

# GUARDIAN

A Publication of the Commercial Vehicle Safety Alliance

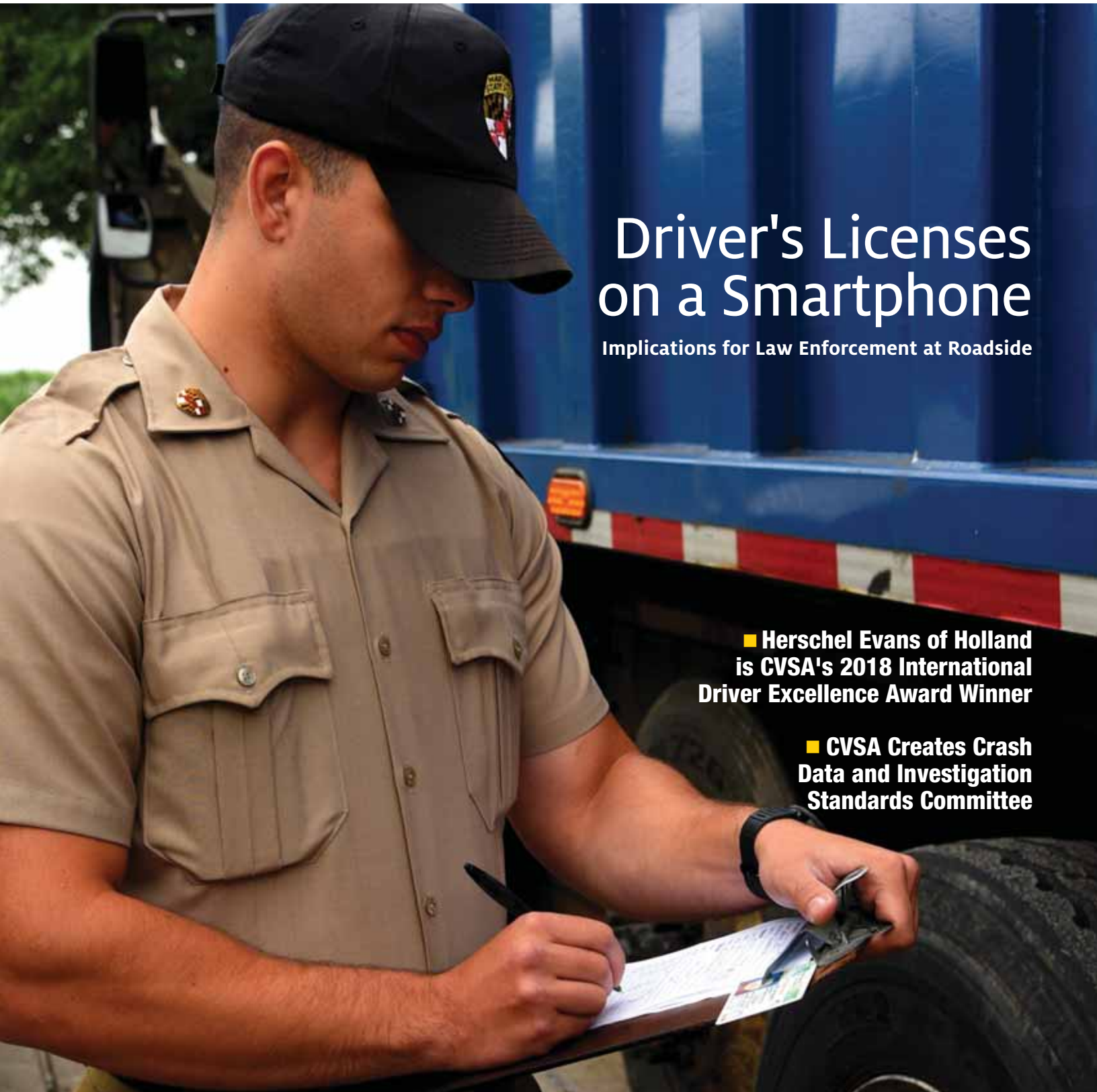
Volume 25, Issue 2  
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## Driver's Licenses on a Smartphone

Implications for Law Enforcement at Roadside

■ **Herschel Evans of Holland is CVSA's 2018 International Driver Excellence Award Winner**

■ **CVSA Creates Crash Data and Investigation Standards Committee**



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### GUARDIAN

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# PRESIDENT'S MESSAGE

## Membership Engagement and the Pursuit of Zero Traffic Deaths

By **Capt. Christopher Turner**, *Kansas Highway Patrol*

Recently, I provided testimony to the Kansas legislature and spoke at the Road to Zero Coalition's CMV Safety Panel in Washington, D.C. During both events, I spoke about enforcement practices that save lives.

It is a stark reminder that the number one killer of children and young adults age 5 to 25 is motor vehicle crashes. Stop and really think about that...the number ONE killer of our children and young adults is not gun violence, swimming pools or Tide PODS®, it is motor vehicle crashes.

As I wrote in my last article, fatalities (and most crash categories) are on the rise, after years of success in reducing these crashes. There are many reasons for the increase in fatalities. Combating these issues requires everyone's participation, engagement and a multifaceted approach.

In front of the Kansas legislature, I spoke about commercial motor vehicle technologies designed to increase safety by decreasing the potential for human error. These technologies, such as lane departure warning systems, platooning, wireless inspection systems, adaptive cruise control and others, have tremendous potential to save lives and improve safety.

Our committees work directly with the companies providing these systems – associate members and government agencies – not only to understand these technologies, but to help put them into practice. Our committees also work to address the challenges roadside officers will face ensuring complex technologies are working properly.

The Road to Zero (RTZ) Coalition is led by the National Safety Council partnering with the National Highway Traffic Safety Administration, the Federal Highway Administration and the Federal Motor Carrier Safety Administration. The coalition has more than 600 members, including CVSA, and is still growing. The coalition aims to reduce traffic fatalities to zero by 2050. While the RTZ Coalition acknowledges this is a lofty goal, it is attainable.

RTZ focuses on the following principles:

- Traffic fatalities are preventable.
- A future with zero traffic deaths is more certain than ever with the emergence of self-driving cars and the Safe Systems transportation approach.
- A coordinated effort that brings together multiple stakeholders with the same goal can achieve more than individual organizations working independently.

The principles of RTZ fit perfectly into our goals. Both of these recent experiences with dedicated safety professionals made me realize that now is an exciting time to be, or become, a member of CVSA.

CVSA's excellence is a direct result of our members. While serving our Alliance, I have witnessed how incredible our members are. Most of us have dedicated the majority of our working lives to promote safety and consistency in enforcement, while working to further industry and commerce.

I have no doubt our members have saved lives, individually. However, much like RTZ's principles, our coordinated efforts working together as multiple stakeholders with the same goal will achieve more than we can individually. Our expertise, whether law enforcement or our associate members, saves lives throughout North America.

There are new challenges in our effort to save lives and these new challenges need engagement from our members. Speak up at our meetings. No idea is a bad idea. Encourage others to become a member of CVSA and help us fight toward zero traffic deaths on our roadways. Through our members' participation, CVSA has a unique opportunity to contribute to the coming changes in technology and enforcement. We can help change the safety culture throughout North America. Our participation and engagement are the keys for success. I challenge each of us to continue, every day, to work toward our goals. ■

Through our members' participation, CVSA has a unique opportunity to contribute to the coming changes in technology and enforcement.





# EXECUTIVE DIRECTOR'S MESSAGE

## Crash Data and Investigation Standards – An Expanded Role for the Alliance

By **Collin B. Mooney, MPA, CAE**, Executive Director, Commercial Vehicle Safety Alliance

It has been just over two years since the executive leadership of the Alliance and the CVSA lead agency contacts for the member jurisdictions approved our most recent strategic plan. In that plan, the first set of goals and objectives outlined were to “Enhance Programs and Services.” As a result, after a few months of member consultations, the CVSA Board of Directors established a new committee, the Crash Data and Investigation Standards Committee.

This new committee was organized to assist with enhancing the crash reporting and post-crash investigation processes of crashes involving commercial motor vehicles (CMVs). It's somewhat fitting that this new special committee met this past April for the first time during our 2018 CVSA Workshop in Portland, Oregon, the birthplace of the Alliance.

As the committee's first assignment, the group was tasked with establishing the parameters of the new committee by developing a purpose statement and outlining the goals of this new initiative.

### Purpose

Establish and promote uniform comprehensive crash investigation, reporting and data collection standards for all stakeholders.

### Goals

1. Establish and maintain a uniform commercial motor vehicle/large vehicle crash reporting protocol.
2. Establish and maintain a uniform commercial motor vehicle/large vehicle crash investigation protocol.
3. Report authorized crash information/data in a uniform manner that allows for stakeholder analysis.
4. Establish and maintain uniform commercial motor vehicle/large vehicle crash training for stakeholders.
5. Work cooperatively with all stakeholders to reduce commercial motor vehicle crashes.
6. Establish accredited training curriculum.

In order to meet the committee's objectives, the following strategies are just a handful of ideas that will assist with moving this new initiative forward.

### Curriculum Development

The committee will serve as the forum and meeting place for member jurisdictions to share best practices and assist with the creation of a uniform CMV post-crash curriculum. This vision includes a consistent approach to CMV crash investigation by focusing on the preservation of physical and electronic evidence.

The securing of physical evidence has always been the cornerstone of an effective investigation; however, as technology continues to evolve, the following tools and techniques are critical to investigating and understanding the probable cause of a crash:

- securing of digital evidence by establishing data download processes and protocols to extract digital evidence from a vehicle's engine control module (ECM)
- the driver's electronic logging device (ELD)
- the vehicle's event video recorder (including evidence obtained from vehicles not involved in the crash)
- telematics information from a carrier's service provider
- cellular and texting records from mobile providers
- other multimedia obtained from the surrounding environment



In addition, this new post-crash curriculum will review some of the most common legal challenges associated with CMV post-crash investigations.

### Post-crash Inspection/ Investigation Certification

Since the Alliance is congressionally recognized as the organization responsible for establishing instructor and inspector certification standards for the roadside commercial motor vehicle enforcement and inspection community, the committee will work with member jurisdictions to create additional instructor and inspector certification standards.

### Post-crash Inspection Level

The Crash Data and Investigation Standards Committee will consult with members of the Information Systems Committee to discuss the pros and cons of establishing a new level of inspection, as opposed to the current process of selecting the post-crash check box during a roadside inspection within the various inspection software systems.

### Crash Reporting

The Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, Dec. 4, 2015, directed the U.S. Department of Transportation (DOT) to convene a working group to review the data elements of post-accident reports (PARs) for tow-away crashes involving CMVs reported to the U.S. DOT by U.S. member jurisdictions. Since the committee finalized its recommendations on April 24, 2017, during our 2017 CVSA Workshop in Atlanta, Georgia, the new CVSA Crash Data and Investigation Standards Committee will serve as the meeting place to continue the work of the PAR Advisory Committee and assist with implementing the group's recommendations and ideas relating to PAR best practices.

### Crash Data Collection

The Crash Data and Investigation Standards Committee will work with the Information Systems Committee to assist the Federal Motor Carrier Safety Administration (FMCSA) with modifying its data systems to be able to receive all of the Minimum Model Uniform Crash Criteria (MMUCC) data that member jurisdictions are able to provide based on the most current MMUCC guidelines. The Crash Data and Investigation Standards Committee and the Information Systems Committee will work with FMCSA to modify its systems to enable member jurisdictions to collect and report all relevant PAR data.

In addition, the committee will assist FMCSA, the National Highway Safety Administration and other stakeholders on how FMCSA could best align the FMCSA data systems with MMUCC data elements. Additionally, the PAR data elements relating to driver behavior may be expanded to coincide with all relevant MMUCC elements.

### Crash Reviews

As FMCSA's Crash Preventability Demonstration Program moves forward, there may be an opportunity for the Crash Data and Investigation Standards Committee to assist the agency by providing guidance and input regarding how the agency structures the Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) in the Safety Measurement System (SMS) of the Compliance, Safety, Accountability (CSA) program in order to assist with identifying the highest-risk motor carriers for interventions. ■

To learn more about the Crash Data and Investigation Standards Committee, its purpose and goals and its future plans, check out page 33.



# LETTERS TO THE EDITOR

## The Driver Shortage from the Tank Truck Community's Perspective

By **Lee Miller**, *Chairman, National Tank Truck Carriers; President and CEO, Miller Transporters Inc.*

The tank truck industry is truly unique in many ways when compared to our counterparts in the truckload and less-than-truckload segments. Yet, the vexing driver shortage remains a challenge for trucking companies across the board, particularly when the overall economy is in growth mode for the first time in years.

According to the American Transportation Research Institute, the driver shortage now ranks as the top carrier concern for the first time since 2006 and other driver-related concerns dominate the list as well. The electronic logging device (ELD) mandate further exacerbates this concern as capacity constraints grow through responsible hours-of-service compliance. This issue was front and center at a recent National Tank Truck Carriers (NTTC) leadership retreat where the leaders of our industry prioritized workforce development to address this growing national economic crisis.

