adopted the federal regulations for INTRASTATE operations with exceptions
- Keep in mind, you can establish your own company policies that can exceed federal and state regulations but cannot place your company in non-compliance with either

CDL Class

\$383.91

- Class A – Combination Vehicle
 - Any combination of vehicles with Gross Combination Weight Rating (GCWR) of 26,001 lbs. or more AND
 - Gross Vehicle Weight Rating (GVWR) of the vehicle being towed is more than 10,000 lbs.
- Class B – Heavy Straight Vehicle
 - Any single vehicle with 26,001 lbs. GVWR or more AND/OR
 - Any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR

CDL Class

\$383.91

- Class C – Small Vehicle Group
 - Any single vehicle or combination of vehicles that meets neither the definition of Class A or B
 - Designed to transport 16 or more passengers (including the driver)
 - Used to transport HazMat requiring placarding

QUESTION

Do you need a CDL to drive this van?

Yes, because the vehicle is placarded.

If the vehicle is placarded, a CDL is required with an HM endorsement regardless of the GVW of the vehicle.



CDL – Endorsements

\$383.93

- Tankers – Knowledge Test
- Multiple Trailers – Knowledge Test
- Hazardous Materials – Knowledge Test
- Passenger – Knowledge & Skills Test
- School Bus – Knowledge & Skills Test



With a tank endorsement, you could drive this...



Definition of “**Tank** Vehicle” for **Tank Endorsement**



- 49CFR 383.5 – Tank Vehicle Defined
 - Any CMV designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis
 - A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle

Hazmat – Endorsement

§1572

- States prohibited from using or renewing a CDL with HazMat Endorsement unless the Transportation Security Administration (TSA) has conducted a security threat assessment and determined the applicant does not pose a security risk
- HazMat endorsement holder is notified at least 60 days prior to expiration of CDL or endorsement
- File renewal application at least 30 days prior to expiration date, to start the process go to:

<https://www.tsa.gov/for-industry/hazmat-endorsement>

What are the **Security Threat Assessment** disqualifications for **HazMat** endorsement?

§1572

- Terrorism
- Assault with intent to murder
- Espionage
- Sedition
- Kidnapping or hostage-taking
- Treason
- Rape or aggravated sexual abuse
- Extortion
- Robbery
- Arson
- Bribery
- Smuggling
- Immigration violations
- RICO (Racketeer Influenced and Corrupt Organizations Act) violations
- Unlawful possession use, sale, distribution, or manufacture of an explosive device, firearm, or other weapon
- Distribution of, intent to distribute, possession, or importation of a controlled substance

CDL – Restrictions

\$383.95

- Air Brake Restriction – if applicant:
 - Fails air brake portion of knowledge test **OR**
 - Performs skills test in vehicle not equipped with air brakes
- Other restrictions vary by state, including corrective lenses, intra-state operations anatomical donor, automatic transmission, daytime only, etc.

QUESTION

The answer is NO.

This unit does not meet the definition of a CMV found in §383.5 because it is under 26,001 lbs MGWR.

I am operating a straight truck with a MGWR of 25,950 lbs., no HazMat, no passengers, with air brakes.

Do I need a CDL?



CMV Marking

§390.21

- CMVs must be marked before put into service
- Marking must display:
 - US DOT number
 - Name of motor carrier (as shown on MCS-150)
 - Preceded by “Operated by” if motor carrier is lessee, etc.
- Letters and numbers are required to be:
 - Contrasting color
 - Both sides of power unit
 - Visible at 50’ in daylight

QUESTION



There are two USDOT#s

MCS – 150

- Must be filed by motor carriers operating in INTERstate or foreign commerce
- New carrier must file before operations begin
- Updated biennially based on DOT#
 - Last digit is Month
 - Next-to-last digit is Year
 - Even number – File in even years
 - Odd number – File in odd years

FMCSA – New Entrant Audit

- Required for all new carriers obtaining new US DOT Authority
- Completed in the first 12 months
- 60 pass/fail questions
- 16 regulations designated that if failed would result in authority being revoked if not corrected in 60 days
- New Entrant Audit website from FMCSA
 - <https://ai.fmcsa.dot.gov/newentrant/Home.aspx>

- “Endorsement for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 & 30 of the Motor Carrier Act of 1980”
- For-hire motor carriers in INTERstate or foreign commerce, who are not self-insured
- Must be kept on file & current
- Must show Schedule of Limits for Public Liability

Required Documents – Lease & Rental **§377.11(c)**

§390.21(e)(2)(iv)

- Rented CMV's are required to have the rental agreement in the vehicle
- Rental period cannot exceed 30 days without agreement being rewritten or customer places their US DOT number and name on the side of the vehicle
- Lease unit requires the statement of lease or lease contract in the vehicle

CDL – Disqualifications

- CDL holders can be disqualified for “Major Offenses” or “Serious Traffic Violations” in ANY type of vehicle (non-CMV or CMV)
- View the disqualification tables, CFR 383.51
- Excellent Safety Meeting Topic!!!!

CDL – Disqualifications

- Major Offenses while Driving CMV
 - Alcohol concentration of 0.04% or more
 - Revoked, suspended or cancelled CDL
 - Operating a CMV while disqualified
 - Causing a fatality through negligent operation of CMV
- Disqualified 1 year to Life

Driver – **Disqualifications**

- Serious Traffic Violations while Driving CMV
 - Driving without obtaining CDL
 - No CDL in the driver's possession
 - Driving without proper class of CDL and/or endorsements
- Conviction of 2 in 3 years = 60 days
- Conviction of 3 in 3 years = 120 days

Driver – **Disqualifications**

- Major Offenses in ANY type of vehicle
 - Driving under influence of alcohol or controlled substance
 - Refusal to take a required alcohol test
 - Leaving the scene of an accident
 - Using vehicle to commit a felony or while committing a felony involving the manufacturing, distributing or dispensing of a controlled substance
- Disqualified 1 year to Life

Driver – **Disqualifications**

- Serious Traffic Violations While Operating ANY Type of Vehicle
 - Excessive speeding (>15 mph above posted speed limit)
 - Reckless driving (improper/erratic lane changes, following vehicle ahead too closely)
 - Violation in connection with a fatal accident
- 60/120 days = 2nd/3rd conviction resulting in the revocation, cancellation, or suspension of CDL holder's license or non-CMV driving privilege

Best Practices



- Update your MCS-150 minimum every 24 months
- Proper CDL Endorsements/Restrictions
- Track expiration dates of time-sensitive documents
- Company policy for reporting of violations, warnings, arrests, convictions, and roadside inspections

Part TWO



● Driver Qualifications

- Driver Selection Requirements
- Qualifying a Driver
- Driver Qualification Record Retention

Driver Selection – Standards

§391.11

- At least as stringent as DOT:
 - 21 years of age for INTERstate
 - Completion of Entry Level Driver Training (ELDT)
 - Training or experience in the equipment driven
 - Not disqualified under parts 391 or 383
 - Physically qualified under part 391
 - Standards should be mutually agreed upon between you and your insurance carrier

Entry Level **Driver Training**

- INTERstate and INTRAstare drivers applying for their initial CDL, upgrading their current CDL, or obtaining a hazardous materials, passenger, or school bus endorsement for the first time
 - The prescribed training includes both theory (knowledge) and behind-the-wheel (range and public road) instruction
 - Rule went into effect February 7, 2022

Driver – Qualification File

- Required for all drivers of a motor carrier operating vehicles above 10,000 lbs. GVWR
- Maintained for each driver for duration of employment & 3 years thereafter
- Must include:
 - Application for employment
 - Certificate of Road Test or copy of CDL
 - Pre-hire/Annual MVR
 - Medical Examiner's Certificate/Physical Waiver
 - Annual MVR review

Driver – Qualification File

- Also required:
 - Pre-hire drug test results (negative)
 - Part 382
 - HazMat training (if applicable)
 - §172.704
 - Security training (if applicable)
 - §172.704

Driver – Qualification File

- Recommended:
 - Certificate of Compliance (form 4-10)
 - Photocopy of CDL
 - Driver Qualification & Identification Certificate

Driver – Qualification File

- May be removed 3 years after date of execution:
 - Medical Certificate
 - Annual review
 - Annual MVR
 - Physical Waiver
- May be removed 3 years after date of termination:
 - Complete Driver Qualification File
 - Initial MVR at time of hire
 - Driver Application

Driver – Qualification File Checklist

- Not DOT required
- Tool to ensure a driver is fully qualified
- Ensures every file is complete & uniform
- Can be expanded to include company-required items

Driver – Application

\$391.21

- Must include:
 - Carrier's name & address
 - All employers in past 3 years (no unexplained gaps)
 - All commercial driving employment in 7 years preceding 3-year period
 - All accidents & violations in past 3 years
 - Driver signature & dated
- No items left blank

Driver – Road Test Examination §391.31

- Performance rated on a road test form
- Ensures driver applicant can safely operate the type of CMV
- Must include these performance requirements:
 - Pre-trip inspection
 - Coupling/uncoupling combination units (if applicable)
 - Placement of CMV in operation
 - Use of CMV controls & emergency equipment
 - Operation in traffic/passing other CMVs
 - Turning
 - Braking, slowing CMV by other means
 - Backing/parking CMV

Road Test – Exemptions

\$391.33

- May accept a Certificate of Road Test if completed within the preceding 3 years
- May accept CDL in lieu of road test if a road test was completed in similar equipment
 - Does not apply to double/triple trailer or tank vehicle endorsements

Certificate – Road Test

- After successful completion of the eight road test requirements

Driver – Motor Vehicle Record

- 391.25 - Pre-hire obtained from state DMV or third-party provider within 30 days of application date
- Obtained annually thereafter
- 391.23(m)(2) – CDLIS MVR with Medical Certification information obtained within 15 days of medical certification for a CDL driver

Past Employment – Inquiries

§391.23

- Investigation of prospective driver's Performance History for three (3) years prior to application
 - Past Employer Reference Checks
 - Accident History
- Maintain in secure location with controlled access
- Retain for duration of employment & 3 years thereafter

