

# Takin' a Load Off Your Mind

MARCH 2009

## FLEET COMPLIANCE GROUP, LTD.

2976 Ivanrest SW, Ste. 255  
Grandville, MI 49418

Telephone: (616) 532-1444  
Fax: (616) 532-1794

Email: [fleet.compliance@hotmail.com](mailto:fleet.compliance@hotmail.com)

### GET READY – PREPARE – THINGS ARE ABOUT TO CHANGE!

It's no longer the day to fear a D.O.T. audit – alone. There's more to fear than fear itself ...there's the new "rating" system for motor carriers and it is on its way.

The **Satisfactory**, **Conditional**, and **Unsatisfactory** ratings are currently determined through the administration of very labor intensive Compliance Reviews (audits); and based on the motor carrier's acute, critical, serious violations. NO MORE!

In 2007 the development of CSA 2010 (Comprehensive Safety Analysis) was completed. Testing and validation of the program began early in 2008 involving 26 State/Federal investigators in four states (Colorado, Georgia, Missouri, and New Jersey).

There will now be "new names" for the ratings that also affect our shipper contracts and insurance premiums ...the names are:

**"Continue Operation"**  
**"Marginal", or**  
**"Unfit"**

Just the names alone should give a clue as to how motor carrier operations will need change and concentrate on disciplinary policies to reflect good carrier "safety fitness" data.

These ratings will no longer be based only on the Reviews (audits), directed at the carrier. All of your driver citations and equipment inspections, crashes, etc. ....will now affect the Rating - in very short order. They will be increasing crash investigations, and accumulating data on driver convictions including drug test results. All of this data, along with other aspects relating to motor carrier safety operation will be updated every 30 days. Your rating will be based on the data accumulated.

Motor carriers will begin receiving progressive intervention from the authorities – focusing on the carrier and the driver. This will be based on seven (7) BASIC's.

- Unsafe Driving
- Fatigued Driving
- Driver Fitness
- Controlled Substances/Alcohol

- Vehicle Maintenance
- Improper Loading/Cargo
- Crashes

Interventions will be administered on a graduated system ...

- Warning letters
- Roadside Inspections (targeted)
- Investigations
- Safety Plans
- Notice of Violations
- Comprehensive on-site investigations
- Notice of Claim
- Settlement Agreements

The intervention can be triggered by deficiencies in the BASIC's, crashes, and/or complaints and be influenced by each motor carrier's intervention history or safety performance discoveries.

The final phase should be finished and in full force some time in 2010.

The CSA 2010 will now affect the entire motor carrier base. This could never be accomplished by Compliance Review's - all motor carriers will be regularly monitored. The driver behavior will now have a much larger affect on the motor carrier's rating than ever before.

This is a "very" brief synopsis of CSA 2010. We'll try to keep you posted as questions arise.

There's no time to waste – work up your plan to improve the efficiency and effectiveness of your safety policies and procedures - compliance enforcement will be watching.

#### DID YOU KNOW...

*An employer must provide a list of readily available Substance Abuse Professional services to employees who violate drug and alcohol testing regulations, including the "pre-employment" drug tests. (FMCSR 40.28F)*

#### Men Don't Remember Anniversaries?

A wife wakes during the night to find that her husband is not in their bed. She puts on her robe and goes downstairs to look for him. She finds him sitting at the kitchen table with a cup of coffee and he appears deep in thought. As she is watching him, he wipes a tear from his eye.

"What's the matter?" she said. He says, "Do you remember when we were dating 20 years ago when you were 17?" Thinking he was so caring a sensitive she says, "Yes, I do."

He then says, "Do you remember when your father caught us in the back seat of my car and put a shotgun in my face and told me he could send me to jail for 20 years?" She replied, "Yes, I remember that too."

He wiped the tears from his eyes and said .... "Today is the day I would have been released."

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#### **SLEEP APNEA – Why All The Attention?**

Approximately 18 million Americans suffer from sleep apnea ...most go undiagnosed and untreated – leading to more health issues.

Why should this be important to you? Included in this group are truck drivers, who may also be at high risk. They drive your vehicles, service your customers, transport your cargo and/or give you exposure on public roadways. Research has suggested that sleep apnea is a significant cause of motor vehicle crashes.

There are some steps that should be taken to protect your interest.

Pay attention to what is included on the D.O.T. long-form physical and watch for signs and symptoms. Assure yourself that the physician administering your D.O.T. physicals are paying attention to the signs of this disorder? Remember that the motor carrier is responsible that the physician is following the criteria required by D.O.T. law ...and that they are appropriately certifying driver/employees for operating commercial motor vehicles.

There is more to this subject than just D.O.T. requirements – your liability is at stake. It is important that the motoring public is not in danger ...while you could have been aware of the risks.

If the initiative is taken, sleep apnea is easily diagnosed and treated. There are many clinics for sleep disorders that provide sleep management programs that could be helpful to your drivers.

#### WHO NEEDS TO STOP AT THE WEIGHT STATIONS ....

**In Michigan – it's a misdemeanor if you don't. This includes owners/drivers of commercial vehicles w/other vehicles or trailers in combination, a truck or tractor in combination, or special mobile equipment used for transport of passengers, or for hire. Vehicles constructed for transport of goods, wares or merchandise or designed for drawing other vehicles.**

**F.C.G.**

**COMPLIANCE and LOGBOOK WORKSHOPS**

**Call our office for a schedule.**