Much has been written and opined about driver recruiting and retention for decades, but overall success for the trucking industry remains elusive. In industry reports, truckload carriers report annual turnover numbers in excess of 100 percent. On the tank truck side, our painful new normal is about 30 percent turnover, which varies on region and service modes. To make matters worse, insurance concerns mean that tank carriers typically demand prior tank experience and a minimum age of 25 years. Others need not apply.

Moreover, many current professional drivers are uncomfortable with tank trucks due to the slosh factor when accelerating or slowing down and the potential dangers associated with hauling hazardous materials. The problem persists despite the tank truck segment's generally better driver wages, workload and opportunities to spend time at home.

I've been encouraged recently by what I'm seeing in "Transport Topics" and other industry trade publications. According to published reports, some carriers are offering salary programs versus pay by the mile, guaranteed bonuses, team bonuses and guaranteed annual increases for drivers designed to boost retention. There are many elements to creating a highly attractive work experience – new equipment, advanced technology, safety support, respect and appreciation – but none are equal to a competitive compensation package. If we can't afford to pay our drivers, we'll have no drivers to pay. Truck drivers' inflation-adjusted wages have been flat this century. Can you think of any other sector where that's the case? Can you think of any career with zero wage growth that people are lining up to join?

All carriers should take a page from these industry leaders and reach out to varied stakeholders concerning the economic realities of our business. Everyone in the distribution chain needs to work together to smooth out the disparities between perception and reality or

the nation's economic prospects will suffer. Our path to improvement could include graduated commercial driver's license (CDL) programs to entice younger professional drivers, more meaningful apprenticeship programs, better coordination of local training efforts to expand nationally, and greater efforts to recruit women and minorities. We have to decrease the barriers to becoming a professional driver and get prospects involved in trucking immediately after high school. Why would a 21-year-old abandon three years of training and experience in one industry to start all over in another? Then, we can start showing those new drivers why trucking is a career rather than a job – a well-paying career that they can be proud of until they're ready to retire.

Challenge builds character and our industry is resilient, but it is not Teflon. You can't haul freight without professional drivers. For tank truckers, the NTTC's workforce initiative is a first step for our carrier members to "walk the walk" together. We want to dig deep and find out how to make tank trucking a destination for new drivers and the segment of choice for existing ones. We know others are exploring workforce development and we welcome the opportunity to align our efforts. Carriers, shippers, consignees, state associations, national associations, driving schools and varied government entities at every level must step up now. Success requires a broad coalition working together toward a common goal of making trucking a career of choice. ■



# Agriculture Bus and Truck-Tractor Crash Uncovers Migrant Worker Safety, Carrier Oversight and Fuel Tank Issues



By **Jennifer Morrison**, Investigator in Charge, Office of Highway Safety, National Transportation Safety Board, and **Amy Terrone**, Safety Advocate, Office of Safety Recommendations and Communications, National Transportation Safety Board

*Pictured: Bus and truck involved in the St. Marks, Florida, crash.*

In the early morning hours of July 2, 2016, a 1979 Blue Bird bus, operated by Billy R. Evans Harvesting Inc., was struck by a commercial truck at a rural intersection near St. Marks, Florida. The bus was carrying 33 passengers, most of whom were migrant agricultural workers. They were returning to Belle Glade, Florida, after having worked for nearly a month picking and boxing corn in Georgia. The bus driver, who had also spent his previous days working in the Georgia corn fields, failed to stop for the stop sign and overhead flashing red traffic control beacons at the intersection.

As a result of the crash, the truck driver and three bus passengers died. The bus driver, 28 bus passengers and a passenger in the sleeper berth of the truck were injured.

The National Transportation Safety Board (NTSB) determined that the probable cause of the crash was the bus driver's failure to stop at the intersection due to inattention, likely caused by the effects of fatigue, and his unfamiliarity with the rural roadway, which was dark with limited lighting.

Contributing to the crash were the failure of Billy R. Evans Harvesting Inc. to exercise adequate safety oversight of the bus driver and the lack of effective oversight of the motor carrier by the Federal Motor Carrier Safety Administration (FMCSA) and the U.S. Department of Labor (DOL). Contributing to the severity of the injuries were the rupture of the truck's right-side-mounted diesel fuel tank, leading to a fast-spreading post-crash fire, and the failure of the truck driver to wear his lap/shoulder belt.

## Fatigue Issues

NTSB investigators reviewed the bus driver's work and rest schedule, work environment, payroll records, quality of sleep and time on task. He had worked in the corn fields for 22 of the 28 days leading up to the crash, in addition to performing his duties as a driver.

Investigators could not rely on time card or logbook entries because the driver did not maintain either form of record – nor was he asked to do so by his employer, despite federal regulations. Managers at Billy R. Evans

Harvesting Inc. told NTSB investigators that the company did not require or maintain logbooks or time records for any drivers because it thought logs were required only if trips exceeded 8 hours.

The bus driver stayed in temporary housing and conducted farm work in the fields, including picking corn, making boxes and operating farm equipment. Although the bus driver was hired to drive a bus, he was paid based on the number of boxes of corn that were packed in a day. Two other box builders who worked alongside the driver described the work as grueling because it required being in the hot sun.

On the day of the crash, the driver awoke and started loading the bus at 1:30 a.m. after a maximum of 4.5 hours of rest. Lack of sleep and driving during a time of day when most individuals would experience a circadian dip likely resulted in the driver being fatigued.

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The NTSB found that targeted roadside enforcement campaigns in agricultural areas during peak harvest seasons can effectively remove unsafe farm labor vehicles and drivers from the roadways.



Still from NTSB simulation of the crash showing the impact between the truck and the bus.



Still from gas station video showing the immediate ignition of the fire upon impact.

### Seat Belts and Fuel Tank Issues

Evidence suggested that the truck driver was not wearing his seat belt at the time of the crash. Unrestrained, the truck driver likely struck the instrument panel, the steering wheel and other surfaces, which resulted in his incapacitation and inability to exit the truck prior to it being overtaken by fire.

The truck operator, a moving company out of New York called Verity Van Lines LLC, required all drivers to wear their seat belts when operating company vehicles. Additionally, Title 49 Code of Federal Regulations 392.16(a) of the Federal Motor Carrier Safety Regulations (FMCSRs) states that “no driver shall operate a commercial motor vehicle and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, that has a seat belt assembly installed at the driver’s seat, unless the driver is properly restrained by the seat belt assembly.” The state of Florida has adopted the FMCSRs.

During the crash sequence, the front of the truck-tractor struck the left side of the bus, slightly behind the front axle. This impact caused the rapid counterclockwise rotation of the truck and its semitrailer, and a secondary strike to the left side of the bus, which resulted in the catastrophic failure of the truck’s right-side-mounted fuel tank and wide dispersal of diesel fuel. A fire consumed the truck and bus, and the truck driver sustained fatal thermal injuries. A camera located at a gas station at the intersection captured the immediate ignition of the fire during the initial impact.

The NTSB recommended that FMCSA, the National Highway Traffic Safety Administration and SAE International work together to find ways to improve the crashworthiness of truck tractor side-mounted fuel tanks.

### Enforcement and Oversight Issues

At the time of the crash, Billy R. Evans Harvesting Inc. was registered with FMCSA as a private passenger motor carrier. FMCSA’s oversight of the carrier prior to the crash was very limited; its only contact occurred on April 28, 2005, when the carrier passed a new entrant safety audit, despite numerous violations.

After it was discovered that the motor carrier had no driver qualification files, drug and alcohol testing program, hours-of-service oversight or vehicle maintenance records, Billy R. Evans Harvesting Inc. was declared an

imminent hazard and placed out of service on July 29, 2016. In 11 years, the carrier had been subject to only one roadside inspection, which occurred on April 25, 2015, and resulted in four out-of-service violations.

The DOL’s Wage and Hour Division (WHD), which is responsible for establishing farm worker wage, housing, recordkeeping and transportation standards, also had very little contact with the carrier prior to the crash and had no record of ever visiting the company’s principal place of business in Belle Glade, Florida. Although just two weeks before the crash, a WHD investigator had conducted a spot check of the carrier’s operations in Bainbridge, Georgia, the investigator did not document the visit.

The NTSB determined that FMCSA missed an opportunity to enforce its safety regulations during its new entrant safety audit and that the WHD failed to adequately oversee Billy R. Evans Harvesting Inc. prior to the crash.

Additionally, the NTSB found that targeted roadside enforcement campaigns in agricultural areas during peak harvest seasons can effectively remove unsafe farm labor vehicles and drivers from the roadways. In addition to compliance reviews, roadside enforcement plays a vital role in ensuring that only compliant and safe vehicles operate on the nation’s roadways. Enforcement provides not only a deterrent but also a source of valuable data to identify those carriers that pose the greatest risk. To overcome these obstacles, some states have assigned dedicated enforcement personnel to work in agriculturally significant areas to ensure compliance with state and federal laws.

To address the issues identified in this crash, the NTSB issued several recommendations to FMCSA, DOL, state highway departments and industry related to the transportation of migrant and seasonal agricultural workers, and recommended improvements to safety guidelines, reviews of regulatory responsibilities, increased strategies for enhanced inspection and enforcement, and more effective outreach and educational campaigns.

To read the complete report, visit [www.nts.gov/investigations/AccidentReports](http://www.nts.gov/investigations/AccidentReports) and select the accident report for St. Marks, Florida (Accident ID: HWY16MH019). ■



# NTTC LAUNCHES ZERO DISTRACTIONS CAMPAIGN

*When You Drive Distracted, We Are All Impacted*

By **Candi Coate**, National Chairwoman, Safety and Security Council, National Tank Truck Carriers; Vice President of Safety and Regulatory Compliance, K-Limited Carrier, Toledo, Ohio

Distracted driving is a lethal epidemic on America's roadways. It surrounds us as we drive to work and/or take our children to school. Every day, we see motorists texting, adjusting a GPS, talking on a Bluetooth or even watching television behind the wheel. Recently, it has reached frightening levels. In 2015 alone, the National Highway Traffic Safety Administration counted 3,477 fatalities caused by distracted driving. It has almost become a part of our culture: honking at an inattentive driver who is busy checking their phone. But, I am more aware of this problem than most.

As national chairwoman of the Safety and Security Council at National Tank Truck Carriers (NTTC), I'm proud to be a part of America's tank truck industry. The most important aspect of my job is getting people back home safely to their families every night. A truck driver's office is the highway, so we have more of a vested interest in eliminating distracted driving than any other driver.

Federal laws already prohibit truck drivers from texting while driving and most trucking companies will terminate employees who are caught in violation of this regulation. The trucking world knows the dangers on the road and we've taken steps to fight against them.

But the NTTC doesn't think that's enough. We want to end distracted driving in all vehicles. So, we're taking on this problem in our own neighborhoods and with our own families. I'm proud to announce a new safety initiative: NTTC's Zero Distractions Campaign, Because When You Drive Distracted, We Are All Impacted. This multi-faceted campaign will educate every type of driver – from our company's newest truck driver to driver's education programs for teens.

For years, NTTC has worked diligently to prevent distracted driving in trucking. And now we're working to find ways that we can be a part of the solution in passenger vehicles.

Passenger vehicles make up the vast majority of cars on the road. According to NHTSA figures, they represented 89 percent of the 2,478,092 reported traffic crashes in 2015. Distracted driving puts every driver on the road at risk. To put things into perspective, here are a few statistics:

- At any given moment, 660,000 drivers are using an electronic device on U.S. roads.
- A driver who is texting is more than 23 times more likely to have an accident than an active and attentive driver. (For reference, drunk drivers are 10 times more likely to have an accident. That means that texting while driving is almost 2.5 times more dangerous than driving while intoxicated.)
- In 2015, distracted driving claimed 3,477 lives and injured 391,000 more.

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In 2015 alone, the National Highway Traffic Safety Administration counted 3,477 fatalities caused by distracted driving.

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Something has to change. The cost of distracted driving – in dollars and lives destroyed – has become too high.

NTTC’s Professional Tank Truck Driver of the Year, Todd Stine of Carbon Express, works tirelessly to educate Americans about the dangers of distracted driving. As this year’s Grand Champion, Todd chose to focus on this issue because he feels it is the single greatest threat to safety on our roadways today. As chairwoman of NTTC’s Safety and Security Council, I could not agree more. That’s why we created the Zero Distractions Campaign – because we want to see every driver, whether they’re in a tank truck or a passenger vehicle, get home safely to their family.

Safe driving is vital to our nation’s future – so we are sharing this critical campaign from coast to coast. Our mission is to save lives and eliminate the distracted driving epidemic on our nation’s roadways. To help us reach that goal,

we welcome the support and participation of automobile manufacturers, cellular and wireless companies, other trucking and commercial motor vehicle associations, driving safety organizations, middle and high schools, colleges and universities, law enforcement personnel and any other group that wants to join us in NTTC’s Zero Distractions Campaign.