Accident – Inquiries

§391.23

- DOT recordable accidents in previous 3 years
- Any other accidents at discretion of past employer

Drug & Alcohol – **Applicant Inquiries**

- Completed within 30 days of safety-sensitive function
 - In the past two years has the applicant:
 - Positive drug test
 - Alcohol test results of 0.04 or greater
 - Refusal to test

Drug & Alcohol – Clearinghouse

- The Drug and Alcohol Clearinghouse regulation went into effect January 6, 2020, that applies to CDL drivers only
 - **January 6, 2020:** Mandatory use of the clearinghouse to report and query information about driver drug and alcohol program violations goes into effect
 - **January 23, 2023:** Employers must query the clearinghouse to satisfy the employer requirement to identify prospective drivers who have committed drug and alcohol program violations
 - Cost is \$1.25 per query
 - Queries can be purchased from the FMCSA in bundles

Drug & Alcohol – Clearinghouse

- The website, <https://clearinghouse.fmcsa.dot.gov/>, provides CMV stakeholders with information about the clearinghouse, including a fact sheet, implementation timeline, and frequently asked questions. CMV stakeholders can also sign up to receive clearinghouse-related email updates during the implementation process
- The clearinghouse is a secure online database that allows the FMCSA, CMV employers, state driver licensing agencies, and law enforcement agencies to identify, in real-time, CDL drivers who have violated federal drug and alcohol testing program requirements

D & A – Clearinghouse Queries

- The **Full** Query
 - Before hiring a new driver, all motor carriers must complete a Full query of the Drug and Alcohol Clearinghouse to see if the driver is eligible for hire
 - A Full query discloses to employers and designated C/TPAs detailed information about any resolved or unresolved violations in a driver's record and requires a driver clearinghouse account to provide driver's consent

D & A – Clearinghouse Queries

- The **Limited** Query
 - All motor carriers must conduct a Limited Query of all current CDL drivers to determine if they have been prohibited from operating a CMV, due to unresolved DOT drug and alcohol violations
 - The Limited query must be conducted by you the motor carrier or your designated consortia or third-party administrator (C/TPA). As part of the query process the prospective employee and current CDL employees will have to sign a release as provided in the registration process.

D & A – Clearinghouse Query Update

- As of March 8, 2023, the FMCSA Clearinghouse will notify employers via email if there is a change to a driver's Clearinghouse record for up to 12 months following a pre-employment or annual Clearinghouse query. New information on a driver's record that would trigger the notification includes:
 - New drug or alcohol violations
 - Removed violations
 - Updated return-to-duty status
 - Employers' Clearinghouse query histories will also be updated to reflect that new information is available.
 - Until now, employers would receive email notifications about new driver information only within 30 days of running pre-employment queries.

What is – PSP



**Pre-Employment
Screening Program**

Federal Motor Carrier
Safety Administration

- Provides motor carriers and industry service providers with crash and inspection information on potential new hires
- 5 years crash and 3 years of inspection data
- There is an annual subscription cost
 - \$100 for carriers > 100 units
 - \$25 for carriers < 100 units
- \$10 fee per search
- You can enroll as a motor carrier or driver at:

www.psp.fmcsa.dot.gov



Pre-Employment Screening Program

Federal Motor Carrier Safety Administration

www.psp.fmcsa.dot.gov

Drivers – Physical Qualifications §391.41

- A person subject to this part must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so
- When passing a DOT medical examination, the driver is good for 2 years
- There are medical conditions that could restrict the length of the medical certification to as little as three months

Physical – Long Form

(Not required by FMCSA, HIPPA release required if you require drivers to produce)

- Completed in its entirety
- Notations of possible health problems
- Both eyes at least 20/40 with/without corrective lenses
- Field of vision at least 70 degrees in the horizontal meridian in each eye
- Ability to recognize colors of traffic signals/devices
- Blood pressure lower than 140/90
 - If driver is taking BP medication, driver is qualified for only 1 year, regardless of BP readings
- Urinalysis reviewed for diabetes indicator(s)
- Valid for 2 years from date of examination
 - Expired forms kept 1 year beyond expiration

Exemption – **Diabetes**

- Commercial motor vehicle (CMV) drivers with insulin-treated diabetes mellitus (ITDM) can now be certified by an ME
 - The standard allows certified medical examiners, in consultation with the driver's treating clinician, to evaluate and determine whether to grant an ITDM driver a medical examiner's certificate (MEC) annually to drive a CMV in interstate commerce

Medical – Certificate

§391.43

- Completed by the medical examiner
- Properly signed & dated
- Copy given to driver to provide to their state DMV.
- Copy given to motor carrier of employing driver
- CDL licensed drivers are **NOT required** to carry their medical certification on their person for more than 15 days after the date of issuance as valid proof of medical certification
- NON-CDL CMV drivers **ARE required** to keep their medical certification on their person

Medical Examiners – Certification

- All driver's medical certification for CDL and NON-CDL must be completed by a medical examiner in the FMCSA registry
- To find an examiner on the registry go to:

<https://nationalregistry.fmcsa.dot.gov/home>

Medical Examiners – **Verification**

- For all medical certifications you the motor carrier must verify that the ME is on the registry and place a note in the file or take a screen shot of the registry with the ME identified and their registry number

Medical Examiner's Certification – **Integration Rule**

- The implementation date for the Medical Examiner's Certification Integration final rule has been officially delayed for three years, according to a recent Interim Final Rule issued by the Federal Motor Carrier Safety Administration (FMCSA)
- The compliance date, originally slated for June 22, 2018, has been rescheduled until June 23, 2025
 - FMCSA indicates the action was necessary to provide additional time for IT (information technology) development for both the National Registry of Certified Medical Examiners (National Registry) and the State Driver's Licensing Agencies' (SDLAs) systems

Sleep – Apnea

§391.41(b)(5)

- The regulation states there can be no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with the ability to control and drive a commercial motor vehicle safely
- The 2015 FMCSA guidance to the ME leaves it to their discretion who should be tested
- 20% of drivers afflicted with Sleep Apnea

Annual – Review

§391.25

- Completed every 12 months
- Review conducted by employer to determine whether the driver meets the minimum requirements for safe driving or is disqualified from driving a CMV pursuant to CFR 391.15
- Must be kept for 3 years

Driver Violation – Notification

- Driver required to notify employer within 30 days after conviction

FMCSA Guidance – **Electronic Signatures**

- Published on January 4, 2011, Federal Register
- Motor carriers may (but are not required to) use electronic methods to store records or documents required to be retained in 49 CFR parts 390-399
- Applications, DQ files, DVIR's, Maintenance Records and HOS all qualify
- Must produce documents within same time period as required by rules (on demand or within 48 hours)
- Does not apply to documents filed directly with FMCSA

Cell Phone Policy– **Commercial Motor Vehicles**

- In effect since January 3, 2012, Cell phone use in a CMV is limited to “Hands Free” device only
- The final rule prohibits commercial drivers in interstate commerce from using a hand-held mobile telephone while operating a commercial truck
- “Push to talk” cell phone/radios are prohibited. CB’s OK to use
- Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a hand-held communications device while driving

Best Practices



- Follow federal requirement for INTRASTATE (some states exempt file requirement under 26,000 lbs. MGVWR)
 - May include technicians, sales personnel, dispatchers and owners
- Written selection standards including minimum age/experience & maximum allowable tickets, accidents, and violations
- Road test ALL Drivers
- Do NOT accept a medical certification from a driver applicant
- Exhaust three different methods of obtaining a past employment inquiry before stopping



Part THREE



● Drug and Alcohol Testing

- Confidentiality of Records
- Past Drug and Alcohol Inquiries
- Tests and Test Results Reporting
- Supervisor Training for Drug and Alcohol

Who does **D&A Testing** Apply to?

- Applicability: “...All employers of such persons who operate a CMV in commerce and are subject to the CDL requirements.”

Drug and Alcohol Tests

- Drug Tests
 - Pre-employment
 - Post-Accident
 - Random
 - Reasonable Suspicion
 - Return-to-Duty
 - Follow-up
- Alcohol Tests
 - Same as Drug Tests, except Pre-employment

Pre-employment Drug Test

§382.301

- Upon Hire
 - Provide educational materials on drug/alcohol testing requirements
 - Many drug/alcohol testing programs or consortiums have these materials available to members
 - Issue employer policies/procedures on meeting those requirements
 - Only specimen used for drug tests is urine
 - Specimens used for alcohol tests are breath “slug” and saliva

Pre-employment Drug Test

§382.301

- Upon Hire
 - Additional employer policies (optional)
 - Consequences for drivers with specified alcohol/controlled substance level
 - Must clearly state, based on employer authority, independent of regulations
 - Require signed receipts from drivers

Pre-employment Driver – D&A Inquiry

- Prior to allowing a new driver to drive:
 - Pre-employment drug test
 - Negative results must be received
 - Questions regarding pre-employment testing in previous 2 years
 - Tested positive or refused to test (These questions can be placed on application...see Form 4-1)

Post Accident Testing

§382.303

- Required after:
 - Fatality – in any instance
 - Bodily injury – if driver is cited for a moving violation
 - Disabling damage to any vehicle - if driver is cited for a moving violation

Post Accident Testing

§382.303

- Alcohol Test – Test to be administered in first 2 hours, total time given to complete test is 8 hours
- Drug Test – within 32 hours
- Tests not completed in time requirements must have record stating why tests were not completed

Random Testing

\$382.305

- Drug Tests
 - 50% of random selection pool annually
- Alcohol Tests
 - 10% of random selection pool annually
 - Only just before, just after or while driver performs safety-sensitive functions
- Must be “true & systematic” means of selection procedures (i.e., consortium, testing software, etc.)

