

Transportation Safety Training Newsletter

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Entry-level driver training proposal slated for October

An October 15, 2015, date has been tentatively set for the release of a proposed entry-level driver training rule.

This date was added to the May 2015 edition of the “DOT Significant Rulemakings Report” by the Federal Motor Carrier Safety Administration (FMCSA).

Currently, FMCSA is conducting a negotiated rulemaking process to craft the proposal.

Under the negotiated rulemaking process, a committee of 26

individuals, representing a cross-section of motor carrier interests has been meeting to develop a consensus draft of a proposed rule.

This committee is addressing issues to be covered in the proposed rule, including specific classroom, range, and behind-the-wheel training requirements for professional truck and bus drivers.

Training modules for individuals applying for a hazardous materials, passenger, or school

bus endorsement may also be addressed in the proposal.

About the report

The “DOT Significant Rulemakings Report” provides a summary and the status for all significant rulemakings that DOT currently has pending or has issued recently. The report is updated monthly. All dates listed are estimates.

The report may be accessed via the DOT website: www.dot.gov.

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Diabetes standard change considered

A proposed rulemaking would allow individuals with stable, well-controlled insulin-treated diabetes mellitus (ITDM) to be qualified to operate commercial motor vehicles in interstate commerce.

The proposed rulemaking, issued by the Federal Motor Carrier Safety Administration (FMCSA), would enable a driver with ITDM to obtain a medical examiner’s certificate annually if the driver’s health care provider who is responsible for prescribing insulin for the driver’s diabetes provides documentation to the medical examiner who performs the driver’s USDOT medical qualification exam affirming that

the driver’s condition is stable and well-controlled.

For more information

To view the entire proposal, visit the J. J. Keller website: www.jjkeller.com/tmc.





HOS exemption requested

The American Trucking Associations (ATA) has requested an exemption to the 30-minute break requirement for certain hazardous materials haulers.

ATA is requesting the exemption on behalf of motor carriers that transport hazardous materials shipments requiring security plans under the regulations of the Pipeline and Hazardous Materials Safety Administration (PHMSA).

These plans normally require a driver to "attend" to the cargo while the commercial motor vehicle is stopped, which is an on-duty activity.

Currently, drivers required to be in attendance of a commercial motor vehicle transporting Division 1.1, 1.2, or 1.3 explosives may note 30 minutes of attendance time when not performing any other work activities as their required 30-minute break.

This exception is exclusively for drivers transporting Division 1.1, 1.2, or 1.3 explosives and does not include other hazardous materials.

The exemption ATA is requesting would be similar to the current one for explosives haulers.

Rule addresses passenger-carrying vehicles

In an attempt to prevent unsafe passenger carriers from evading regulatory oversight and enforcement, the Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule addressing the lease and interchange of passenger-carrying commercial motor vehicles.

The rule will enable FMCSA to identify the motor carrier operating a commercial motor vehicle that is responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs). It will also ensure that a lessor surrenders control of the commercial motor vehicle for the full term of the lease or temporary exchange of commercial motor vehicles and drivers.

To view the final rule, visit the J. J. Keller website: www.jjkeller.com/tmc.

Narcolepsy exemption requested

Three individuals who have been diagnosed and treated for narcolepsy have applied for

an exemption to the physical qualification requirements that prohibit them from operating in interstate commerce.

Currently, all three drivers operate in intrastate commerce and are receiving medical treatment.

Section 391.41(b)(8) of the Federal Motor Carrier Safety Regulations prohibits an individual from operating in interstate commerce if he/she has an established medical history or clinical diagnosis of a condition likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle.

If granted, the exemptions would allow the drivers to operate in interstate commerce for two years.



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Q

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A

The definition(s) of a CMV

This month's edition of Q & A addresses the definitions of a commercial

motor vehicle (CMV) found in the Federal Motor Carrier Safety Regulations (FMCSRs).

Q: We are a private carrier that operates in a three-state area. We operate our own vehicles and carry our own goods.

Our trucks have a gross vehicle weight rating (GVWR) of 14,000 pounds and occasionally tow a trailer with a GVWR of 8,000 pounds. The gross combination weight rating (GCWR) is 22,000 pounds.

It is our understanding that our drivers do not need a commercial driver's license (CDL) to operate our vehicles.