We also encourage individual citizens to partner with us. We need your help to make this campaign a success. We need your commitment to be part of the solution – and there are a number of things you can do to stand beside us in the fight against distracted driving. You can take the NTTC Zero Distractions Pledge, available on our website, ZeroDistractions.org, and vow that you will not drive distracted. You can also share the link to the pledge over social media – spreading this critical message to your friends and family, and encouraging them to join the campaign, too. Once you sign our pledge online, you will also be asked to sign the

NTTC Zero Distractions Nationwide Petition. With your signature, you’ll stand beside NTTC in our call for legislators to make distracted driving illegal in every state. We also need you to contact your elected officials directly. They need to know that you stand behind this campaign’s powerful message: When You Drive Distracted, We are All Impacted. As a constituent, your voice can play a powerful role in making distracted driving illegal in your state.

At NTTC, we want to end distracted driving on our roads. I hope you’ll join us. Together, we can save lives and achieve an America with zero distractions on the road.

For more information on NTTC’s Zero Distractions Campaign, contact Tracy Henke at [thenke@tanktruck.org](mailto:thenke@tanktruck.org). ■



Candi Coate, 2017-2018 National Chairwoman NTTC Safety and Security Council, Vice President of Safety and Regulatory Compliance, K-Limited Carrier, and Dave Edmondson, 2018-2019 National Chairman NTTC Safety and Security Council, Director of Safety, Usher Transport Inc., presented the Zero Distractions Campaign at the NTTC Winter Membership and Board Meeting in Miami, Florida, in February 2018. This banner was signed by NTTC’s full board, executive committee and senior staff, and it was displayed at NTTC’s 70th Annual Conference and Exhibits in Toronto, Ontario, Canada.

# A History of U.S. DOT Regulation of the EPA's Manifest and What to Expect with the New Electronic Manifest

By **Brian Kucharski**, DOT Compliance Manager, US Ecology; CVSA COHMED Program Leadership Industry Liaison

## The EPA has incentivized use of the e-Manifest system by charging higher fees for use of the Uniform Hazardous Waste Manifest (paper form) vs. the e-Manifest system.

### Purpose of the Uniform Hazardous Waste Manifest

The U.S. Environmental Protection Agency's (EPA) regulations implementing the Resource Conservation and Recovery Act (RCRA) have required shipments of hazardous waste to be accompanied by a manifest since 1980. Conceptually, the EPA's manifest system is intended to provide a mechanism to track hazardous waste from "cradle to grave." In other words, the system is intended to provide transparency into the following questions:

- Who is generating hazardous waste?
- What companies are transporting hazardous waste?
- Where is the hazardous waste being disposed?

### History of U.S. DOT Regulation of EPA's Manifest

It was during the EPA's implementation of these regulations that the Materials Transportation Bureau, a subsidiary agency of the U.S. Department of Transportation (DOT), worked collaboratively with the EPA and implemented new provisions into the Hazardous Materials Regulations (HMRs) to support the EPA's efforts. These new requirements were codified at 49 CFR 172.205, and applied to the generators and transporters of hazardous waste. These requirements both supported the EPA's implementation of RCRA, and served to strengthen the DOT's implementation of the Hazardous Materials Transportation Act (HMTA). Provisions of 49 CFR 172.205 added in 1980 were:

- Required use of a hazardous waste manifest
- Reference to 40 CFR Part 262 of the EPA's RCRA regulations for instructions on how to complete a manifest
- Requirement for the shipper (often referred to as the "generator" in hazardous waste regulations) to sign and date the manifest when offering the hazardous waste to a transporter
- Requirement for the transporter to sign and date the manifest when accepting the hazardous waste for transportation, including signature and date by each subsequent transporter

- Requirement to ensure the transporter ensures the destination facility indicated on the manifest signs and dates the manifest upon receipt of the hazardous waste
- Manifest recordkeeping requirements for the shipper (generator) and each transporter
- Requirement for the manifest to be carried with shipments of hazardous waste at all times
- Additional requirements for exports of hazardous waste from the United States
- Exceptions and provisions for multimodal shipments consisting of transportation by rail
- An indication that a manifest could be used to meet the U.S. DOT's hazardous material shipping paper requirements

Since the original rulemaking, there have been additional changes to 49 CFR 172.205 that persist today including:

- Specific reference to Form 8700-22 (the Uniform Hazardous Waste Manifest) and 8700-22A (Uniform Hazardous Waste Manifest Continuation Page) (Added by the Research and Special Programs Administration (RSPA) in HM-145D, March 20, 1984)
- Requirements for transportation involving rail were adjusted to align with changes to the EPA's requirements (Added by RSPA in HM-216, June 5, 1996)
- Reference to 49 CFR 172.101(c)(9), when it was added to the HMR, which requires a proper shipping name that does not already contain the word "waste" to have the word "waste" added to the proper shipping name as a prefix (Added by PHMSA in HM-218C, June 13, 2005)

### EPA's New Electronic Manifest

The EPA has been working on an electronic manifest (e-Manifest) system since late 2012 and will begin implementation of the system across the United States starting on June 30, 2018. This system will now track the shipment (generation), transportation and disposal of hazardous waste in an electronic database system (cradle to grave).

One of the goals of the e-Manifest system is to eliminate paper document requirements. However, for the near future, shipments of

hazardous waste will continue to be accompanied by a manifest.

In an effort to provide the regulated industry with flexibility in adapting to an electronic system, transporters of hazardous waste requiring compliance with the EPA's manifest regulations are allowed to carry:

- The Uniform Hazardous Waste Manifest (a multiple-page carbonless form that has been in use since the mid-2000s) OR
- A printout of the electronic manifest image from the EPA's e-Manifest system

During an inspection of a hazardous waste transporter, the transporter should be carrying either of the above document types. The EPA still requires carriage of one or the other and the document is also usually used to meet the requirement for a hazardous material shipping paper.

The EPA has incentivized use of the e-Manifest system by charging higher fees for use of the Uniform Hazardous Waste Manifest (paper form) vs. the e-Manifest system. This means that we should see a fairly quick transition from the Uniform Hazardous Waste Manifest paper form to hazardous waste transporters carrying printouts from the e-Manifest system.

If you are interested in additional information on EPA's e-Manifest system, please visit:

- EPA's e-Manifest webpage: <https://www.epa.gov/e-manifest>
- FAQs about e-Manifest: <https://www.epa.gov/e-manifest/learn-about-hazardous-waste-electronic-manifest-system-e-manifest#fq> ■



The six-page carbonless Uniform Hazardous Waste Manifest (EPA Form 8700-22) and its continuation sheet will start phasing out in favor of the EPA's new e-Manifest system.

# HM-218H Compliance

By **Thomas Snyder**, DOT Field Specialist, Austin Powder Company

On June 2, 2016, the Pipeline Hazardous Material Safety Administration (PHMSA) published a final rule – Hazardous Materials: Miscellaneous Amendments, HM-218H – in the Federal Register, 81 FR 35483. The amendment removed packing group (PG) designations for Class 1 (explosives) and certain other hazardous materials (HM) from the Hazardous Material Table (HMT) in 49 CFR 172.101.

Although PGs are required to be displayed on HM shipping papers in accordance with the Hazardous Materials Regulations (HMRs) in 49 CFR 172.202 (a)(4), there are exceptions that include Class 1 and certain other materials, such as self-reactive substances; batteries other than those containing lithium, lithium ions or sodium; Division 5.2 materials; and entries that are not assigned a packing group (e.g., Class 7).

Accordingly, shippers of Class 1 (explosives) and certain other HM identified in the final rule had until July 5, 2017, to remove PG designations from their HM shipping papers. That date has past. The ruling is now part of the HMR and enforceable.

The removal of PGs from the HMT for Class 1 (explosives) and certain other HM identified in the final rule and the exception found in 49 CFR 172.202 (a)(4) for these materials align and bring clarity to these two parts of the HMR.

PHMSA, in response to a written inquiry (reference number 16-0182, Jan. 4 2016) by Tom Dunaway and Associates Inc. (Nov. 3, 2016), stated that shippers of Class 1 and certain other HM affected by the final rule could continue to use their pre-printed shipping papers containing PGs until July 5, 2017, or until they exhaust their current supply of them, but not after the effective date. However, the agency did underscore that effective July 5, 2017, shippers of Class 1 (explosives) and certain other HM identified in the final rule must comply or be subject to violations, either during roadside inspections or compliance reviews.

Given the removal of PG designations for Class 1 (explosives) and certain other HM from the HMT, and the exception of these materials in 49 CFR 172.202 (a)(4), the question arises: Is it a violation if shippers or carriers of Class 1 (explosives) or certain other HM mentioned in

the final rule choose to include the PG on their HM shipping papers?

There seems to be some misunderstanding by some shippers and roadside inspectors, in particular, regarding Class 1 shipments after the effective date of HM-218H. Therefore, the omission of PGs on HM shipping papers for Class 1 (explosives) during its transportation in commerce after July 5, 2017, is in compliance with the HMT and 49 CFR 172.202 (a)(4). Conversely, inclusion of PGs on HM shipping papers after July 5, 2017, is not in compliance.

Regarding Class 1 (explosives), it is important to note that 49 CFR 173.60(a) requires its packaging meet PG II standards. PG II appears as a marking on Class 1 packagings as a UN letter designation (Y) on the manufacturer’s non-bulk packagings to include, but not limited to, 4G fiberboard cases and 5M multi-wall paper bags.

I hope this clarification of the ruling and the regulations is beneficial to all. ■

**Is it a violation if shippers or carriers of Class 1 (explosives) or certain other HM mentioned in the final rule choose to include the packing group on their HM shipping papers?**



## Road to Zero Coalition Releases Roadmap for Eliminating Roadway Deaths by 2050

In April 2018, the Road to Zero Coalition released a comprehensive report explicitly laying out strategies for ending all roadway deaths in the United States by 2050. It is the first time in the nation's history that so many organizations – more than 650 and growing – have collaborated to put forth a comprehensive plan to address motor vehicle fatalities, which have increased after years of decline.

In the report, the coalition identified three main initiatives to reduce roadway fatalities:

- Double down on what works through proven, evidence-based strategies.
- Advance life-saving technology, both in vehicles and infrastructure.
- Promote safety. When behind the wheel, drivers should be operating in the safest manner possible.

The report, “A Road to Zero: Vision for Achieving Zero Roadway Deaths by 2050,” was released in the midst of national discussions about motor vehicle safety issues, such as fully automated vehicles, updating infrastructure, distracted driving, and impaired and drugged driving.

In the short term, the report stresses enforcing and strengthening current traffic safety laws, providing new resources for traffic safety researchers, and supporting those who design and build roads and vehicles.

The report is supportive of the move to automated vehicle technologies. However, it also acknowledges that, despite public perception, fully autonomous vehicles are still several decades away. In the report, the coalition proposes partnerships between public safety and health groups and industry professionals to prioritize safety problems that advanced technologies could help eliminate right away and implement them accordingly.

The report also encourages the United States to prioritize safety by adopting a “Safe Systems” approach, which has been integral to the Vision Zero movement started in the 1990s in Sweden. “Safe Systems” accepts that humans will make mistakes and allows for this error through engineering advancements and roadway design to eliminate fatal crashes.

Over the past two years, the coalition has met to discuss challenges to achieving the shared vision of zero roadway fatalities, as well as methods and technologies that have been effective in reducing crashes, injuries and fatalities, and how to incorporate those recommendations into one comprehensive vision document.

On March 20, 2018, the Road to Zero Coalition held a meeting focused on commercial motor vehicles (CMVs). Speakers included T. Bella Dinh-Zarr of the National Transportation Safety Board; Heidi King, who serves as deputy administrator at the National Highway Transportation Safety Administration and has been nominated to be the agency's administrator; and Administrator Raymond Martinez of the Federal Motor Carrier Safety Administration.

In addition, CVSA President Capt. Christopher Turner of the Kansas Highway Patrol participated in a panel designed to highlight the three themes in the report. Capt. Turner's presentation focused on enforcement practices that have proven effective in combating dangerous driving behaviors, both with CMV drivers and drivers in personal vehicles operating around those CMVs. His message was simple and straightforward and echoes a key component of the Road to Zero report – focused highly visible enforcement and education campaigns work and a renewed focus on driver behavior will save lives.

**To watch the webcast of the March 20 coalition meeting, view the meeting agenda and download the presentations, visit [www.nsc.org/road-safety/get-involved/road-to-zero/events](http://www.nsc.org/road-safety/get-involved/road-to-zero/events). ■**



Pictured left to right: CVSA President Capt. Christopher Turner, FMCSA Administrator Raymond Martinez and CVSA Deputy Executive Director Adrienne Gildea. On March 20, 2018, members of the Road to Zero Coalition met in Washington, D.C., to discuss commercial motor vehicles and technology innovations. Capt. Turner gave a presentation on optimizing what already works and Gildea provided a communications update.



More than 650 organizations have collaborated to put forth a comprehensive plan to address motor vehicle fatalities, with a goal of zero deaths on our roadways.



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# THE LEGISLATIVE AND REGULATORY RUNDOWN

By **Adrienne Gildea**, Deputy Executive Director, Commercial Vehicle Safety Alliance

We are midway through 2018 and halfway through the current highway bill, the Fixing America's Surface Transportation (FAST) Act. While it is unlikely that lawmakers will have a new highway bill drafted when the FAST Act expires in 2020, particularly given that it will be a presidential election year, work has already begun on preparations for the next bill, both on the Hill and amongst the stakeholder community.