Random Testing

§382.305

- Selection periods cannot exceed one quarter
- All drivers randomly selected in a period must have test completed by start of the next selection period
- Manage the tests within the selection period

Drug & Alcohol Supervisor Training §382.603

- Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use
 - The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307
 - The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required

Drug & Alcohol Supervisor Training §382.603

- The FMCSA has the supervisor training available in video format that can be downloaded from their website for free!
- Go to:
 - <https://www.fmcsa.dot.gov/us-department-transportation-dot-drug-alcohol-supervisor-training-guidance>
 - Scroll to the bottom of the page and click on the last link:
 - <https://transitsafety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>
 - You can also check with your D&A Third Party Administrator to see if they provide the training

Reasonable Suspicion Testing

§382.307

- Employer has reasonable suspicion that driver has violated drug/alcohol use prohibitions
- Decision to test must be based on specific describable facts of change that are witnessed by a trained supervisor:
 - Speech, Physical Indicators, Behavioral Indicators and Performance Indicators
 - A test decision cannot be based on “hearsay” information

- “Medically Unqualified” to drive CMV per FMCSA
 - FMCSA does not determine status of employment
- Employer Responsibilities
 - Driver removed from performing safety-sensitive duties
 - Provide an SAP listing
 - Either upon hire with receipt OR
 - Certified letter

QUESTION

Although Aaron's supervisor was not present at the time of the incident, he was informed of the situation by a co-worker. The co-worker was concerned about Aaron's behavior and wanted to know if the supervisor should act appropriately. The supervisor decided to test Aaron for drugs, but the test was not witnessed by anyone other than the supervisor.

Aaron, always a dependable employee, has been missing work lately. When he is at work, he seems preoccupied, and his performance level is down. His supervisor and a co-worker talked about Aaron's behavior. The supervisor later asked Aaron to take a drug test. Aaron said he was having problems at home, resented being asked for the drug test and walked out the door.

Did Aaron's supervisor act appropriately?



QUESTION

No, the decision is not reasonable under direct observation of the physical driver.

Jolene, the safety director for the company received a call from one of their driver's ex-spouse and was told that the driver has a history of drug abuse and is a current user. Jolene confronted the employee and based on the information from the ex-spouse sent the driver for a reasonable suspicion drug test.

Did Jolene make the right decision?



QUESTION

**NO, self admission
confronting
grounds to be
suspicion**

Bill and Nancy, owners of a small delivery service had a suspicion that one of their drivers was under the influence of alcohol while he was making deliveries. After the first delivery that day he returned to the office and they observed the physical smell of alcohol and slurred speech. In confronting the driver he self admitted to using alcohol that morning while making the delivery. Bill and Nancy talked to the driver and he agreed to write and sign a statement of his actions. Bill and Nancy terminated the driver after receiving the signed statement.

Did Bill and Nancy act according to the regulations?



Best Practices



- Outsource your Drug and Alcohol testing program to a third-party provider
- When addressing a driver for reasonable suspicion testing have another trained supervisor with you
- Although the supervisor training is only required by regulation once, have all supervisors complete the training annually
- Immediately notify law enforcement if any threats are made or the employee becomes combative

Part FOUR



- **Accidents**
 - DOT Recordable Accident
 - Accident Recordkeeping
 - Crash Preventability Determination Program
 - Accident Scene Driver Training

DOT Recordable Accident

§390.5

Definition of ***Accident***:

- An occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate 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; or
 - 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

Accident Record Keeping

\$390.5

DOT-Required Accident Register

- List each Recordable Accident (*regardless of preventability*)
- Date of accident
- City or town where the accident occurred
- Driver's name
- Number of injuries/fatalities
- Any hazardous materials spilled (*other than fuel from fuel tanks*)
- Any vehicles towed

Accident Record Keeping

§390.5

Accident **Files**

- DOT requires that a carrier maintains copies of all accident reports required by state/governmental entities or insurers (i.e., all correspondence between insurance companies, police reports, etc.)
- Should also include driver/company reports & photographs

Crash Preventability Determination Program

- The FMCSA accepts requests for Record Data Review (RDRs) into its Crash Preventability Demonstration Program through DataQ's
- Crashes eligible for this program will be removed from CSA scoring if the FMCSA determines the crash to be non-preventable
- Non-preventable crashes will also be notated in the pre-employment screening program (PSP)
- For more information, please visit:
 - <https://www.fmcsa.dot.gov/crash-preventability-determination-program>

Crash Preventability Determination Program

- The following crash types are eligible for participation in the program:
 - Struck in the Rear
 - Wrong Direction or Illegal Turns
 - Parked or Legally Stopped
 - Failure of the other vehicle to Stop
 - Under the Influence
 - Medical Issues, Falling Asleep or Distracted Driving
 - Cargo/Equipment/Debris or Infrastructure Failure
 - Animal Strike
 - Suicide
 - Rare or Unusual

Accident Scene Training

- Is your company prepared in the event of an accident?
 - Chapter 6 page 57
- Photographing an Accident Scene
 - Chapter 6 page 58
- True Cost of an Accident
 - Chapter 6 page 59, form 6-3

Photographs as Evidence

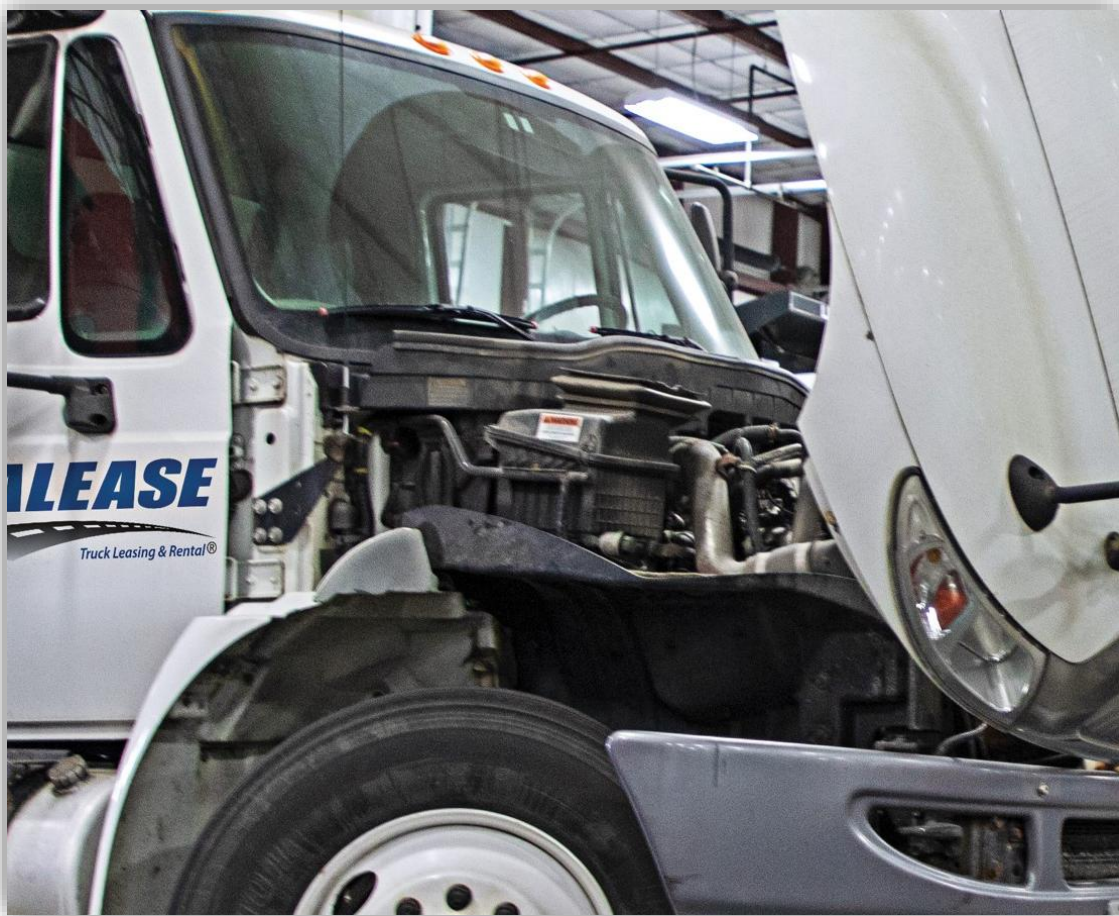
- Develop a Standard Operating Procedure (SOP), Department Policy, or General Order on the use of digital imaging
 - Your SOP should include when digital imaging is used, chain of custody, image security, image enhancement, and release and availability of digital images
 - Your SOP should not apply just to digital, but should also include film-based and video applications as well
 - Most importantly, preserve the original digital image. This can be done a variety of ways including saving the image file to a hard drive or recording the image file to a CD
 - Some agencies elect to use image security software

Best Practices



- Develop a plan that provides your drivers' guidance with the steps they need to take in the event of an accident
- Maintain up-to-date accident files complete with driver/company reports and photographs/video
- Request a Data Review (RDRs) into Crash Preventability Demonstration Program through DataQ's
- Provide accident scene driver training regularly and as needed to reinforce DOT accident recordkeeping requirements and your driver/company responsibilities in accurate documentation of what occurred

Part FIVE



- **Maintenance Inspections**
 - Vehicle Maintenance Files
 - Daily Vehicle Inspection Report & Appendix G
 - Annual Vehicle Inspections
 - Annual Inspector & Brake Inspector Certification

Vehicle – Maintenance Files

§396.3

- For Vehicles controlled for 30 or more consecutive days, the motor carrier must maintain, or cause to be maintained, the following for each vehicle:
 - Identification of the Vehicle
 - Company #
 - Make
 - Serial #
 - Year
 - Tire size
- Name of person furnishing the vehicle if not owned by the motor carrier

Vehicle – Maintenance Files

§396.3

- A record of inspections, repairs and maintenance indicating their date and nature
- A record of tests on pushout windows, emergency doors, and emergency door marking lights on buses
- A means to indicate the nature & due date of the various inspections and maintenance operations to be performed
- Required records must be retained where the vehicle is housed/maintained for 1 year, and for 6 months after the motor vehicle leaves the carrier's control