Recently, one of our drivers received a ticket from a highway patrol officer for not having a medical card and log book.

I thought only for-hire operations with vehicles that require drivers to possess a CDL were subject to these requirements. Why did my driver receive a ticket?



A: The FMCSRs apply to all motor carriers (including private carriers) operating CMVs with few exceptions.

There are two definitions of a CMV in the FMCSRs. One definition is located in Part 390. The other is found in Part 383.

Your driver received a ticket because he was operating a CMV as defined in Part 390 without the appropriate documents.

Part 390

The definition of a CMV in Sec. 390.5 covers interstate drivers. It applies to all of the regulations in Parts 390 through 399.

This includes (but is not limited to) driver qualification, physical qualification, hours of service, and vehicle inspection.

A CMV is defined as:

- Having a GVWR, GCWR, gross vehicle weight (GVW), or gross combination weight (GCW) (whichever is greater) of 10,001 pounds or more;
- Transporting a placardable amount of hazardous materials;
- Designed or used to transport more than 8 passengers, including the driver, for compensation; or
- Designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

In Part 390, certain operations do not fall under the definition of a CMV. This includes certain school bus operations, government agencies, the transportation of

sick and injured people, and the operation of fire trucks and rescue vehicles. See Sec. 390.3(f) for complete details.

Note: The definition of a CMV may vary from state-to-state for intrastate (not crossing state lines, not furthering interstate commerce) operations. Consult individual state regulations for intrastate requirements.

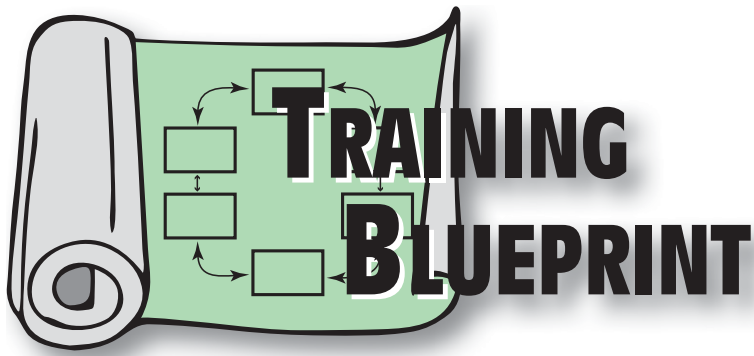
Part 383

The definition of a CMV in Sec. 383.5 covers both interstate and intrastate drivers. It applies to the CDL standards in Part 383. Also, the driver of a CMV that requires a CDL and the driver's motor carrier are subject to the drug and alcohol testing requirements in Part 382.

A CMV is defined as:

- Having a GCWR or GCW of 26,001 pounds or more, (whichever is greater) inclusive of a towed unit(s) with a GVWR or GVW of more than 10,000 pounds (whichever is greater);
- Having a GVWR or GVW of 26,001 pounds or more (whichever is greater);
- A vehicle of any size used in the transportation of hazardous materials as defined in Part 383; or
- Designed to transport 16 or more passengers, including the driver.

In Part 383, exceptions are made for certain operations including drivers of military vehicles and firefighters. See Sec. 383.3 for complete details.



Health and wellness: A healthy driver is a safe driver

A healthy driver is a safe and alert driver. Achieving a healthy and safe lifestyle can be challenging when done on the road, but it can be done.

This training blueprint will focus on some of the steps a professional driver can take to achieve a healthy lifestyle when on and off the road.

Trainer's Note: *Make sure that your drivers understand that they should consult with a medical professional before starting any diet or exercise program. A medical professional can make recommendations based on individual health and lifestyle.*

Diet

Whether a driver is at home or on the road, it is important to maintain a healthy diet. A healthy diet includes eating a variety of foods on a daily basis that are rich in nutrients and low in calories. This includes vegetables and fruits, whole grains, low-fat dairy, and lean protein.

Vegetables and fruits. Vegetables and fruits are full of nutrients that help in promoting good health. Vegetables and fruits of various colors and varieties should be selected for both meals and snacks, including tomatoes, sweet

potatoes, broccoli, apples, pears, berries, and carrots.

Whole grains. Whole grains provide more nutrients than refined grains. Examples of whole grains include oatmeal, brown rice, and whole wheat pasta.