We have seen members of Congress begin introducing what are considered marker bills – legislation that stakes a claim on a certain issue and will serve as a starting point for discussion on various topics going forward. We've seen bills introduced dealing with everything from improving override protection standards to knife rights, as well as a number of proposals regarding hours-of-service reform. Meanwhile, stakeholder groups are beginning discussions and advancing their priorities among lawmakers in an attempt to reach agreement prior to the legislation's drafting.

## Reauthorization Process and Task Force

CVSA has begun its reauthorization process. The Policy and Regulatory Affairs Committee formed a reauthorization task force, comprised of members from enforcement and industry. The group, which is chaired by Alan Martin of the Public Utilities Commission of Ohio and met for the first time at the 2018 CVSA Workshop in April, will evaluate issues, take input from outside organizations and various partners, discuss possible solutions and, ultimately, make recommendations to the CVSA Board of Directors on what policy positions the Alliance should support in the next highway bill. Once those positions are finalized, CVSA staff will begin socializing them with other like-minded organizations to build coalitions around the various issues and advocate on Capitol Hill for their inclusion in the final bill. This is a long and cumbersome process but one that is worth it to continue to improve commercial vehicle safety policy.

If you are interested in following the task force's progress, consider joining the CVSA Policy and Regulatory Affairs Committee. Visit [www.cvsa.org](http://www.cvsa.org) then select "Member Login" at the top of the page to log into your CVSA member portal. Under "My Committees & Programs" select "Browse Committees" to find and join the CVSA Policy and Regulatory Affairs Committee.

## Hours-of-Service Reform

One item that may not have to wait for the next highway bill is hours-of-service reform. The implementation of the electronic logging device (ELD) requirement in December 2017 led to discussions on whether or not changes to the current hours-of-service requirements are necessary and appropriate. Many in the livestock and agriculture industry are pursuing changes to the hours-of-service requirements that would provide them with additional driving time and, often, simultaneously exempt them from the ELD requirement. Another effort is seeking flexibility for drivers to 'pause' their 14-hour work day for up to three hours. Work is being done on the sleeper berth issue and others, including CVSA, have requested the elimination of the 30-minute rest break requirement.

Leadership in both Congress and the Federal Motor Carrier Safety Administration (FMCSA) expressed a willingness to consider revisiting the current hours-of-service requirements, which could mean that issue may move ahead of the highway bill.

## ELD Implementation

Speaking of ELD implementation, the December 2017 requirement is well underway and the April 1, 2018, out-of-service enforcement date came and went without a major impact to commerce. Data from inspection reports and FMCSA indicate that adoption rates continue to increase and CVSA's 2018 International Roadcheck event, held June 5-7 with a focus on hours-of-service compliance, serves as a good snapshot on the state of ELD adoption.

CVSA, the state agencies, FMCSA and industry continue to work together to evaluate implementation, identify issues and concerns, and work to resolve them. This much-needed requirement will reap long-term safety benefits and the Alliance is committed to working with our federal and industry partners to continue to facilitate a successful transition to this new safety technology.

## Position on Exemptions

CVSA continues to monitor the numerous ELD exemption requests submitted to FMCSA and has commented on a number of them. CVSA maintains that exemptions undermine safety and complicate enforcement, and that industry has had ample time to prepare for this requirement. As a result, exemptions to the ELD requirement should only be granted when a critical need has been demonstrated and the applicant can explain how an equivalent level of safety will be maintained.

CVSA includes any comments to rulemakings or exemptions, as well as letters and petitions, in its bi-weekly regulatory update emails to the membership. Members can subscribe to receive them through the CVSA member portal. The updates are also posted to the policy section ([www.cvsa.org/policypage/policy](http://www.cvsa.org/policypage/policy)) on CVSA's public website.

## New CVSA Manager of Government Affairs

We are pleased to announce that, in May 2018, Daniel Zimmerman joined CVSA as the manager of government affairs. Daniel comes to us from the FFA (formerly known as the Future Farmers of America) and we are very excited to welcome him to the Alliance. ■

## The PHMSA and CVSA Partnership is Stronger Than Ever

By **Howard “Skip” Elliott**, Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation

As the newly appointed administrator of the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA), I’d like to take this opportunity to introduce myself to the members of the Commercial Vehicle Safety Alliance, one of our strongest partners in advancing hazardous materials safety.

I was sworn in by Transportation Secretary Elaine L. Chao on Oct. 30, 2017. No stranger to hazardous materials issues, I came to PHMSA from the freight rail industry, where we focused on public safety, the environment, occupational health, and hazardous materials transportation safety and security. After a great 40-year career, I retired from CSX Transportation in Jacksonville, Florida, in March 2017.

But, you might be wondering, why on earth would I un-retire, leave sunny Florida and come to work for the federal government? Well, there are three reasons:

- First, I truly believe that if you are asked to serve this great country of ours, you should – if you can – make that commitment.
- Second, I’m excited by the opportunity to share my years of work, dedication and commitment to improving the safe transportation of hazardous materials across a broad spectrum of transportation modes.
- Third, I believe that reaching new levels of safety is something we can and must do together.

From day one, I’ve been fully committed, along with the PHMSA team, to promoting the safe, reliable and environmentally sound operation of the nation’s 2.7-million-mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea and air. And we could not do that mission without the assistance and partnerships of key stakeholders like CVSA. PHMSA and CVSA share common safety goals. Maintaining coordination between our two organizations enables limited resources to be leveraged against hazmat transportation risks, while enhancing the capabilities of state

and local enforcement and emergency response personnel.

On Dec. 5, 2017, PHMSA Deputy Administrator Drue Pearce and I met with the CVSA leadership to learn about CVSA’s organizational goals and expectations, and to discuss opportunities to continue our partnership and collaboration. The last part of our conversation focused on CVSA’s Community Safety Grant training efforts, the progress you’ve made and the impact that these funds have on transportation safety. The overall meeting was very positive and productive.

CVSA received a Community Safety Grant in 2016 and again in 2017 to provide hazardous materials training opportunities to state and local enforcement personnel nationwide. Authorized by the Fixing America’s Surface Transportation (FAST) Act, the \$1 million grant enables training and outreach programs to help local communities prepare for transportation incidents involving hazardous materials, including crude oil and ethanol. This funding can also be used to improve training for state and local personnel who enforce hazardous materials regulations.

Also, I’ve learned that CVSA’s Cooperative Hazardous Materials Enforcement Development (COHMED) Program, initiated in 1986 by PHMSA’s predecessor, the Research and Special Programs Administration, continues to provide the advanced hazardous materials and dangerous goods training that regulatory and enforcement inspectors need. I am anxious to seek new ways in which PHMSA and the CVSA COHMED Program can continue to improve hazardous materials transportation safety, provide technical assistance, train and inform on the development of federal, state and local enforcement programs, and foster national uniformity in regulation and enforcement.

Our continued cooperation and partnership is very important to me, as is our joint goal of improving the safe transportation of hazardous materials in commerce for the citizens of our great nation. ■



Howard “Skip” Elliott



## FMCSA's Pre-Employment Screening Program Sees Heightened Interest Following NTSB Findings

### *PSP Records Help Employers Make Informed Hiring Decisions*

By **Jeff Secrist**, Chief, Registration, Licensing and Insurance Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation

In March 2018, Kentucky-licensed truck driver Benjamin Brewer was sentenced to 55 years in prison for causing the death of six people and severely injuring four others when his tractor-trailer collided into slowed traffic along a work zone.

The National Transportation Safety Board (NTSB) investigation of the crash showed that the company's pre-hire driver qualification program did not include a check of Brewer's Pre-Employment Screening Program (PSP) record. The NTSB found that while the trucking company, Cool Runnings Express, performed the minimum pre-employment record checks required under Federal Motor Carrier Safety Regulations, it failed to conduct a thorough investigation of Brewer's driving history.

When presented with Brewer's full crash and violation history by the NTSB, both Cool Runnings Express and the legal advisor for the carrier's insurance company stated they would not have approved the individual for hire.

FMCSA implemented PSP in May 2010 to enable motor carriers to make more knowledgeable hiring decisions. PSP is a voluntary program that provides truck and bus companies instant, secure access to drivers' most recent five years of crash data and three years of inspection data derived from the FMCSA Motor Carrier Management Information System (MCMIS).

Unlike the driver's motor vehicle record (MVR), which Cool Runnings Express had obtained and reviewed, PSP records contain ALL violations revealed during a roadside inspection, not just those for which a driver was issued a citation. MVR reports may not be entirely complete as violations are subject to a state's adjudication process. PSP records, which are updated monthly, include adjudications of citations – provided the driver files a Request for Data Review through the DataQs System.

PSP also assists carriers in obtaining a more complete report of job candidates' driving history. With PSP, hiring officials can identify and investigate gaps in employment history by reviewing the name and USDOT number of the carrier for whom the driver was operating at the time of a crash or inspection. PSP has been shown to have a profound impact upon safety and out-of-service rates, thereby increasing productivity.

On average, carriers using PSP-provided information in making driver hiring decisions experienced an out-of-service rate 17 percent better compared to companies who did not use PSP, per recent FMCSA analysis. More importantly, carriers that utilized PSP during the hiring process achieved an average of 8 percent fewer crashes than the group who did not utilize PSP, the analysis showed.

*Continued on next page*

## FMCSA's Pre-Employment Screening Program Wins Gold Stevie Award



In March 2018, FMCSA's Pre-Employment Screening Program enrollment wizard received a gold Stevie® Award for e-Commerce Customer Service. The award recognizes customer service and contact center teams for their innovative use of online technologies.

More than 2,500 nominations from organizations of all sizes and in virtually every industry were evaluated in this year's competition in 89 award categories. Winners were determined by the average scores of more than 150 professionals worldwide in seven specialized judging committees.

In response to customer service feedback, FMCSA developed an enrollment wizard to allow motor carriers to sign up for PSP access in a few short steps. Since the launch of the streamlined wizard, enrollments have increased and more than 80 percent of enrollment applications are submitted through the wizard.

Users have called the wizard-based enrollment process "quick and error-proof" and "a piece of cake," while Stevie judges stated the wizard is a "great use of technology to improve the customer service experience" and found the interface "very easy to use."

The Stevie Awards were created in 2002 to honor and generate public recognition of the achievements and positive contributions of organizations and working professionals worldwide. Stevie Award judges include many of the world's most respected executives, entrepreneurs, innovators and business educators. The name Stevie is taken from the name Stephen, which is derived from the Greek word for "crowned." ■

### MOTOR CARRIERS USING PSP HAD:

↓17%

**FEWER OOS INCIDENTS**

↓8%

**FEWER CRASHES**

# ELD Online Resources for Motor Carriers and Drivers that Engage in Cross-Border Transportation

By **Bryan Price**, Chief, North American Borders Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation

The Federal Motor Carrier Safety Administration's (FMCSA) electronic logging device (ELD) frequently asked questions (FAQs) webpage for motor carriers and drivers that engage in cross-border transportation has been updated.

Available at [www.fmcsa.dot.gov/hours-service/elds/faqs](http://www.fmcsa.dot.gov/hours-service/elds/faqs), the "Cross-Border Transportation" section contains relevant ELD information for foreign motor carriers operating in the United States. Information such as:

- General Information about Cross-Border Transportation
- ELD Data Transfer and Malfunctions
- ELD Exceptions and Exemptions
- ELD Technical Specifications
- FAQs Applicable to Canada-Domiciled Motor Carriers Operating in the United States

FMCSA regularly adds information to the online ELD FAQs. If you are a cross-border carrier or driver required to use an ELD in the United States, be sure to bookmark this important webpage and check it often. ■

*Continued from page 15*

In large part due to these findings, the NTSB investigation report stated that "PSP is an effective, yet underutilized, tool to improve pre-employment reviews."

Despite the strong evidence of PSP's value, the tool is underutilized. Estimates suggest that PSP is used by only 40 percent of the industry actively hiring new drivers. This puts carriers who have already adopted PSP at a competitive advantage (one they would, no doubt, like to keep).

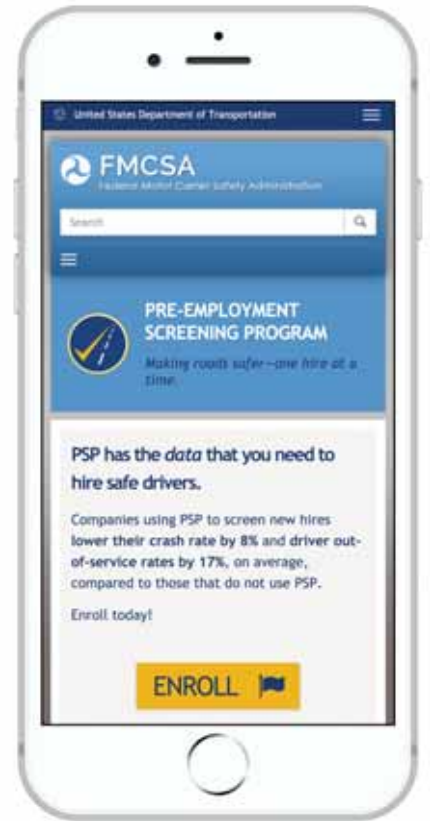
Using PSP is one way a motor carrier can easily make a step "beyond compliance" with regulatory safety minimums, while considering which new truck and bus drivers to hire.