Daily Vehicle – Inspection Reports **\$396.11**

- FMCSA requires a driver to complete two inspections daily, Pre and Post trip
- Idealease IL 700 Form
- Post trip inspection is documented if there are violations and kept for 3 months

Daily Vehicle – Inspection Reports **\$396.11**

- DVIRS fall into 3 categories:
 - No Defects
 - Safety Sensitive defect (Unit is placed out-of-service)
 - Non-safety sensitive defect
- Appendix G (Determines what is a safety sensitive defect)
 - All defects certified as repaired by technician or driver
 - Excellent Safety Meeting topic so drivers understand the difference between safety sensitive and NON-safety sensitive defects

Appendix – G

- A vehicle does not pass an inspection if it has defects or deficiencies in the following and is placed out-of-service:
 - Brake System
 - Coupling Devices
 - Exhaust System
 - Fuel System
 - Lighting Devices
 - Safe Loading
 - Steering Mechanism
 - Suspension
 - Frame
 - Tires
 - Wheels and Rims
 - Windshield and Glazing
 - Windshield Wipers

Idealease Pre/Post Trip – Training Videos

English

- Straight Truck: <https://youtu.be/rsUTQrN-514>
- Tractor Trailer: <https://youtu.be/9TL62H5yUQA>

Spanish

Straight Truck: <https://www.youtube.com/embed/SDvbuAuKQLM>

Tractor Trailer: <https://www.youtube.com/embed/529XGiJxTfU>

Annual Vehicle – Inspections

§396.17

- DOT requires all vehicles (company & owner/operator) to be inspected at least once a year
- Covers 13 areas and must be signed by the inspector
- Copy of the inspection or decal carried on the vehicle & kept on file
- 22 States with mandatory inspection programs that meet federal requirements

Annual Inspector – Qualifications **§396.19**

- Required by DOT
- Must meet minimum qualifications to inspect, service or repair brakes on CMVs
- Certificate completed & kept on file

Brake Inspector – Qualifications

\$396.25

- Required by DOT
- Must meet minimum qualifications to inspect, service or repair brakes on CMVs
- Certificate completed & kept on file

Best Practices



- Ensure fleet is maintained following DOT Annual inspection guidelines in accordance with 49 CFR Appendix G to Subchapter B of Chapter III
- All drivers must be performing a thorough Pre-trip and Post-trip inspection each day and **document any safety-sensitive defects** found during the Post-trip inspection
 - Video tutorials used for all new drivers, and as needed to consistently reinforce the proper pre/post trip inspection process
- In addition to the decal, keep a copy of the annual inspection inside the cab

Part SIX



● Driver's Hours of Service Logs

- HOS Rules
- HOS Exceptions
- Electronic Logging Devices (ELD)

Driver's Hours of Service – Logs

§395

- All drivers of self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property or passengers when the vehicle:
 - Has a GVWR/GCWR or gross weight of 10,001 lbs. or more
 - Transports more than 8 passengers (including driver) for compensation, or more than 15 passengers (including driver) not for compensation
 - Transports hazardous materials in placarded quantities

11 Hour – Rule

§395.3(a)(3)

- 11 hours driving/10-hour break
 - 10 consecutive hours off-duty or 8 hours in the sleeper berth plus 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth or off-duty

30 Minute – Rest Break

§395.3(a)(3)(ii)

- Allows drivers to record their 30-minute rest break as off duty, on duty not driving, or sleeper berth time
 - Drivers must take the break after 8 hours of cumulative driving, not 8 hours on duty
 - You cannot combine shorter rest periods to get a 30-minute, the 30 minutes must be taken consecutively
 - Also, a driver may operate an on-duty yard move of a vehicle during the 30-minute break time
 - If you are using the short-haul exception and exceed the 150 air-mile radius during a duty period, the driver must take a 30-minute break as required above

14 Hour – Driving Window

§395.3(a)(2)

- No driving after 14 hours on-duty
 - The 14 consecutive hour driving window begins when you start any kind of work
 - Once you have reached the end of this 14 consecutive hour period, you cannot drive again until you have been off duty for another 10 consecutive hours, or the equivalent of at least 10 consecutive hours off duty

60/70 Hour – Rule

§395.3(b)

- The 60/70-hour on-duty limit is based on a 7 or 8-day period, depending on your motor carrier's operation, starting at the time specified by your motor carrier for the start of a 24-hour period
 - It is total on-duty time, not just driving time
 - Once you reach the limit, you can do other work, but you are not permitted to drive. The limit is based on a “rolling” or “floating” 7- or 8-day period. The oldest day's hours drop off at the end of each day when you calculate the total on-duty time for the past 7 or 8 days

34 Hour – Restart Provision §395.3(c)(1) &(c)(2)

- 34 hours of consecutive off duty time restarts total hours of 60/70
 - Applies even if starting with an over hours 60/70 violation
 - A driver may spend part of his/her 34-hour restart in the sleeper berth as long the off-duty time is consecutive and not broken by on-duty or driving time
 - No restriction to frequency of use

16 Hour – Short Haul Exception

§395.1(o)

- Drivers may extend the 14-hour driving window by 2 hours if they:
 1. Are released from duty for the previous 5 duty tours, **AND**
 2. Return to work reporting location & released from duty within 16 hours, **AND**
 3. The time between their off-duty periods is at least 10 consecutive hours, **AND**
 4. Have not used this exception in the previous 7 days, except following a 34-hour restart of 7/8-day period
- Total hours driving cannot exceed 11 hours

Driver – Salesperson

\$395.2

- Definition
 - Employee of private carrier engaged in selling and delivering goods
 - Operates solely within 100-mile radius
 - Devotes not more than 50% of on-duty time to driving
- Exception
 - Cumulative on-duty time limits (60/7 and 70/8)
 - Driving time must not exceed 40 hours in 7 days

Adverse Driving Conditions – **Exception**

§395.1(b)

- Adverse Driving Conditions:

“Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to: (a) a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or (b) a motor carrier immediately prior to dispatching the driver”

Adverse Driving Conditions – **Exception** **§395.1(b)**

- If a driver encounters adverse driving conditions that could not be anticipated prior to the start of the trip, the 11-hour maximum driving limit and the 14-hour driving window can be extended by up to 2 hours when adverse driving conditions are encountered

Adverse Driving Conditions – **Exception**

§395.1(b)

- You should annotate their ELD entry or driver logs to indicate the driver used the adverse driving conditions exception. This exception may be combined with the short-haul exception or the split sleeper berth rule
- Motor Carriers may decline to allow drivers to use the adverse driving condition exception as a matter of company policy

Short Haul – **Exception**

§395.1(e)(1)

- The exception allows a CDL or non-CDL driver to operate within a 150 air-mile radius (172.6 ground miles)
 1. If they return to the work reporting location within 14 hours
 2. They will remain exempt from driver logs, electronic logging devices, and the 30-minute rest break requirements
 3. If you are using this exemption a time record is required recording the driver's time in and time out, and total number of hours on duty for the day, as well as the time for the last 7 days. Time records must be kept for 6 months.
- Drivers are not required to carry any document in the truck showing they are using the short-haul exception

Split – Sleeper Berth

§395.1(g)(1)

- Allows the driver to split 10-hour off-duty period
 - If one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and the other involves at least 7 consecutive hours in the sleeper berth
 - When all sleeper berth pairings must add up to at least 10 hours
 - When used together, neither period counts against the 14-hour driving window

Driver Certification for – **Compensated Work**

- **Very important** that if a driver has another job, that their time is counted as On Duty Time
- CFR 395.2 Definition of On Duty Time includes:
 - (8) Performing any other work in the capacity, employ, or service of a motor carrier
 - (9) Performing any compensated work for a person who is NOT a motor carrier

Driver Certification for – **Compensated Work**

Form 8-6

Driver Certification for Other Compensated Work

INSTRUCTIONS: When employed by a motor carrier, a driver must report to the carrier all on-duty time working for other employers. The definition of on-duty time found in Section 395.2 paragraphs (8) and (9) of the Federal Motor Carrier Safety Regulations includes time performing any other work in the capacity of or in the employment or service of, a common, contract or private motor carrier also performing any compensated work for any non-motor carrier entity.

(Check One)

Are you currently working for another employer?

☐ Yes ☐ No

At this time, do you intend to work for another employer while still employed by this company?

☐ Yes ☐ No

Driver Status: ☐ New employee ☐ Part-time ☐ Temporary

I hereby certify that the information given above is true and I understand that once I become employed with this company if I work for an additional employer(s) for compensation, I must inform this company immediately of such employment activity.

Driver's Signature

Driver's License No.