Low-fat dairy. Milk, cheese, and yogurt are included in the dairy group. Fat-free (skim) or low-fat (one percent) milk, cheese, and yogurt are all good choices.

Lean protein. Meat, poultry, seafood, eggs, nuts, and seeds are considered part of the protein group. Lean cuts of meat or low-fat meat and poultry should be selected.

Limit fat, oil, added sugar, salt. Limiting fats, oils, and added sugars is also important when it comes to a healthy diet as these foods provide calories, but little in nutritional value. Too much salt (sodium) can increase blood pressure.

Drink water. Water is a key ingredient to health and wellness. Water processes the nutrients we eat, cleanses our bodies of toxins and impurities, and replenishes after exercise or physical exertion, especially in extreme heat. Normally, at least eight-8 ounce glasses of water should

be consumed every day, and if working in extreme heat, at least 8 ounces of cool water should be consumed every 15 to 20 minutes.

Eating healthy on the road

Being on the road can present additional challenges when it comes to healthy eating. A driver's options can be limited at a truck stop or fast food outlet. Planning ahead and packing healthy foods before starting a trip is one way to combat this problem.

There are lots of healthy choices that can be purchased from the grocery store before leaving on a trip. They can be carried in a small cooler on the vehicle. These choices include fresh fruit, cut up vegetables, and string cheese. Ready to eat cereals and unsalted nuts are other healthy foods that can be taken on the road.



Making healthy food choices can be a challenge when stopping at a restaurant or truck stop. Being an informed diner is half the battle when it comes to being a healthy diner. Many restaurant and fast food chains are starting to post calories on their menus. Also, many post nutritional information on their websites. If possible, this information should be checked out before ordering. If this isn't possible, drivers should look for key words such as grilled, whole grain, and low fat to help in making informed mealtime decisions.

Beverages are another issue to consider. Sodas and sweetened coffees are full of sugar and calories. Low-fat milk, water, unsweetened tea, and fruit and vegetable juices without added sugars are better choices.

Trainer's Note: *The U.S. Department of Agriculture (USDA) maintains a website (www.nutrition.gov) that provides resources and information addressing the topic of nutrition.*

Exercise

Regular physical activity is important to overall health and fitness. Being physically active can help with:

- Losing weight or maintaining a healthy weight (when combined with proper diet);
- Well-being;
- Sleep; and
- Strengthening muscles and bones.

Beneficial physical activity includes:

- Aerobic activities including brisk walking, jogging, bicycling, and swimming;
- Resistance, strength building, and weight-bearing activities such as lifting weights and push-ups; and
- Balance and stretching activities including gentle stretching, dancing, and martial arts.

The USDA recommends that adults do at least two and a half hours of moderate physical activity each week.



Exercise on the road

Being on the road can present challenges when it comes to getting in some physical activity on a regular basis. Having a “game plan” can help in getting in some form of physical activity.

The “game plan” may include making time during a stop to take a 30 minute walk or planning to stop at a facility that includes exercise equipment.

Some drivers carry exercise equipment such as hand weights or a bicycle or do simple stretching exercises in their vehicle.

Fatigue

Fatigue is a generic term used to describe anything from being sleepy to exhausted. Two major causes of fatigue are sleep loss and changes to the body's internal clock.

Sleep loss. Sleep, like food and water, is necessary for human survival. Depriving your body of sleep is like starving yourself.

In general, most adults need 7 to 8 hours of uninterrupted sleep to feel well-rested. Sleep loss of as little as 2 hours can affect alertness and performance. This can include reduced judgment, slowed reaction time, lack of coordination, and poor attitude/mood.

Circadian rhythm. Put simply, circadian rhythm is the body's internal or biological clock. For most people, their clock runs on a 24-hour basis with some high points and low points in that 24-hour span of time.

Time cues, such as sunlight and darkness and work/rest schedule keep a body's clock set to a certain schedule.

Most everyone's clock is set for two low points. One is between 2 a.m. and 6 a.m. The other is between 1 p.m. and 5 p.m. The more dangerous of the two is between 2 a.m. and 6 a.m. as most people are programmed to sleep when it is dark and fighting fatigue is difficult.