The PSP website and mobile app provide convenient access to critical information, helping company officials make the best possible hiring decisions, reduce crashes, improve compliance and increase productivity.

Motor carriers can sign-up for PSP using the new enrollment wizard, which easily walks users through a series of simple questions, making the sign-up process quick and convenient.

FMCSA is committed to increasing the number of carriers who utilize PSP, since participation is critical to maximizing the program's contributions to roadway safety.

**Learn more about the Pre-Employment Screening Program at [www.psp.fmcsa.dot.gov](http://www.psp.fmcsa.dot.gov).** ■



## PSP SAMPLE REPORT:

Inspection Details												
Carrier Info				Driver Info				Inspection Info				
	Date	DOT #	Carrier Name	Driver Name	Drive Lic.	State	Driver DOB	Rpt St	Rpt Number	Harml Insp	Resp Level	# of Viol
1	5/18/2017	479002	SMITH LOGISTICS	SMITH, JOHN	X14E7949	VA	10/11/1944	CA	3457484373	N	1	3
Vehicle Violation: 393.47(a)				CLAMP/PROT TYPE BRAKE(S); OUT-OF-ADJUSTMENT				NON-OOS				
Vehicle Violation: 393.85(b)				NO/INSUFFICIENT WARNING DEVICES				NON-OOS				
2	5/24/2017	345878	MIKE'S TRUCKS	SMITH, JOHN (ex-driver)	X14E7949	VA	10/11/1944	VA	5611000480	N	1	1
Vehicle Violation: 393.42(a)				INOPERATIVE OR MISSING BRAKE				OOS - This violation does NOT apply to SMITH, JOHN				
3	5/22/2017	345878	MIKE'S TRUCKS	SMITH, JOHN	X14E7949	VA	10/11/1944	CA	4838275483	N	1	1
4	5/24/2017	333444	BOB'S HAULING	SMITH, JOHN	X14E7949	VA	10/11/1944	WA	8283848400	N	1	3
Driver Violation: 382.5(a)(2)				DRIVING UNDER THE INFLUENCE				OOS				
State Citation: TX166852				State Citation Result: Convicted of different charge								
Driver Violation: 395.3(a)(3)(D)				DRIVING BEYOND 11 HOUR RULE				OOS				

## Raymond P. Martinez is the New FMCSA Administrator

On Feb. 28, 2018, U.S. Transportation Secretary Elaine L. Chao swore in Raymond P. Martinez as the administrator for the Federal Motor Carrier Safety Administration (FMCSA).

"It's an honor and privilege to serve my fellow Americans in this capacity and, under Secretary Chao's leadership, I look forward to working with all commercial vehicle stakeholders to effectively reduce the number of truck and bus crashes on our nation's roads," said FMCSA Administrator Martinez.

"With Administrator Martinez at the helm of FMCSA, we look forward to continuing our long-standing history of fostering a collaborative and cooperative relationship between CVSA and one of its federal government partners, FMCSA," said CVSA Executive Director Collin Mooney.

Prior to his role as FMCSA administrator, Martinez served eight years as the New Jersey Motor Vehicle Commission's (MVC) chairman and chief administrator where he oversaw the agency's 2,500 employees and a \$330 million annual operating budget with more than \$1 billion in annual revenue. He was the chairman of the MVC Board and an executive branch member of the New Jersey State Planning Commission. Martinez advised the governor and state legislature on all areas of motor vehicle transportation and traffic safety and was responsible for developing the agency's regulatory and legislative agenda and all project prioritization.

Martinez was also selected by the American Association of Motor Vehicle Administrators (AAMVA) to serve as a member of its international board of directors. In addition, Martinez previously served as commissioner for the New York State Department of Motor Vehicles and also chaired the New Jersey Governor's Traffic Safety Committee.

"As an organization comprised of state enforcement agencies throughout North America, CVSA is pleased with Administrator Martinez's extensive experience managing and representing a state agency," said Mooney. "His time with the New Jersey Motor Vehicle Commission and the New York State Department of Motor Vehicles gives him the experience and exposure necessary to guide FMCSA and work collaboratively with the Alliance."

"Ray's years of experience promoting traffic safety at the state level, as well as his knowledge of the commercial motor vehicle industry, will help FMCSA fulfill its critical mission of improving truck and bus safety," said Secretary Chao.

"As the administrator of a state agency and the chairman of the New Jersey Governor's Traffic Safety Committee, Administrator Martinez is well positioned to understand the unique challenges facing state motor carrier enforcement and safety personnel," Mooney continued. "In particular, his experience with running a state-wide agency will be valuable as he works to administer the Motor Carrier Safety Assistance Program."

The Motor Carrier Safety Assistance Program (MCSAP) is a federal grant program that provides financial assistance to states and territories to reduce the number of crashes, fatalities, injuries and incidents involving commercial motor vehicles through consistent, uniform and effective safety programs. MCSAP is FMCSA's largest grant program supporting state and local law

enforcement agencies to increase enforcement and safety activities nationwide.

"We look forward to working with Administrator Martinez and all the dedicated people at FMCSA to continue to improve safety on our nation's roadways and, ultimately, to save lives," Mooney added.

FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Activities of the administration include: ensuring safety in motor carrier operations through enforcement of safety regulations, targeting high-risk carriers and commercial motor vehicle drivers, improving safety information systems and commercial motor vehicle technologies, strengthening commercial motor vehicle equipment and operating standards, and increasing safety awareness. FMCSA works with federal, state and local enforcement agencies, the motor carrier industry, labor and safety interest groups, and others. ■



On Feb. 28, 2018, U.S. Secretary of Transportation Elaine L. Chao swears in Raymond P. Martinez as administrator of the Federal Motor Carrier Safety Administration. From left to right: FMCSA Administrator Martinez, his wife Marin Gibson and Secretary Chao. Photo credit: U.S. DOT.

## Mexico's Federal Police Continues Its CMV Inspector Training Program

By **Bryan Price**, Chief, North American Borders Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation



With the aim of furthering its commitment to improve motor carrier and road safety, the Policía Federal's Grupo de Atención Especializado al Transporte (GAET) conducted a North American Standard (NAS) Part B Training Course, Feb. 12-16, 2018, at the Instituto Mexicano del Transporte in Pedro Escobedo, Queretaro, Mexico.

GAET's goal is to train and deploy 209 CVSA-certified inspectors throughout Mexico. To this end, the Federal Motor Carrier Safety Administration's (FMCSA) National Training Center (NTC) partnered with GAET to create training materials in Spanish that meet CVSA's standards. FMCSA also helped with instructor development for GAET and Mexico's Secretaria de Comunicaciones (SCT).

NTC Director Ron Crampton stated, "It is an honor to partner with the dedicated men and women of the Policía Federal and Secretaria de Comunicaciones in their efforts to make the Mexican roadways safer for everyone."

GAET and SCT instructors led the course and 52 GAET officers and five SCT civilian inspectors completed the training on the NAS Part B inspection procedures. These commercial motor vehicle inspector trainees will work toward their CVSA certification.

GAET's and SCT's commitment to establishing sustainable commercial motor vehicle inspection programs in Mexico will pay long-term dividends through uniform CVSA inspection procedures, less border crossing congestion and, ultimately, safer highways throughout North America. ■

## New Hazardous Materials Courses Coming to FMCSA's National Training Center

By **Melissa Townsend**, Training Specialist, Hazardous Materials, National Training Center, Federal Motor Carrier Safety Administration, U.S. Department of Transportation

Four new hazardous materials (HM) training opportunities are in the development phase at the National Training Center (NTC).

### HM Safety Permit Course

This online course will provide state and federal enforcement personnel with the knowledge and tools necessary to conduct investigations on motor carriers with a temporary or existing hazardous materials safety permit (HMSP). The course will provide complete coverage of the HMSP regulations and conditions carriers must meet and maintain to transport the HMSP materials listed in CFR 49 385.403. The prerequisites will be Basic Investigative Techniques/ Investigative Safety Analysis (BIT/ISA) (compliance review), North American Standard Part A, North American Standard Part B and General Hazardous Materials (GHM). Upon completion of the course, individuals will obtain certification to conduct relevant investigations/interventions.

### Specialized Roadside HM Training for State Partners

This advanced HM course will provide detailed training and regulation overview on explosives, radioactive materials, hazardous waste, infectious substances and poisonous-by-inhalation materials for roadside inspections. While NTC's GHM Course introduces these topics, this specialized training will provide specifics on marking, labeling, placarding and documenting as it relates to an inspection.

### Advanced Hazardous Waste and Hazardous Substance Training

This instructor-led course will provide in-depth training on hazardous waste and hazardous substances for investigators. The prerequisites for this course are BIT/ISA (compliance review) and GHM. This course will be an extension of the Specialized Roadside HM Course but designed for federal and state partners involved in investigations/interventions.

### Advanced Explosives Regulations Training

This instructor-led course will provide training on explosives regulations, including the intermodal equipment and explosives approvals for the investigator. The prerequisites for this course are BIT/ISA (compliance review) and GHM.

These courses are expected to be available this fall.

The NTC serves as the national focal point for the development and delivery of motor carrier safety training to enhance the capabilities of participating federal, state and local government officials. The mission of the NTC is to provide high-quality motor carrier safety and law enforcement training to its customers to assist in achieving its goal to reduce commercial motor vehicle fatalities, injuries and crashes.

To learn more about the NTC and its available courses, visit [www.fmcsa.dot.gov/national-training-center](http://www.fmcsa.dot.gov/national-training-center). ■

### NTC News Note

It is anticipated that the GHM Course will soon receive Federal Law Enforcement Training Accreditation (FLETA). In the summer of 2017, a team of FLETA assessors spent a week at NTC reviewing and analyzing the program to ensure compliance with FLETA standards and policies. FLETA accreditation enhances public confidence in integrity, professionalism and accountability. The accreditation provides assurance that an academy or program has voluntarily submitted to a self-regulation process and demonstrates compliance with a set of rigorous standards established by the law enforcement community. ■

# HELP IS ONLY A CLICK AWAY

## FHWA Offers App to Help States Recover Quickly After Natural Disasters

By Brandye L. Hendrickson, Acting Administrator, Federal Highway Administration

With technological innovations like the MSAR app,  
FHWA can help restore and reconnect communities faster than ever before.

When disaster strikes, time is of the essence. Every minute, hour and day matters when making damage assessments in the aftermath of a powerful hurricane, flood or storm. Technology saves time and can be critical to efforts to get roads and bridges open to traffic again after a natural disaster, especially when the damage is widespread and difficult to assess.

That's why the Federal Highway Administration (FHWA) developed an app to replace detailed, time-consuming paper surveys and inspection reports on damage required under the agency's Emergency Relief (ER) and Emergency Relief for Federally Owned Roads (ERFO) programs.

FHWA's Mobile Solution for Assessment and Reporting (MSAR) app, available for download from the Apple app store and other online app stores, is designed to simplify laborious and time-consuming data collection for FHWA, state departments of transportation, federal land management agencies and tribal government engineers. Most importantly, it allows them to gather data in the field by downloading the app to a cell phone or tablet, making the process faster and easier by shortening to 20 minutes a process that once took about 18 hours and saving taxpayers an estimated \$1.2 million per disaster.

Traditional survey and inspection reporting requires cumbersome paper forms and maps, tiresome data entry, tedious spreadsheets, and the use and storage of paper maps, cameras and other outdated tools.

The MSAR system makes the process much easier – and faster – for trained professionals. It allows photos of the damage to be easily pinpointed on a map, often with estimated locations and identified by an inventory number. The estimates, photos or videos, and location maps are later compiled by state offices to be sent to FHWA emergency relief coordinators. The data is verified and, if needed, updated and sent via email back and forth. While still a complex data gathering effort, MSAR makes it much faster and more cost-effective.

MSAR was successfully piloted in 2016 but it was not until Hurricane Harvey in Texas in August 2017 that its real benefits were realized. Sixty counties in the state were affected, with much of the devastation centered on the Houston metro area – one of the nation's most heavily populated areas.

Immediately after the water receded, FHWA's Texas division office, the Texas Department of Transportation (TXDOT) and local public agency engineers used MSAR to make damage assessments. On average, site inspections took 30 minutes with MSAR – making possible the completion of damage assessments for more than 500 sites (including several on I-10, I-45, I-69 and other interstates) within three weeks. By mid-December, more than 900 were completed with the MSAR system, including data for assessments by the Federal Emergency Management Agency (FEMA).

During the Hurricane Harvey response alone last year, FHWA and TXDOT saved an estimated 17,000 hours of staff time – and time saved means roads and bridges get repaired more quickly.

After the U.S. Virgin Islands and Puerto Rico were ravaged by Hurricanes Maria and Irma, MSAR made it possible for FHWA engineers to make damage assessments in real-time from division offices throughout the U.S. using data uploaded on mobile devices from the field. Data-sharing made it possible to assess most of the damage on St. Thomas, St. Croix and St. John – the most heavily damaged of the U.S. Virgin Islands – within a week. This meant FHWA's "quick release" emergency relief funds got to those who needed them sooner, allowing highway damage to be repaired quickly and surface transportation to return back to normal.