State

Date

Witnessed by: _____

Corporate Representative

Date

Electronic Logging Device (ELD) – Regulation

- All INTERstate drivers are required to use an ELD for hours of service (refer to your INTRAstare regulations for adoption)
- ELD requirements:
 - The manufacturer of the device you are using must have it registered with the FMCSA as a compliant device
 - The device must be “Fixed” to the unit
 - The device must be able to print or display in the CMV
 - The regulation applies to all CMV’s required by HOS >10,000lbs GVWR
 - Must be connected to the engine ECM
 - Must be able to transfer information to law enforcement

Electronic Logging Device (ELD) – **Exceptions**

- Drivers who use paper logs for not more than 8 days during any 30-day period;
- Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered
 - "Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.
- Drivers of vehicles manufactured before model year 2000
(due to vehicle connectivity concerns; this is a change from the proposed rule)

ELD User– Onboard Documentation

- A driver must have the following items onboard:
 - A user's manual for operating the ELD;
 - An instruction sheet with step-by-steps instructions for transferring hours-of-service records to an authorized safety official;
 - An instruction sheet on reporting ELD malfunctions and recordkeeping procedures during ELD malfunctions; and
 - A supply of paper grid graphs to record driver duty status and related information for at least 8 days, in case of ELD malfunction

ELD User– **Enforcement**

- The Commercial Vehicle Safety Alliance (CVSA) says commercial motor vehicle (CMV) drivers are expected to have a registered Electronic Logging Device (ELD)
 - If a property-carrying driver is operating a CMV without an ELD, they will be placed out-of-service for 10 hours
 - passenger-carrying driver is operating a CMV without an ELD, they will be placed out-of-service for 8 hours
 - In addition , failing to have an e-log device will appear on the roadside inspection report, and a ticket or civil penalty may be given to the driver, and counted against their Compliance, Safety, Accountability (CSA) Hours-Of-Service BASIC

ELD User– **Enforcement**

- CVSA indicates that after being placed out-of-service for 8 to 10 hours respectively, the driver:
 - May continue to their final destination, but he or she must
 - Accurately document his or her hours-of-service using a paper record of duty status, and
 - Carry a copy of the inspection report and/or citation
 - If stopped again before reaching the final destination, must provide enforcement personnel with a copy of the inspection report and proof that he or she is continuing the original trip. This may be satisfied using a bill of lading
 - After reaching their final destination, they may return to their principal place of business or terminal empty to obtain an ELD

ELD – Harassment

- The final rule includes several provisions to guard against harassment of drivers. Specifically, the rule prohibits motor carriers from using information from ELDs to pressure drivers into violating regulations. The final rule also requires ELDs to either automatically mute or allow a driver to turn off or mute the volume on the ELD (or the fleet management system with integrated ELD functionality) when they have logged into the sleeper berth status in the ELD

The Five Most Common – **ELD Violations**

1. FAILURE TO USE AN FMCSA-COMPLIANT DEVICE
2. LACK OF REQUIRED DOCUMENTATION
3. IMPROPER MOUNTING OF ELD DEVICE
4. INCOMPLETE OR FALSE LOGS
5. UNASSIGNED DRIVE TIME

ELD Exception for – **Rentals (8 days or less)**

- The FMCSA exempts short term rentals (less than 30 days) from having an ELD
 - The FMCSA allows drivers of short-term rentals, less than 8 days (for any reason), to use paper logs and are not be required to have an ELD
 - **As part of this exemption the driver is required to have a copy of the FMCSA Exemption letter with them to provide to an officer**
 - The exemption also requires the renting motor carrier to report any DOT recordable accidents during the rental to:
 - MCPSD@dot.gov

ELD Exception for – **Agricultural**

- Motor Carriers carrying fresh produce and other agricultural commodities have been given an exception to the ELD regulation, when operating within a 150 air-mile radius from the source of the commodities
 - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/hours-service/elds/81736/agr-exemption-factsheet.pdf>

ELD – FAQ's

- The FMCSA has published Frequently Asked Questions for the ELD regulation that can be found on the FMCSA website:
 - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/hours-service/elds/74541/elldrulefaqs-feb2018.pdf>

Supporting – Documents

- The final rule requires fleets to retain up to eight supporting documents from several categories (see below) per driver for each 24-hour period:
 - Bills of lading, itineraries, schedules or equivalent documents indicating the origin and destination of a trip;
 - Dispatch records, trip records, or equivalent documents;

Supporting – Documents

- Expense receipts related to on-duty not driving time;
- Text messages, email messages, instant messages, or other electronic mobile communications transmitted through a fleet management system;
- Payroll records, settlement sheets, or other documents reflecting driver payments

Best Practices



- Train all new drivers on ELD regulations and the operation your ELD system
- Use ELD violations as a “coaching event”
- Implement a progressive disciplinary policy for ELD and HOS violations
- Talk to your drivers about their responsibility to inform you the motor carrier of other “on-duty” activity
- Take advantage of the short-haul exception if you qualify

Part SEVEN



- **Utilizing FMCSA Compliance Safety and Accountability (CSA)**
 - FMCSA Compliance, Safety and Accountability
 - FMCSA Compliance Review Process
 - Using CSA to Manage Your Fleet Safety

What is CSA?

- CSA is the analysis and scoring system for evaluating motor carriers for compliance
- It is the way the FMCSA looks at the MCMIS data for a motor carrier and driver

Who is Subject to CSA?

- All motor carriers and drivers that are subject to the FMCSA regulations
- INTRAstate Hazardous Materials carriers

Behavior Analysis Improvement Categories (BASICS)

1. **Unsafe Driving** – (FMCSR parts 392 and 397)
2. **Hours-of-Service** – (FMCSR parts 392 and 395)
3. **Driver Fitness** – (FMCSR parts 383 and 391)
4. **Controlled Substances /Alcohol** – (FMCSR parts 382 and 392)
5. **Vehicle Maintenance** – (FMCSR parts 392, 393, and 396)
6. **Hazardous Materials (HM) Compliance** – (FMCSR part 397 and Hazardous Materials Regulations parts 171, 172, 173, 177, 178, 179, and 180)
7. **Crash Indicator** – Histories or patterns of high crash involvement, including frequency and severity. It is based on information from state-reported crashes

How May the FMCSA Intervene?

- Early contact:
 - Warning letter
 - Targeted roadside inspections
- Investigations
 - Offsite investigation
 - Onsite focused investigation
 - Onsite comprehensive investigation

How May the FMCSA Intervene?

- Follow-up corrective actions
 - Cooperative safety plan
 - Notice of violation
 - Notice of claim
 - Operations out-of-service order

How do I Use CSA to Manage a Fleet?

- CSA is an analysis tool that can be used to enhance your proactive safety and loss control program at no cost
 1. Monitor your CSA information monthly
 2. Contest incorrect information on DataQ's
 3. Train new and existing drivers on CSA and how it affects them as drivers as well as the company (Safety Meeting Topic)
 4. Use CSA monthly reports with all management personnel and set goals for compliance

How do I Use CSA to Manage a Fleet?

5. Monitor your CSA information to identify trends
6. Implement safety campaigns to reduce areas of non-compliance
7. Cross reference information from CSA to documents received from your drivers for compliance
 - Examples:
 - *Roadside Inspections*
 - *Hours of Service Documentation*
 - *Daily Vehicle Inspection Reports*

How do I Access CSA?

- Accessing CSA can be accomplished through numerous FMCSA sites:
 - www.fmcsa.dot.gov
 - <https://safer.fmcsa.dot.gov/>
 - <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>

QUESTION



What are the 6 most common CSA violations?



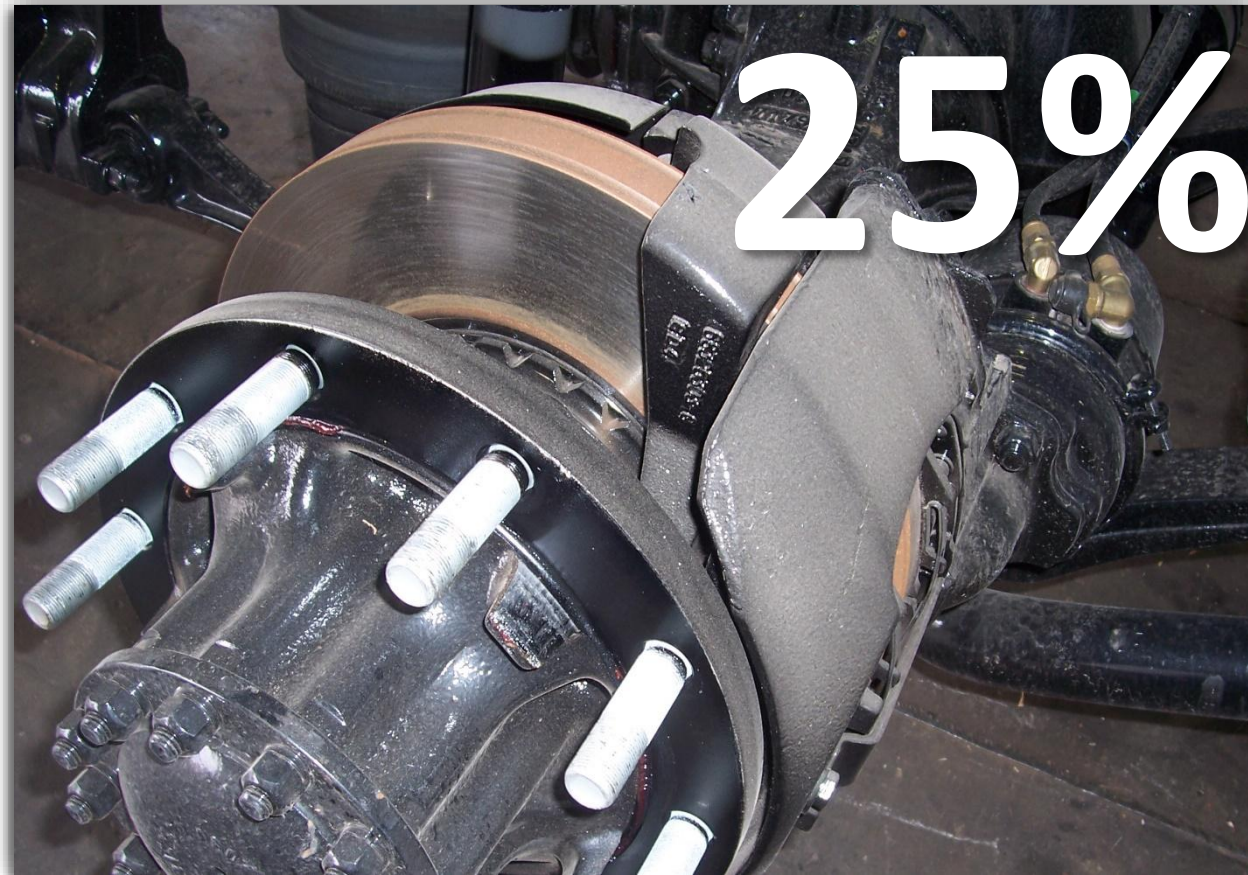
What is the number one vehicle violation?

1



What is the number two vehicle violation?

2



What is the number three vehicle violation?

3



What is the number one driver violation?