Signs of fatigue and ways to fight it

There are several signs that can tell a driver that he/she is about to fall asleep including:

- Lack of alertness;
- Drowsiness;
- Yawning;
- Trouble focusing eyes/trying to keep them open;
- Head drooping;
- Reduced reaction time;
- Erratic shifting, intermittent braking, following vehicles too closely;
- Lane deviations; and
- Bad driving decisions.

There are several things that can be done to fight fatigue:

- Get a solid 8 hours of sleep;
- Try to establish a regular sleep and waking schedule; and
- Avoid driving during “down” times.

Fines levied for violations

As well as promoting safety, a good training program can help save your company money. The following is a partial list of enforcement cases closed by the Federal Motor Carrier Safety Administration (FMCSA) in Fiscal Year 2014. These penalties are the result of violations of the Federal Motor Carrier Safety Regulations (FMCSRs). The state, section(s) and description(s) of the FMCSRs violated, and the penalty amount are listed.

California

Section	Description	Fine
1. §395.8(i)	Failing to require driver to forward within 13 days of completion, the original of the record of duty status.	\$6,090
2. §395.8(e)	False reports of records of duty status.	\$32,040
3. §382.215	Using a driver known to have tested positive for a controlled substance.	\$2,000
4. §395.3(a)(2)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.	\$4,080
5. §382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.	\$4,440
6. §396.17(a)	Using a commercial motor vehicle not periodically inspected.	\$2,000
7. §382.211	Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382.	\$11,000
8. §395.3(a)(3)(ii)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.	\$18,930
9. §382.503	Allowing a driver to perform safety sensitive function, after engaging in conduct prohibited by Part 382, Subpart B, without being evaluated by substance abuse professional, as required by §382.605.	\$4,440
10. §382.115(a)	Failing to implement an alcohol and/or controlled substances testing program (domestic motor carrier).	\$2,860
11. §395.8(k)(1)	Failing to preserve driver's record of duty status for 6 months.	\$7,740
12. §395.8(e)	False reports of records of duty status.	\$4,500



DRIVER ISSUES

Instructor's Notes

Maintaining a healthy lifestyle can be difficult for the professional driver. Most of a driver's day is spent behind the wheel with little physical activity. Also, making healthy and nutritious food choices while on the road can be a challenge.

Though it is difficult to maintain a healthy lifestyle, it is not impossible. This month's edition of "Driver Issues" addresses health and wellness.

The first page addresses some of the healthy choices drivers can make while on the road as well as in their life at home.

The second page is a brief quiz. It serves as a review of your lesson and is a good way to determine your drivers' understanding of the lesson.

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Note: Quiz answers — 1.) D, 2.) B, 3.) C, 4.) B, 5.) A

HEALTH AND WELLNESS

DRIVER ISSUES



Make healthy food choices

- Vegetables — Carrots, tomatoes, broccoli
- Fruits — Apples, pears, grapes, berries
- Whole grains — Oatmeal, brown rice, whole wheat pastas and breads
- Low-fat dairy — Skim/one-percent milk, cheese, yogurt
- Lean protein — Poultry, seafood, eggs, nuts, seeds

Make healthy beverage choices

- Low-fat milk
- Water
- Unsweetened tea
- Fruit and vegetable juices (without added sugar)

Exercise

- Aerobic activities — Walking, jogging, bicycling, swimming
- Strength-building/weight-bearing activities — Lifting weights, push-ups
- Balance, stretching activities — Gentle stretching, martial arts

Fight fatigue

- Get a solid eight hours of sleep
- Try to establish a regular sleep and waking schedule
- Avoid driving during “down times”

HEALTH AND WELLNESS

Directions: Read each statement carefully and mark the response that best answers the question.

DRIVER ISSUES



1. _____ is a healthy food choice.
 - A. Fruits and vegetables
 - B. Whole grains
 - C. Lean protein
 - D. All of the above

2. Whole milk is an example of a low-fat dairy product.
 - A. True
 - B. False

3. _____ is an aerobic activity.
 - A. Lifting weights
 - B. Gentle stretching
 - C. Brisk walking
 - D. All of the above

4. One way to fight fatigue is by getting a solid five hours of sleep each day.
 - A. True
 - B. False

5. Avoiding driving during “down times” is one way to fight fatigue.
 - A. True
 - B. False

Name: _____ Date: _____

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