Getting vital transportation links back up and running again after a natural disaster or catastrophic event is the goal, but tools like MSAR can speed the healing. With technological innovations like this, FHWA can help restore and reconnect communities faster than ever before. Thanks to MSAR, help is only a click away.

**Visit Apple or Android app stores to download FHWA's Mobile Solution for Assessment and Reporting (MSAR) app. ■**



# INSPECTOR'S CORNER

## Complete Pre-trip Inspections, Be Prepared for Safety Inspections

By **Rommel Garcia**, Senior Police Officer, Houston Police Department, 2017 NAIC Grand Champion

There are many benefits to completing a pre-trip inspection and being prepared for a safety inspection. Aside from the obvious reasons related to the Compliance, Safety, Accountability (CSA) scores, violations and traffic citations, let's discuss the other reasons why this is important and beneficial.

It's important that every driver and enforcement officer does his or her part to prevent and avoid that costly incident that gives us a bad reputation. Yes, I say "us" because it's a partnership between law enforcement and the truck industry to maintain road safety. Every bad incident gives the appearance that truck drivers are not following all the rules and that law enforcement is not enforcing the regulations.

Accidents do happen, but striking a bridge because you did not know how tall your load was or because you failed to follow the designated route is inexcusable. The traffic headache created and the time and resources spent after this incident are unbelievable.

Please take the extra time to understand the designated routes so we can avoid closures and costly repairs to major interstates. It also helps the officer inspecting the vehicle in getting you back on the road as soon as possible. We don't have to waste time trying to figure out the right carrier or if you have all the required items in the vehicle. Each driver should know where all of his or her emergency equipment is located and how to operate all the equipment within the vehicle. You can avoid the awkward moments of trying to figure out how to operate the windshield wipers or looking for the fire extinguisher. Those items were supposed to be inspected by the driver before driving the vehicle.

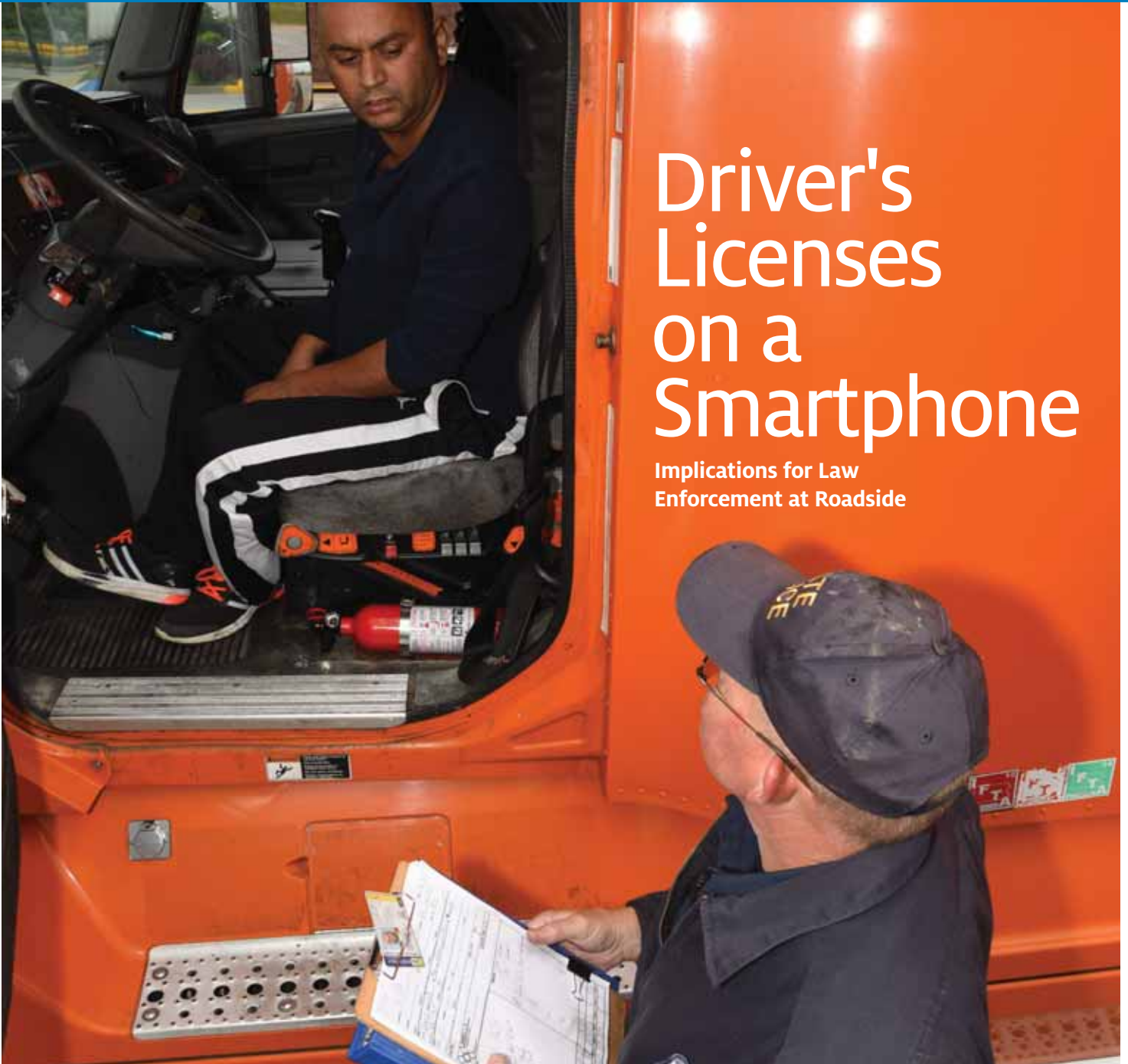
With all of the resources available to every carrier and driver, there should not be a commercial motor vehicle driver who is not familiar with the North American Standard (NAS) safety inspection procedure and the requirements before driving a vehicle. This is an important tool for drivers so they know what is expected of them.

I am not sure about other parts of the country, but here in the Houston area, many of the police departments that participate in the Motor Carrier Safety Assistance Program (MCSAP) provide safety meetings for companies who request them. Most officers will explain the inspection procedure and try to answer all of the questions that they can.

Let me finish by acknowledging many of the professional truck drivers who represent themselves and their company very well on the road. A few shortcuts and mistakes made by a small percentage of drivers do not illustrate the full commitment that many of you have toward safety. So, let me thank all of you for the hard work and dedication to maintaining road safety. Thank you very much. ■

# Driver's Licenses on a Smartphone

Implications for Law Enforcement at Roadside



By **Paul Steier**, Law Enforcement Program Manager, American Association of Motor Vehicle Administrators  
 Input for this article was also provided by AAMVA Director of Identity Management Geoff Slagle and AAMVA Director of Law Enforcement Brian Ursino

The ability of a law enforcement officer to identify the driver of a motor vehicle and the status of their driving privilege by virtue of a plastic driver license is a typical occurrence during a traffic stop. Physically touching and feeling a license and visually examining security features on the license to authenticate the credential are skills officers learn with training and experience. Simply placing the license in a shirt pocket to take it back to the patrol vehicle is convenient and provides the officer the ability to keep their hands free. These law

enforcement experiences have been the norm, but is a plastic, stagnant driver license the best method of proving identity and driving privilege?

Imagining a world where an officer stops a motorist whose driver license information is contained on a smartphone or similar electronic device is a concept that may sound far-fetched. However, much like what happened in the financial industry, technology is driving a movement for a potentially more secure and more efficient method of providing

and authenticating a person's identity and driving privilege.

Some experts believe technology can lead the charge to a more secure driver's license, and research is underway to test the concept of containing the driver's license and identification information on a smartphone. This concept, known as a mobile driver's license (mDL) will impact law enforcement officers and many of the transactions for which we use the driver's license and identification card.

*Continued on next page*

*Continued from page 21*

Since the early 1900s, driver's licenses have evolved from a paper-based credential to a plastic or similar substrate material. Through the years, this material has been enhanced to contain a photograph(s) along with detailed overt and covert security features. Today, counterfeiting and altering these credentials is increasingly difficult, yet not impossible, due to security features which have been bolstered by technological innovations.

Many law enforcement officers use machine-readable hardware in their patrol vehicles to scan the barcode on the driver's license. This technology allows them to populate records on their mobile data terminal and provide another source of verification of information contained on the credential. However, even with sophisticated security features and enhanced substrate material, driver's licenses continue to remain vulnerable to attack by skilled counterfeiterers who are highly motivated to capitalize on the financial value offered in recreating these credentials.

Understandably, law enforcement officers have questions about how a smartphone containing driving privileges and identification information would operate in real-world scenarios. During roadside interactions, officers must focus on their safety while verifying the credentials of those involved.

### Identity Source Verification

Law enforcement officers understand the value of source verification when presented with a driver's license and should not accept the driver's license solely on its face value. At roadside, the normal course of action for an officer is to check and verify the information contained on the identity document with the issuance source. The adage "trust, but verify" stands true and for good reason.

A check of the state motor vehicle records generally does one of the following: confirms information on the license as valid, alerts the officer of more current information or gives the officer reasonable suspicion to dig further when the identity is not on file or does not match the identification presented. From there, the officer can take appropriate action. However, there are other entities that need to examine a driver's license or state-issued identification credential to establish proof of identity. Examples include TSA agents, financial institutions, firearm retail stores, medical professionals, pharmacists, auto rental facilities, alcohol beverage and tobacco retailers, casino employees and entrance guards at secure facilities such as nuclear

sites, courthouses and military bases. These individuals typically examine the driver's license or identification credential with their hands and eyes, trusting the credential is valid and legitimate based on this very brief review and their experience with similar credentials. The burden to prove validity is a decision made by the individual based solely on their observation of what is presented and the cardholder's behavior, which leaves a vulnerability that compromises the integrity of the identification process. This provides the holder of a fraudulent identification credential enhanced potential to commit numerous crimes under an assumed identity, making apprehension more difficult and continued counterfeiting highly likely.

Anyone responsible for authenticating identity credentials and granting access or rights based on these credentials would benefit greatly by knowing, in almost real-time, whether information contained on the identity credential is valid and reliable. And, optimally, that the cardholder is in fact 'bound/connected' to the identity credential. This may be enhanced by the use of biometrics.

### Validity of Identity Information

Motor vehicle agencies work diligently to make certain that information contained on a driver's license or identity credential is correct and up to date at the time of issuance. A significant challenge is when the identity or driver's license privilege information changes between the date of issuance and when a law enforcement officer is validating the credential during a traffic stop. During this interaction, the officer must be aware that the driver's license presented is a stagnant credential that could contain inaccurate or outdated information.

For example, the license privilege(s) of the holder may no longer be valid, endorsements or restrictions may have changed, personal identifying information may be inaccurate or the license itself may have been cancelled due to an issue, such as fraud. The holder of the driver's license is required to notify their local motor vehicle agency when information changes, but people often fail to follow through on this required notification.

This challenge illustrates how important it is for officers to verify the outdated license information with the issuance source and it reveals the vulnerability of the credential when it is not validated with the issuance source.

### Privacy

An outdated license card contains significant personal identifying information (PII) such as: photograph, address, name, date of birth and driver's license number. When an outdated license card is lost or stolen, the holder is susceptible to becoming a victim of identity fraud or theft. In fact, just in the course of normal usage, there is nothing to prevent personal data from being viewed. Many times, there is no need for the holder of the outdated license or identity credential to display all of the PII contained on the credential, but there is no convenient or secure means of concealing portions of this information if it is not needed. Showing all the PII contained on the credential when not required leaves the holder of the credential more susceptible to fraud and other criminal activity by someone who may use the information for illegal activity.

### The mDL Takes Flight

The mDL allows anyone who needs to validate an outdated license or identity credential to do so with the issuance source and at the same time allows the holder to protect some of the PII on the credential from being viewed and compromised.

With technological advancements and heightened concerns of identity and privacy security, state motor vehicle agencies began exploring the concept of an mDL. In December 2014, the Iowa Department of Transportation announced an mDL pilot to test the concept of a driver license on a smartphone.<sup>1</sup>

The pilot enrolled employees into the mDL program via a smartphone app and recorded their photographs. The portrait could then be checked through facial recognition technology for validation of the requester's identity. The result was a verified image of a driver's license, including all relevant data displayed on the employee's smartphone. Testing included: the reading of the mDL barcode; authentication of an integrated mDL watermark verifying the age of the holder; real-time source validation, application and updating of information contained on the app; and app revocation.

In 2016, the state of Virginia tested an mDL in retail liquor establishments using a QR code displayed on the mDL to validate the age of the holder.<sup>2</sup> This study demonstrated that the mDL correctly validated the presenter's age at the time of sale and it verified that this could be done securely without displaying non-relevant personal identifying information.



Much work is still ahead but because of the success of mDL pilot testing, it is anticipated that within the next year fully functioning mDLs will be issued by some motor vehicle agencies, both nationally and internationally.