1

DRIVER'S DAILY LOG (Rev. 6/13)

05/19/05
(Month) (Day) (Year)

680
Total Miles Driving Today Total Mileage Today

85/47
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct.
Driver's Signature: *[Signature]*

Co-Driver's Signature: _____

25%

SHIPPING DOCUMENTS: 854805
B/L or Manifest No. or _____

Shipper & Commodity: *Goeramento, CA*
From: *Goeramento, CA* To: *Evansston, WI*

Enter name of place you reported and where released from work and when and where each change of duty occurred.

USE TIME STANDARD AT HOME TERMINAL Copyright 2013 J. J. Keller & Associates, Inc.® All rights reserved. 19361 (545-N)

P.T. 1:15 P.M. 10.75 11 .75 24

True King West Bendover, WI

P.T. 1:15 P.M. Evansston, WI

What is the number two driver violation?

2



What is the number three driver violation?

3



9%

QUESTION

My driver has gone through a roadside inspection, how long do I have to keep this documentation on file?

- Copies of all roadside inspections are to be kept by the motor carrier for 12 months
- The driver is required to turn in the inspection to the carrier within 24 hours
- If the inspection resulted in violations, they are to be corrected or repaired, the form signed and returned to the state of inspection within 15 days.



Best Practices



- Reemphasize the importance of pre and post trip inspections with all drivers and verify their proper completion
- Make sure that all data in CSA is yours and is correct
- Implement an incentive/recognition program for drivers who do not incur violations
- Training of drivers in all areas of compliance, safe driving, physical safety, needs to be a core discipline in your safety program

Best Practices



- Utilize the FMCSA training materials available over their website to train drivers
- Make sure your MCS-150 information is updated and current

Recent Regulation UPDATES

Assistance in **Understanding FMCSR's**

- FMCSA updated and renamed this important guide, making it easier to search and customize the content by presenting it as an interactive website called **“The Motor Carrier Safety Planner”**
 - Carriers with an FMCSA Portal account have the added capability to create a customized version of the guide called **“My Safety Planner”** to save chapters and forms and make highlights and notes about the content most relevant to their operations
 - <https://csa.fmcsa.dot.gov/safetyplanner/>

Meal and **Rest Break**

- In 2018, FMCSA preempted California's meal and rest break rules as applied to CMV drivers in interstate commerce (30-minute meal break after 5 hours of work and 10-minute rest break after 4 hours of work)
- As of now, drivers subject to the FMCSA hours of service regulations need not comply with either the California or Washington MRB rules
- About 18 other states have some type of MRB rules that are also currently not enforced against CMV drivers

Speed Limiter

- FMCSA issued May 4, 2025 Advance Supplemental Notice of Proposed Rulemaking to proceed with rule on speed limiting devices for motor carriers operating CMVs in interstate commerce with a GVW of 26,001 pounds or more
 - Rule would apply to vehicles equipped with electronic engine control unit capable of governing the maximum speed be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle
 - Notice does not set out the proposed maximum speed
 - NPTC filed comments stating we are opposed to a nationwide uniform speed limit due to variances in geography, road conditions, traffic congestion, but we support vigorous enforcement of posted speed limits
 - New proposed rule supposed to be issued with May 2024 target date in DOT semi-annual agenda

Oral Fluids for **Drug Testing**

- On May 2, 2023 DOT issued final rule to allow use of oral fluid samples (saliva) for drug testing—will apply to all modes of transportation
 - DHHS has determined testing of oral fluids as reliable as urine testing
 - But all collections of oral fluids are observed—less chance for substituted or adulterated samples
 - Oral fluid testing will be an alternative to urine sample testing—employer option
 - Rule provides methods for dealing with “dry mouth,” similar to shy bladder
 - Rule cannot be implemented until DHHS certifies at least two labs for oral fluid testing, however (one for testing initial sample and another for testing split sample)—no deadline for certification, but expected soon

Hair Samples for **Drug Testing**

- On December 23, 2022 FMCSA denied a request for an exemption to use hair samples as an alternative to urine testing in DOT drug tests—exemption would have allowed carriers to post positive test results to DACH
 - Hair testing is considered more accurate than urine testing and produces more positive results
 - FMCSA denied the exemption not because it disputed the arguments but because Department of Health and Human Services has not finalized its guidelines for hair testing in federal drug testing programs
 - Proposed DHHS guidelines were published in Sept 2020; final procedures expected in near future; again, no deadline

CDL Flexibility Proposal

- FMCSA has issued a Notice of Proposed Rulemaking to increase flexibility for State Driver Licensing Agencies and commercial driver's license applicants in several ways; the proposal would:
 - Expand applicants' ability to take a CDL skills test in a State other than their State of domicile;
 - Permit a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a CMV on public roads without having a qualified CDL holder in the passenger seat;
 - Eliminate the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP; and
 - Require that third-party knowledge examiners be subject to the training, certification, and record check standards currently applicable to State knowledge examiners and third-party knowledge testers be subject to the auditing and monitoring requirements now applicable to third-party skills testers

Automatic **Emergency Braking** Rulemaking

- FMCSA and National Highway Traffic Safety Administration plan to issue a Final Rule in April 2024 to require and/or standardize equipment performance for automatic emergency braking (AEB) systems on heavy trucks
 - The rulemaking will establish performance standards and motor carrier maintenance requirements for AEB systems on heavy trucks and accompanying test procedures for measuring the performance of the AEB systems in NHTSA compliance testing
 - NHTSA and FMCSA have engaged in a national outreach, educational, and awareness campaign, and data collection analysis which included training materials for fleets, drivers, and maintenance personnel related to AEB technology

NHTSA Trailer Underride Retrofit Requirement

March 14, 2024

- The National Highway Traffic Safety Administration (NHTSA) Advisory Committee on Underride Protection (ACUP), will recommend to Congress that any trailer built since 1998 meet Insurance Institute for Highway Safety (IIHS) ToughGuard standards.

Part EIGHT



● **ELEVATE® Driver Performance System**

- What do we do?
- Why do we do it?
- Who is our ideal client?
- How are we impacting results?

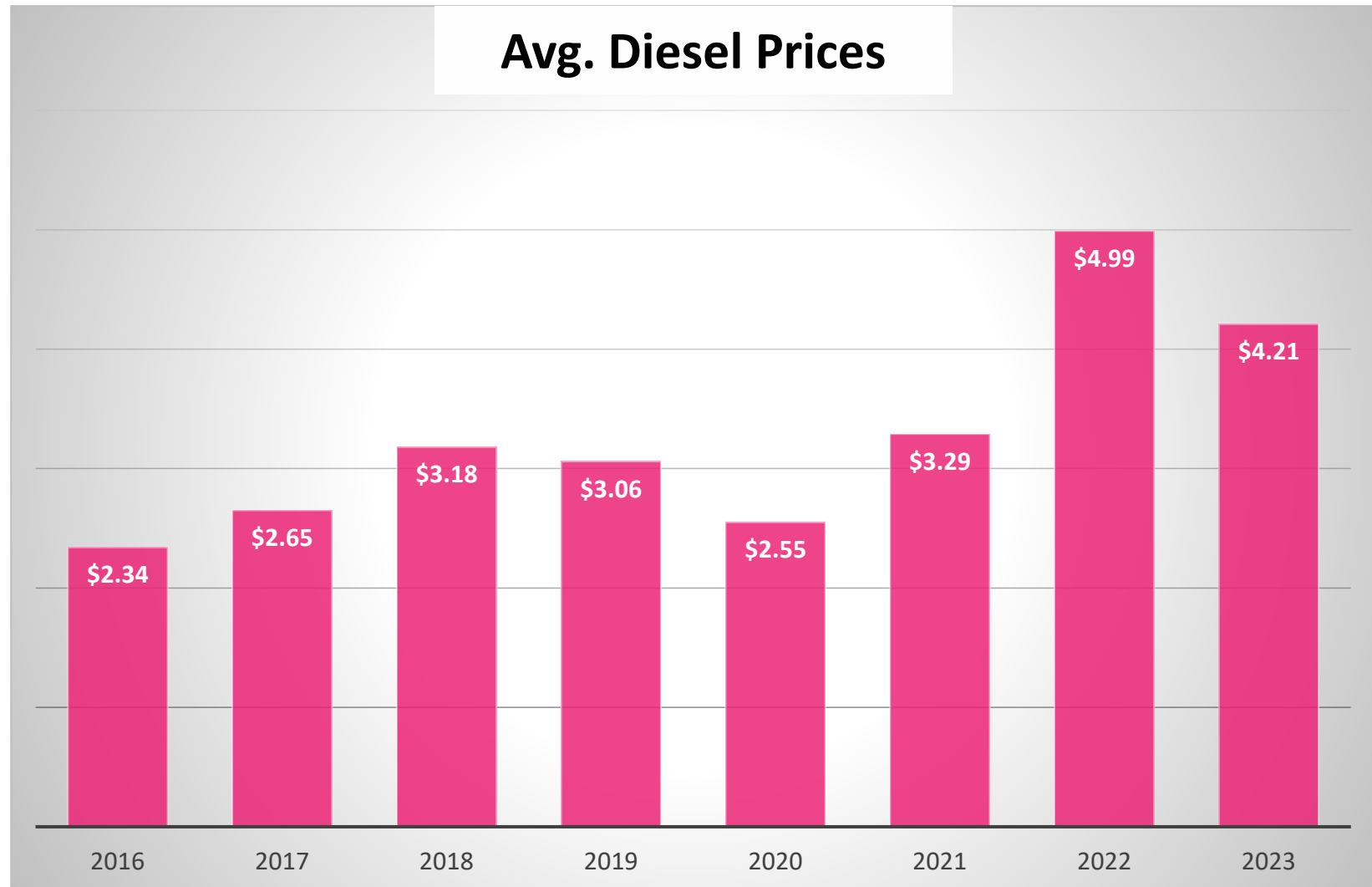
Transportation Costs at a Glance

- Cost Per Mile was at an all time high in 2023 at \$3.56/mile
- Driver pay is #1 contributor
- Fuel is #2
- When it comes to truck maintenance, the top 3 costs are:
 1. Tires
 2. Preventative Maintenance
 3. Brakes

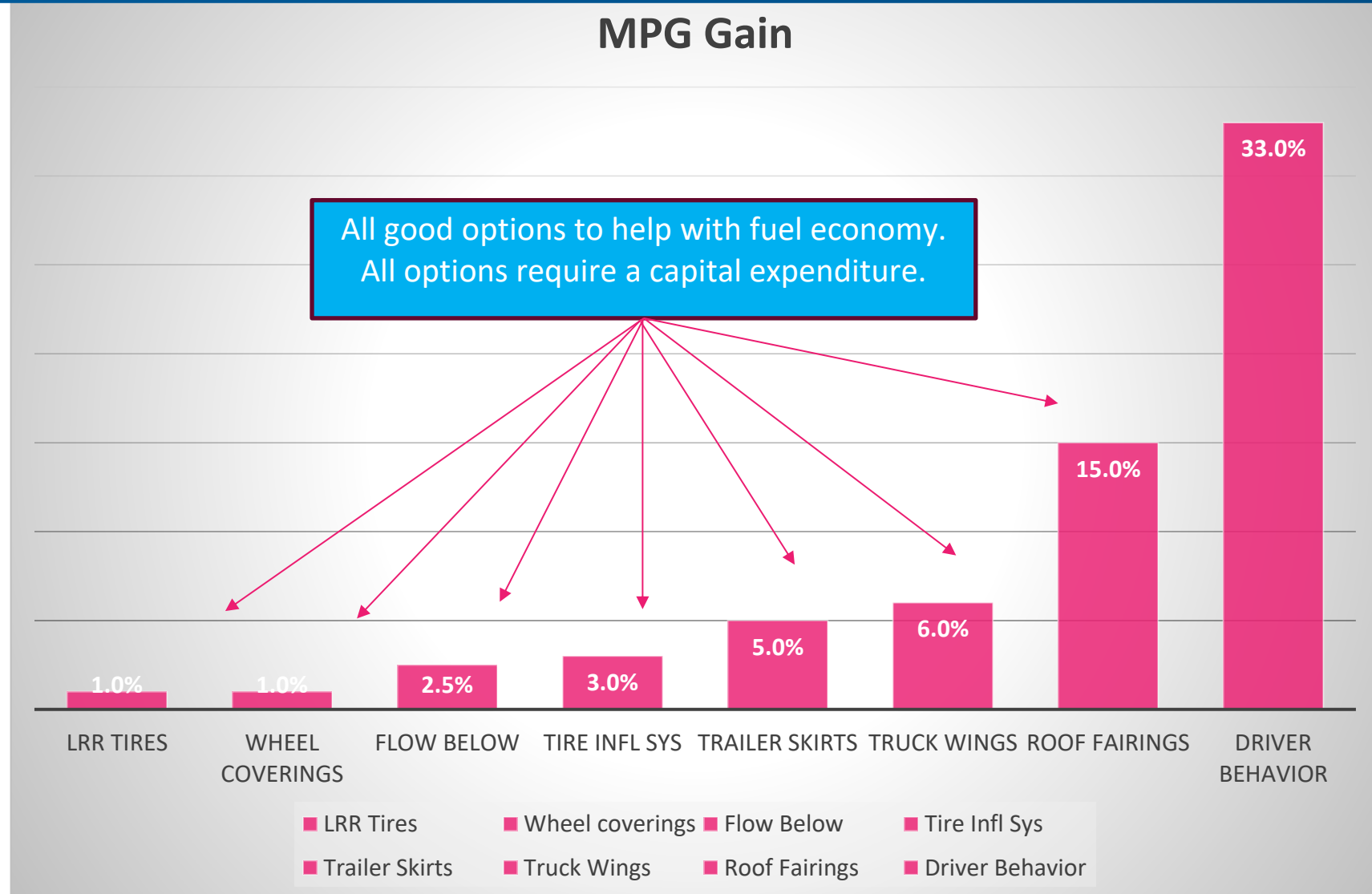
Everyone here is **leaving money on the table**

- When transportation costs (fuel, tires, maintenance, driver) increase a business can do 3 different things.
 1. Pass the increased costs onto the customer, impacting your competitiveness in the market.
 2. Absorb the cost, reducing margin.
 3. Proactively reduce your transportation costs to remain competitive and improve your margin.

Diesel Price History (2016-2023)



How to Improve Fuel Economy



ELEVATE

Your Driver's Performance

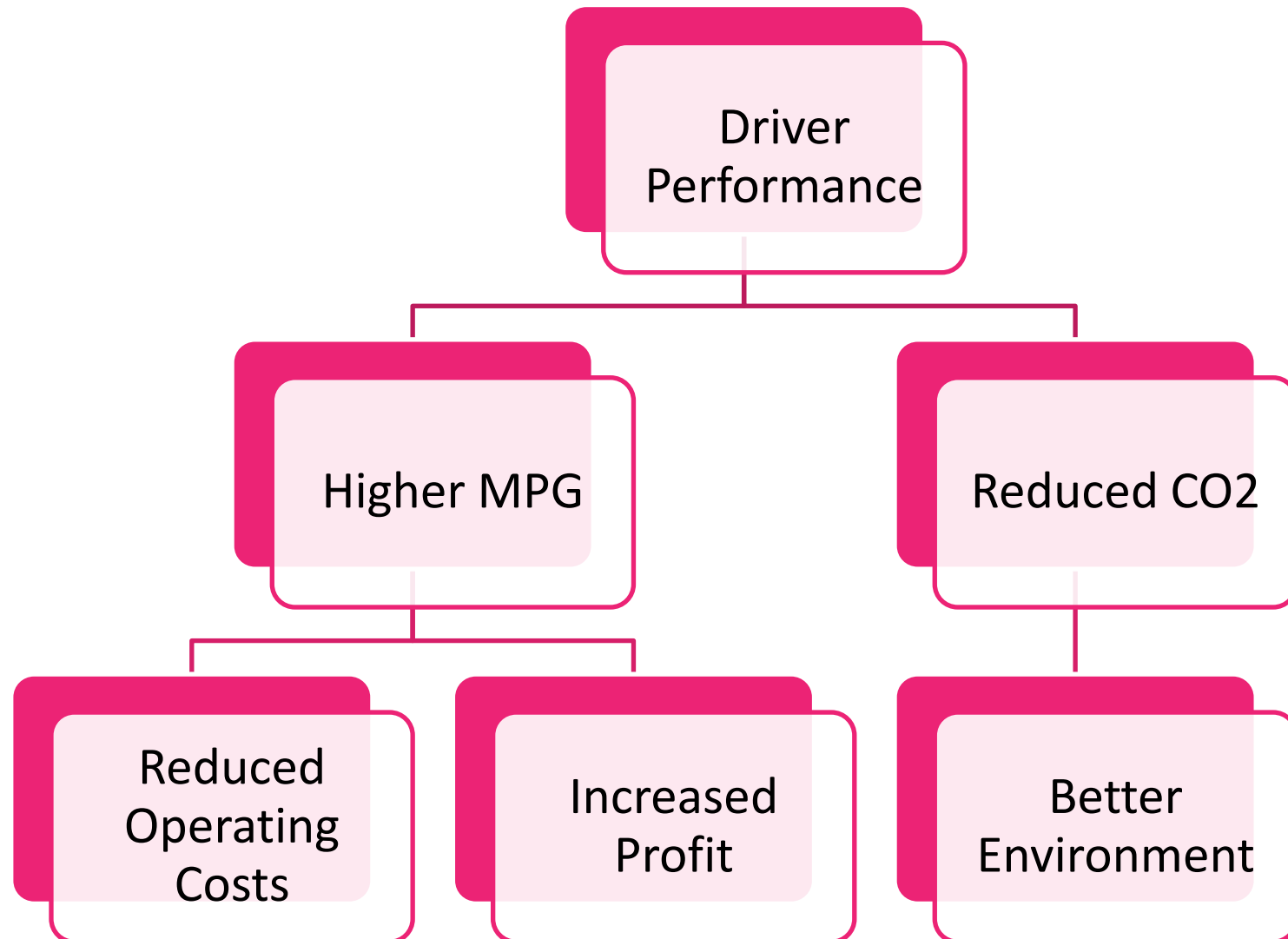
IDEALEASE

ELEVATE[®] Driver Performance System

*It's not how much data you gather
It's what you do with it that matters!*



It's a Win/Win Plan



What is ELEVATE®?



- ELEVATE® is our proprietary Driver Performance System
- ELEVATE® is a concierge service that helps the client work with their drivers on continuous improvement
- Our clients are realizing operating cost reductions that when combined, are in the millions of dollars annually