## mDL Standards and Interoperability

For successful acceptance and interoperability of the mDL, standards are needed for motor vehicle agencies to follow in development and implementation. Standards provide for authentication and validation by consistent, reliable methods and technologies, much the same as driver's license cards adhere to today.

The American Association of Motor Vehicle Administrators (AAMVA), which developed and maintains driver's license card design standards for motor vehicle agencies across the United States and Canada, developed an mDL Functional Needs Whitepaper.<sup>3</sup>

This document describes what an mDL needs to do; provides technology, privacy and use requirements; and serves as a basis for further mDL discussion and research. As advancements are made in technology and research is gleaned from mDL testing, this document will be updated to provide the most current information in mDL development.

## Law Enforcement and mDLs

What does the mDL mean for law enforcement officers when conducting traffic stops and how soon will this implementation take place? Will officers be required to physically handle smartphones? How will officers validate mDLs? What about wireless connectivity issues? These are just a few questions expressed by law enforcement officers.

First and foremost, the plastic driver's license credential is not going away anytime soon. It is anticipated that when fully functioning mDLs are initially issued, they will be in addition to the plastic card credential. Customers will be instructed to always carry the plastic card credential with them when operating a motor vehicle.

There is an anticipated transition time to allow for continued mDL testing, jurisdictional law and rule updates, development and enhancement of mDL verification tools, and technology enhancements. It is also anticipated that some customers will choose to not have an mDL and only maintain a plastic card credential.

How law enforcement officers will interact with mDLs continues to be discussed and tested. AAMVA has partnered with the Netherlands Motor Vehicle Authority to create

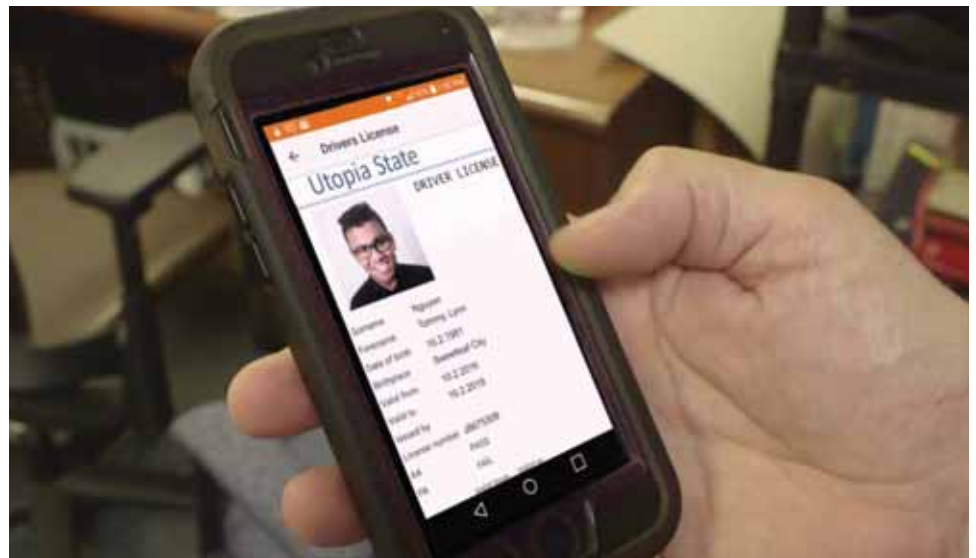
a proof-of-concept mDL based on the AAMVA Functional Needs Whitepaper, which includes law enforcement mDL testing. Contactless wireless technology is being used to allow an officer to capture and validate driver's license information from the vehicle operator's mDL without having to physically contact the smartphone.

For example, one use case shows an officer gathering driver's license information from the vehicle operator without leaving the officer's patrol vehicle. Other use cases illustrate the mDL when it is in a non-connected state or offline.

## Conclusion

Pilot testing involving law enforcement officers' interaction with mDLs and other means of obtaining law enforcement input is important for a system that will be robust, secure and acceptable. Using a smartphone to display a driver's license or identity credential is no longer simply a concept but quickly becoming reality. User acceptance will push the pace at which it moves forward but, in the meantime, there is much work to be done in perfecting roadside mDL law enforcement interactions. ■

**Much work is still ahead but because of the success of mDL pilot testing, it is anticipated that within the next year fully functioning mDLs will be issued by some motor vehicle agencies, both nationally and internationally.**



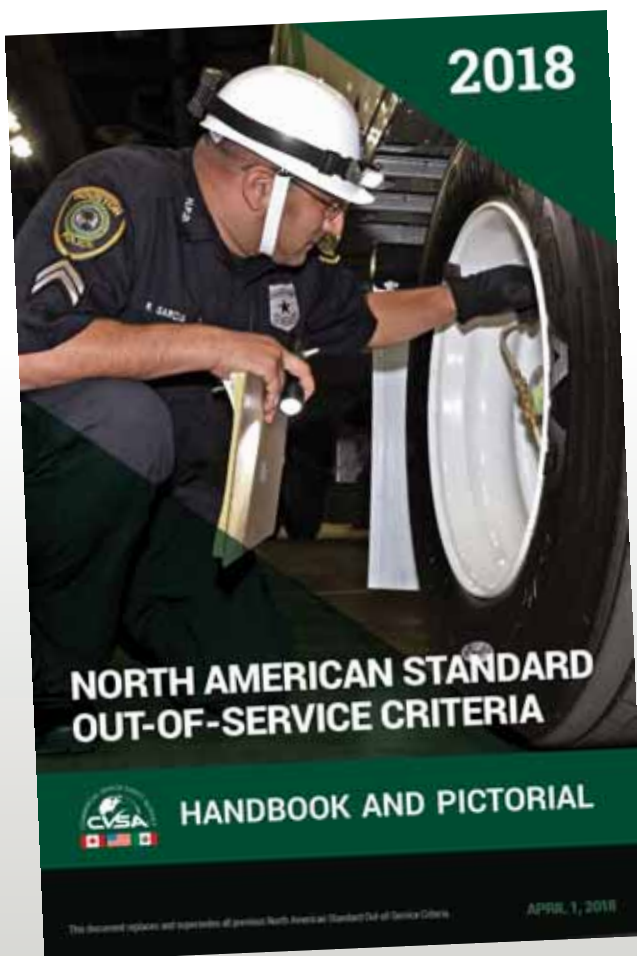
<sup>1</sup> Iowa Department of Transportation, *Transportation Matters for Iowa*, [www.transportationmatters.iowadot.gov/2016/12/whats-happening-with-mobile-drivers-licences.html](http://www.transportationmatters.iowadot.gov/2016/12/whats-happening-with-mobile-drivers-licences.html)

<sup>2</sup> Virginia Department of Motor Vehicles, *Driver License Study*, December 2016, [www.dmv.virginia.gov/documents/mdl\\_report.pdf](http://www.dmv.virginia.gov/documents/mdl_report.pdf)

<sup>3</sup> American Association of Motor Vehicle Administrators – *Mobile Driver License*, [www.aamva.org/Mobile-Drivers-License/](http://www.aamva.org/Mobile-Drivers-License/)

ORDER YOUR PRINT OR ELECTRONIC VERSION OF THE 2018

# CVSA OUT-OF-SERVICE CRITERIA HANDBOOK



Updated out-of-service criteria went into effect on April 1, 2018. The 2018 edition replaces and supersedes all previous editions. If you do not have this new edition of the handbook, you will be operating using outdated information.

- **PART I** details violations that would place a driver out of service.
- **PART II** identifies critical vehicle inspection items and provides direction on identifying the point at which a commercial motor vehicle can no longer be safely operated due to the risk of causing a crash or breakdown.
- **PART III** provides guidance for hazardous materials/ dangerous goods transportation, including conditions which fail to communicate a hazard and those which are themselves hazards.
- **PART IV** outlines the criteria for placing a motor carrier out of service.

**FEATURES NEW ELECTRONIC LOGGING DEVICE OUT-OF-SERVICE CRITERIA**

Visit [www.cvsa.org](http://www.cvsa.org) and select “Store” to purchase your print or electronic copy of the “2018 North American Standard Out-of-Service Criteria Handbook and Pictorial.”

The handbook is \$35 for members, \$45 for non-members.

## Learn More About CVSA Secretary Nominee Capt. John Broers

*with South Dakota Highway Patrol*



What's next? In the ever-changing world of the transportation industry, we can count on changing regulations, a myriad of new technology, and new approaches to safety and efficiency. There are many new things on the horizon for CVSA and I would like to help enforcement and industry alike navigate what is to come in the future.

I am Capt. John Broers from the South Dakota Highway Patrol and I currently serve as the commander for the Motor Carrier Enforcement Division. I started my career with the patrol 19 years ago after previously working as a jailer and a deputy sheriff before then becoming a state trooper. I entered the Motor Carrier Enforcement Division as a sergeant in 2008 and promoted to the commander of the division in 2012. On a personal note, I am a husband and a father of two. I was born on a farm and ranch operation in Wyoming and after high school, I went to college in South Dakota.

When considering the Alliance's role in the future of commercial vehicle safety, I am reminded of a quote by Tommy Lasorda who said, "There are three types of baseball players – those who make it happen, those who watch it happen and those who wonder what happened." CVSA clearly has and will be in a position to make things happen.

Technology has rolled into the industry with significant impact. The full implementation of electronic logging devices is underway and automatic on-board recording devices will be in a museum like an ATARI video game, reminders of where we began.

While autonomous vehicles seem to be in their infancy, they are already in the toddler stage: off and running at a thousand miles an hour. Whether it be fully autonomous, truck platooning or any level of automation, this technology is coming to the commercial motor vehicle industry in a hurry.

The Alliance cannot sit back and eventually wonder what happened. Doing so would leave us with a checkerboard of regulations and standards. We, as an Alliance of enforcement and industry, have an opportunity to help shape guidance and regulations into common-sense, workable standards for enforcement and industry. Uniformity across the nation and across our borders is more than just a goal in this arena; it is one of our foundational principles. There is a lot of work to do to usher in this exciting and innovative technology that has the most potential for safer roads and to lower highway fatalities since the inclusion of seatbelts as standard equipment.

When looking at what lies ahead for the members of our Alliance, we also have to consider that the Fixing America's Surface Transportation (FAST) Act is set to expire in a couple of short years. It was certainly a relief to have a solid transportation act instead of kicking that political can down the road. Work has already begun by CVSA with the reauthorization committee. Our industry partners, our regulatory partners and Congress have already begun work toward what is next for the transportation machine that drives our economy. What comes next though?

Compliance, Safety, Accountability (CSA) 2010 was certainly a game changer. Will the new Motor Carrier Safety Assistance Program (MCSAP) formula meet the needs of every state? What will be the next major change for us at CVSA? I believe we can make things

happen, not watch or wonder what happened.

Within the Alliance, I am excited to see the work that comes out of our committees. All of the Alliance's committees provide an invaluable body of work that come together for the safety of future transportation. The collaboration of experts in enforcement, engineering and industry come together to develop standards for operation.

The North American Standard Out-of-Service Criteria is the backbone of the Alliance. Common sense and practicality must continue in its development and adjustments. Taking a driver or vehicle out of service is a critical piece of highway safety; the two edges of this sword being stopping a potential fatal crash from occurring and potentially putting a company out of business. Items that are critical for keeping an operation safe to travel should remain the priority.

The recently created Crash Data and Investigation Standards Committee is breaking new ground that we have not yet built upon. Our enforcement practices are based upon solid data. In-depth analysis of what happened in a crash can potentially provide the best data to prevent future crashes and save lives.

Our strength is our membership from every jurisdiction in North America and beyond. Our strength is our expertise and dedication to the safety of everyone on the road. Our strength is the ability to work with industry, regulators, Congress and the public to spread our safety message. Great companies, great enforcement practices and great policy make our roads more efficient and, most importantly, safer for every person on the road. The Road to Zero is paved by us; it's built for our family and friends and it should last forever.

I would be honored to represent our Alliance as secretary. I look forward to what is next and hope to fulfill the role to the best of my ability, to collaborate with all of the members and with everyone that comes to the table with the safety of our roadways as their mission. ■

## CVSA Returns to Portland, the Birthplace of the Alliance, for Its 2018 CVSA Workshop

On Feb. 27, 1980, the first meeting of the four jurisdictions – California, Idaho, Oregon and Washington – that would start CVSA met in Portland, Oregon. Thirty-eight years later, CVSA returned to Portland, the birthplace of the Alliance, for its 2018 CVSA Workshop.

More than 500 enforcement personnel, government officials and industry representatives attended the CVSA Workshop, April 8-12, 2018. At the CVSA Workshop, transportation safety stakeholders worked together to improve commercial motor vehicle and driver safety, regulatory compliance and enforcement throughout North America.

Participants collaborated at the CVSA Workshop to effect meaningful changes to the overall culture of transportation safety. They attended various membership, region, committee and program meetings aimed at the ongoing progression of CVSA's mission to improve uniformity in commercial motor vehicle safety and enforcement by sharing and receiving information, developing best practices, and enhancing roadside inspection program activities and services.