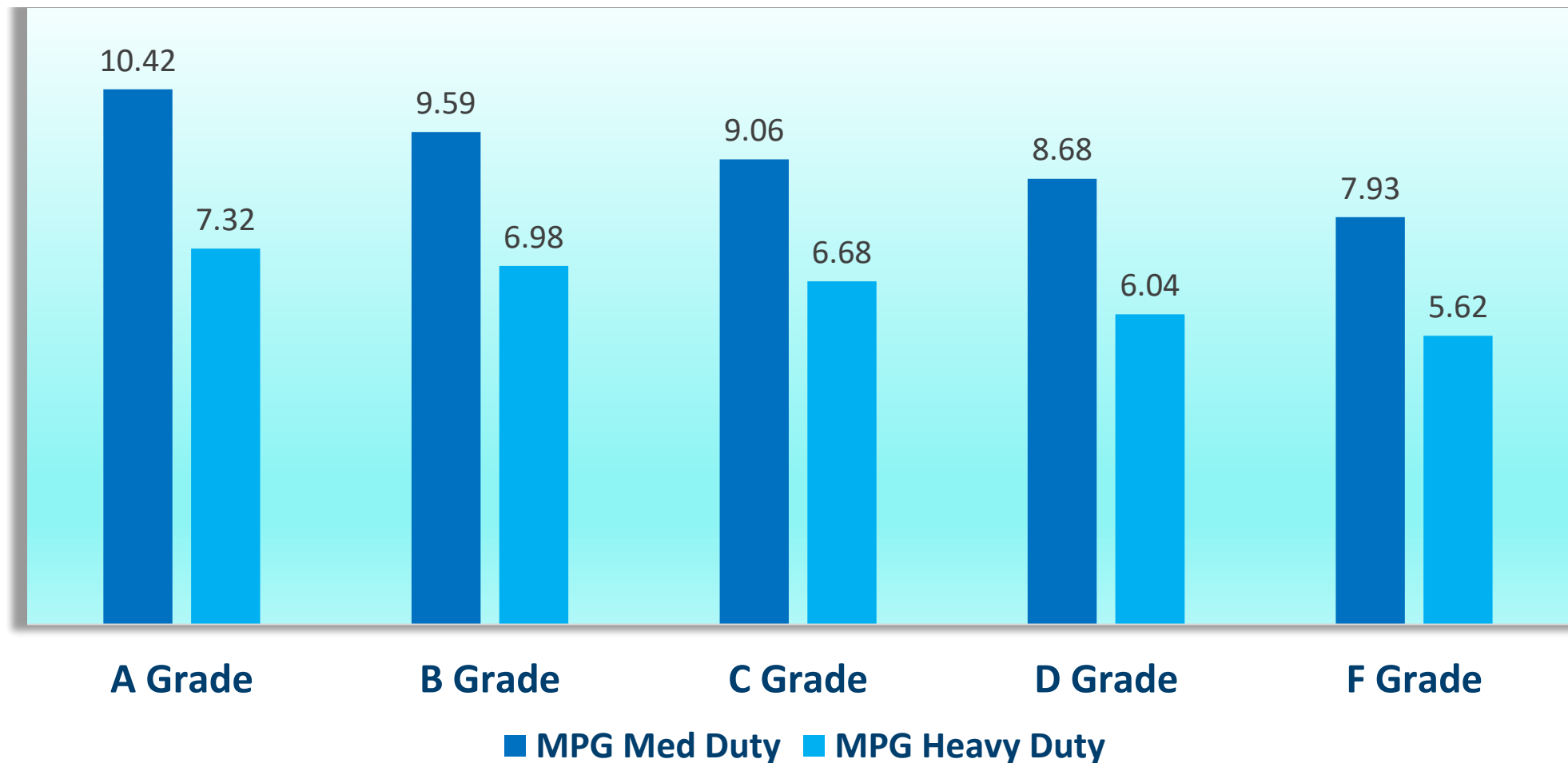
Why Choose **ELEVATE**®?

ELEVATE®
Your Drivers' Performance

- We are saving our clients significant fuel costs
- We are helping make our roadways safer
- Our team does the analytics for you
- Highlight clear opportunities in an easy-to-understand format
- Our proprietary algorithm combines the KPI's into a simple driver grade
- Our priority and focus is YOUR performance improvement

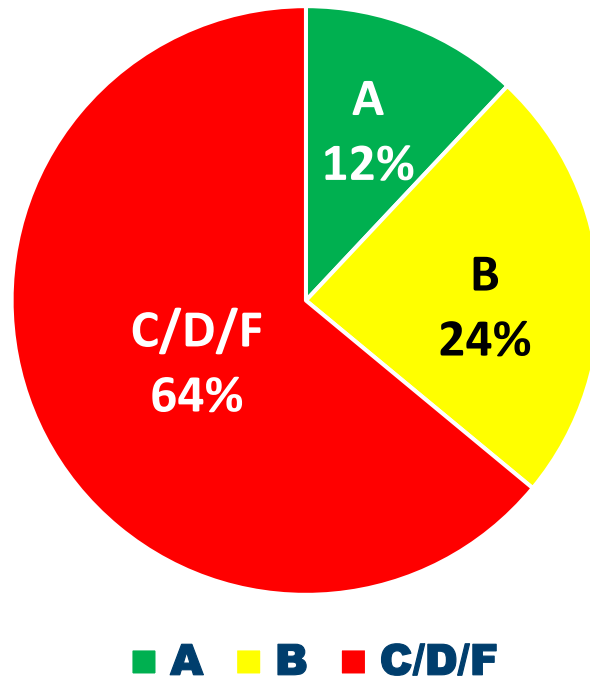


How are we Impacting Results?

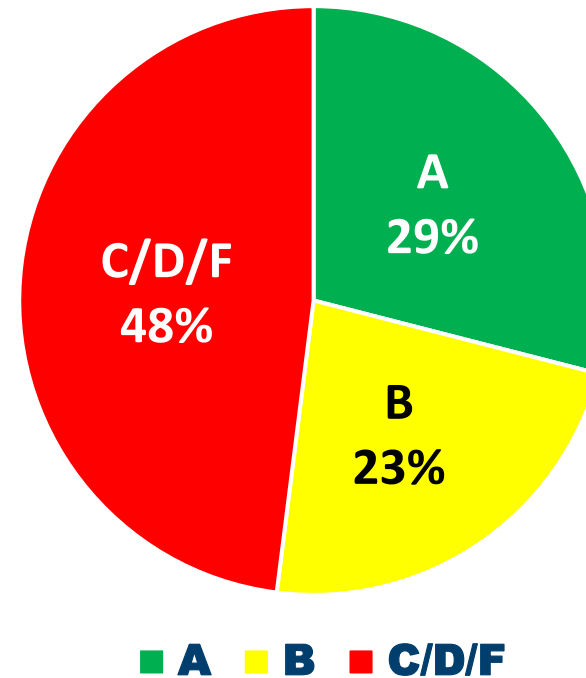


Grade Impacts

Non ELEVATE units



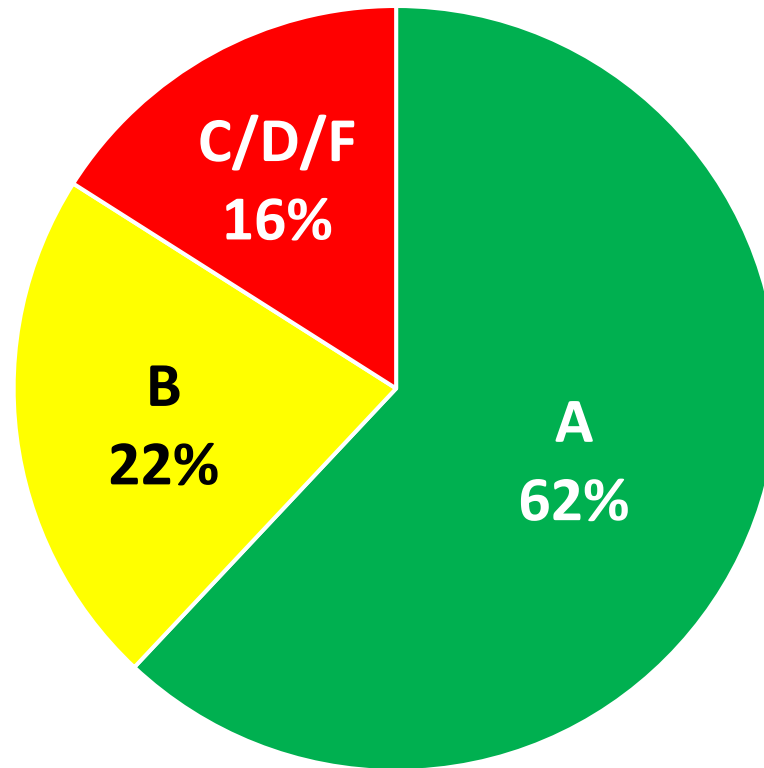
ELEVATE units



Engaged Clients – Really WIN!!

ELEVATE[®]
Your Drivers' Performance

Engaged ELEVATE Clients



■ A ■ B ■ C/D/F



Client – Fuel Savings

- We consistently get our clients 20% improvement in fuel economy when they are engaged in our ELEVATE[®] program
- Fuel savings go direct to your bottom line



MPG Improvement Savings Calculator			
EST. ANNUAL MILES	1,000,000	IMPROVEMENT %	20.0%
CURRENT MPG	8.21	PROJECTED MPG	9.85
CURRENT GALLONS	121,803	NEW GALLONS	101,502
AVG. PRICE / GALLON	\$4.21		
GALLONS SAVED	20,300		
ANNUAL FUEL SAVINGS	\$85,465		

Benefits of a **Quality Driver Behavior Program**

- Improved fuel economy
- Improved Safety
- Reduced Carbon Emissions
- Improved Driver Satisfaction and Retention
- Lower Operating Costs
- Lower Maintenance
- Fewer Breakdowns



Best Practices



- Improve your fuel economy by evaluating data and data trends to identify what you can control to have a measurable effect on driver performance
- Implement a driver incentive program and recognize those drivers who show measurable improvement (data driven) in fuel economy and safety
 - Make this data available for all to see and make this part of your regular safety meetings
- Identify another metric of your proactive safety and loss control program, evaluate the data and develop another driver incentive program



Getting Started



Email us today at ELEVATE@Idealease.com



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If you feel this seminar was valuable to you and your organization, and would like others within your company to also attend this free informational seminar



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ROADSIDE ASSISTANCE

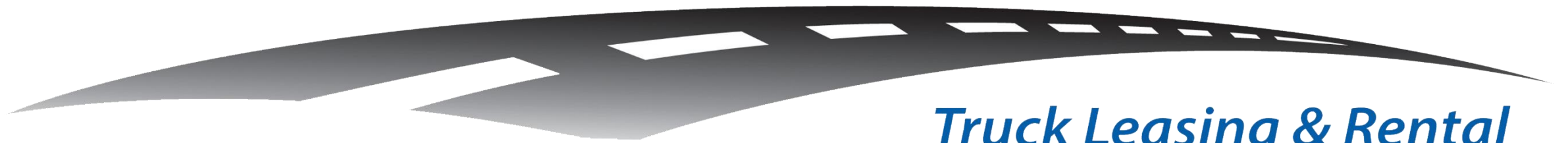
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