The CVSA Workshop featured these informative and collaborative sessions:

- The new Crash Data and Investigation Standards Committee met for the first time to identify and set commercial motor vehicle crash reduction efforts, post-crash analysis and training, and crash data quality and standardization objectives and goals.
- Truckers Against Trafficking held an educational session to further stoke collaboration between the commercial motor

vehicle enforcement community and members of the truck and bus industries in an effort to close loopholes to human traffickers.

- An educational session for motor carriers answered frequently asked DataQ questions and provided detailed instructions on how to submit a quality Request for Data Review.
- At the North American Cargo Securement Harmonization Public Forum, attendees discussed cargo securement regulatory issues and differences; identified inconsistencies in the application of cargo securement enforcement policies; reviewed reports on research findings and securement equipment; and examined new technologies related to cargo securement.
- The International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP) education session featured updates on both programs and interactive discussions.

During the general session, CVSA presented Herschel Evans of Holland with the 2018 International Driver Excellence Award (IDEA). IDEA is CVSA's industry-wide driver excellence award program. Evans was selected for the award based on his 30 years and more than 3 million miles of safe and crash-free driving, his long-term commitment to the trucking industry, his numerous charitable endeavors and his dedication to projecting a positive image of the truck driving community. Read more about Evans on page 28.

The general session was also the first time new Federal Motor Carrier Safety Administration (FMCSA) Administrator Raymond Martinez

addressed the CVSA membership. He was invited to speak at the CVSA Workshop and took that time to introduce himself to the membership and reinforce that under his watch, the agency will continue its positive partnership with CVSA as we all work together toward our common goal of saving lives. He also took time to talk about the electronic logging device mandate, FMCSA's plans for addressing new developing technologies and fixing the country's infrastructure. To learn more about FMCSA Administrator Martinez, check out page 17.

Also of importance, Capt. John Broers with the South Dakota Highway Patrol was nominated for the international leadership position of CVSA secretary. The secretary election will take place in September at the CVSA Annual Conference and Exhibition in Kansas City, Missouri.

"Industry, government and enforcement member participation at the workshop fosters a well-rounded representation of the many perspectives necessary to work toward addressing issues and finding solutions in transportation safety," said CVSA Executive Director Collin Mooney. "The board meetings and all committee and program meetings at the workshop are open to all attendees, encouraging a transparent collaborative setting for discussion, progress and improvement. The workshop is an open and inclusive collective endeavor where we work together toward the pursuit of safe transportation on our roadways."

Next year's CVSA Workshop is scheduled for March 31-April 4, 2019, in St. Louis, Missouri. ■





## Herschel Evans of Holland is CVSA's 2018 International Driver Excellence Award Winner



During his remarks, Evans thanked the leadership at Holland, CVSA, his fellow drivers who help keep America's roadways safe and his wife Hollie.

On April 9, 2018, at the CVSA Workshop in Portland, Oregon, Herschel Evans of the trucking company Holland was presented with a crystal trophy and a check for \$2,500 as this year's International Driver Excellence Award (IDEA) winner. Evans has driven more than 3 million miles over 30 years; 25 of those years with Holland.

"After my company nominated me, I read the impressive bios of the previous winners and I did not think I belonged in that group," said Evans. "I feel extremely honored to be selected."

Launched in 2015, IDEA recognizes commercial motor vehicle drivers who distinguish themselves conspicuously and beyond the normal call of duty through the achievement of safe operation and compliance carried out with evident distinction for an extended period of time.

Like many commercial motor vehicle drivers, Evans truly loves what he does. "It is never the same day twice," he said. "There is nothing boring about driving for a living. You get to see the inner workings of many different places. All of the places that make your community run are kept running by us drivers delivering what they need. Every day has a sense of doing something that is necessary."

"Herschel is an exceptional model for what a professional driver should be," said Holland

President Scott Ware, who nominated Evans for the award. "His unquenchable desire for great safety and his need to share his safety message make him a key participant in our organization's safety efforts. He is committed to protecting himself and all those who share the road with him."

In 2013, Evans became the first person from Holland to be selected by the American Trucking Associations (ATA) for the high honor of representing the trucking community as an America's Road Team Captain. ATA's America's Road Team is a national public outreach program led by a specially selected group of professional truck drivers who share superior driving skills, remarkable safety records and a strong desire to spread the word about safety on the highway. America's Road Team Captains speak at schools, with community groups, to reporters, legislators, industry and government officials about highway safety and the importance of the trucking industry.

In fact, Evans considers being selected as an America's Road Team Captain to be one of the biggest professional accomplishments of his driving career. "The opportunities and experience that I've gained have been immeasurable," said Evans. "Being part of this group of professionals is hard to describe. Being mentored by the veteran Captains and

now passing my knowledge on to the new Captains, I believe, has a massive impact on our industry."

As you might expect for such an extraordinary driver, CVSA's IDEA isn't the only award Evans has received throughout his career. In 2012, he was honored with the Destination Green Environmental Excellence Award for his efforts toward environmental sustainability. He was also honored by ATA in 2017 with the Mike Russell Trucking Image Award, an award that recognizes individuals who are committed to promoting the advancement of the trucking industry's positive message.

In 2006, Evans was named Rookie of the Year and won the Grand Championship at the Georgia Truck Driving Championships. He is a two-time five-axle champion (2008 and 2011) at the National Truck Driving Championships and a four-time five-axle champion (2006, 2008, 2011 and 2012) at the Georgia Truck Driving Championships. In 2012, Evans earned the distinct title of Georgia Driver of the Year at the Georgia Truck Driving Championships. In 2017, Evans earned first place in the sleeper category at the Georgia Truck Driving Championships and was part of the winning team that was presented with the 2017 Clifford Williams Award for Small Team.

Evans' devotion to philanthropy has also



On April 9, 2018, in Portland, Oregon, Herschel Evans with Holland received the 2018 International Driver Excellence Award.



As the 2018 IDEA winner, Evans received a crystal trophy and a check for \$2,500. Evans is pictured (left) with Louis Therrien (right) of AIG, the 2018 IDEA sponsor company.



This year's IDEA winner is Herschel Evans. Nominations for 2019 will open this fall.



Pictured left to right: IDEA Committee Chair Don Egli with the Iowa Trucking Association; CVSA Executive Director Collin Mooney; Hollie Scott, Herschel's wife; 2018 IDEA winner Herschel Evans with Holland; Scott Ware, President, USF Holland; CVSA President Capt. Christopher Turner with the Kansas Highway Patrol; Louis Therrien, Zone Manager – West, AIG.



The 2018 IDEA winner is pictured with his wife, Hollie.

spanned his professional career. Evans is the driving force behind the Safety Drive for a Cure Truck Safety and Skills Competition benefiting the Pediatric Brain Tumor Foundation. Hundreds of drivers travel from across the country to compete in the Safety Drive for a Cure, improving their safety skills while supporting advocacy and service.

Evans has also donated his time and services to the Convoy of Care, helping to deliver critical supplies to families affected by major natural disasters such as the flooding in Baton Rouge, Louisiana, in August 2016, tornado victims in southern Georgia in February 2017 and the flood victims in Houston, Texas, in August 2017.

“Some drivers demonstrate their safety focus at a personal level by racking up remarkable records of collision-free driving,” said Ware. “Other drivers devote their attention to promoting safety among other drivers and the public. Herschel Evans is a ‘do-it-all’ champion of safety who does both – training trainers and dedicating most of both his business and personal time with tireless efforts to make our roads safer and help save lives.”

Evans serves as Holland’s safety advisor, driver trainer and DOT compliance leader. He is also an active member of the Holland Safety Committee and serves on the Holland Safety Review and Editing Board. He is a member of

the YRC Accident Review Board and a volunteer for the Mid-Atlantic Professional Truck Drivers Association. And on top of all of that, Evans also routinely holds ATA practice sessions on his own time, providing the materials at his own expense.

“Herschel’s motivation is not simply to provide himself with the opportunity to practice but to increase safety awareness and promote a positive image for all professional drivers,” said former Atlanta Terminal Manager Lyle Metcalf.

A perfect example of Evans’ commitment to the safety of all drivers was when he put together the “Battle of the Borders” which allowed Holland and YRC Freight employees to practice together for the state truck driving competition. “Herschel spearheaded the event,” said Tim Coffey, safety manager for YRC Freight. “He really put a lot of hard work and dedication into making the event very successful in its first outing.”

“There is no doubt that Herschel is a great driver but what sets him apart is his willingness to organize activities and help others. It is that willingness that has made him a great resource for the Holland safety department,” said Holland’s former Manager of Safety Chris Ashford. “In my opinion, he is our driver of the year every year.”

With decades of driving experience and millions of crash-free miles driven safely on the road, Evans knows exactly what to do to ensure he is operating safely. “When I talk to young drivers, I always tell them that space and time are your two best friends on the road. You need space to maneuver and time to decide and react. Lots of crashes could be prevented just by drivers giving themselves more space and time.”

“One day at a time. One mile at a time. You can never be in such a hurry that you take chances. Taking chances has such a small benefit for the enormous risk. It just simply isn’t worth it.”

CVSA established IDEA to recognize and officially acknowledge the exceptional careers of professional commercial motor vehicle drivers and their commitment to public safety. As a company dedicated to creating a safer, stronger future, AIG joined with CVSA to sponsor the Alliance’s 2018 International Driver Excellence Award.

When he’s not at work on the road, Herschel and his wife Hollie like to travel around the country and see new places. “I also enjoy hunting and competition shooting of varied types,” Herschel added. “And I compete in archery and handgun events.”

The 2019 IDEA nomination form will be posted

## CVSA's Multimedia Development Team

By **Ken Albrecht**, *Director of Multimedia Development, Commercial Vehicle Safety Alliance*

As CVSA's director of multimedia development, I have occasionally referenced the "CVSA Multimedia Division" while presenting reports to the CVSA Board of Directors in tongue-in-cheek fashion, with the understanding by most that the "division" was simply...me. But, as of January 2018, we've added another member to the CVSA Multimedia Division.

Mark Mills officially joined the CVSA staff as a multimedia specialist with more than 10 years experience in commercial motor vehicle safety multimedia production. He worked as a producer and director for ABC and Fox television affiliates as well as Cable ONE in Boise, Idaho. He also worked with the Idaho State Police Multimedia Group for eight years. If Mark seems familiar, it may be because he has voiced most of the North American Standard (NAS) Part A and B videos produced since 2002.

This past year was a busy one. With the participation of the Florida Highway Patrol, the Oklahoma Highway Patrol and funding

through the Federal Motor Carrier Safety Administration (FMCSA), CVSA produced a much-requested video: "Performing a Two-Person Passenger Carrier Vehicle Inspection." Completed in July 2017, the video was then taken to the August FMCSA National Training Center (NTC), Educational Quality Assurance Team (EQAT), Passenger Carrier Vehicle Inspection (PCVI) workgroup in Austin, Texas, where it was dissected into segments and inserted into the updated Passenger Carrier Vehicle Inspection course materials.

Speaking of EQAT, an updated version of "The Pursuit of Excellence" video, a short testimonial piece that highlights the importance of inspectors and drivers working together to create safer highways, was produced as well. It was inserted into the NAS Part A curriculum during that course's June 2017 EQAT meeting in Austin, Texas.

A new "Why We Do What We Do" video was produced in September 2017 and will replace the current version that was produced in the

early 2000s and is currently shown at the start of the NAS Part B course. This video stresses the importance of a thorough vehicle inspection and is highlighted by comments from some of North America's best inspectors, filmed during the 2017 North American Inspectors Championship (NAIC) in Orlando, Florida.

Speaking of NAIC, the video "25 Years of NAIC" was produced in July 2017 to kick-off the NAIC festivities in Orlando, but...it didn't, due to technical difficulties. It instead debuted at the CVSA Annual Conference and Exhibition in Whitehorse, Yukon; however, many of you still didn't see it because it was shown in Whitehorse, a place where many of you were not. So, the video has been added to the CVSA Multimedia Library for all to see. The library is accessible through the CVSA member portal. In roughly 6½ minutes, the video takes you from the first year of NAIC (when it was Challenge '93) through NAIC 2017, via file footage and sound bites from past contestants and judges, as well as those who continue to



CVSA Multimedia Specialist Mark Mills records Erick McGuire of the Florida Highway Patrol conducting an inspection for "Performing a Two-Person Passenger Carrier Vehicle Inspection."



volunteer their time and energy to this important program.

Speaking of the CVSA Multimedia Library, if you haven't visited it, you should. It houses all of the videos previously mentioned, plus most other relevant training videos produced for NTC and CVSA training in the last 20 years. The library also serves as CVSA's online webinar recording archive. Each webinar is posted to the "Webinar" section of the library within a week of the initial presentation. Many of the videos have been translated to Spanish for our Spanish-speaking members in the U.S and to the south and French Canadian for our members to the north.

Speaking of Canada, the Canadian Council of Motor Transport Administrators (CCMTA) and CVSA, through the Canadian EQAT, worked with Transport Canada to create a new Canadian Highway Tank Inspection course. This course, along with the annually updated Canadian NAS Part A, Part B and Motorcoach/Bus Inspection courses, was

completed, duplicated and distributed in February.

As I write this, we are in full pre-production mode for a new "Inspecting Van and Open-Top Trailers" video, and are finishing the scripting process and location scouting for a new "Properties of Class 3 Hazardous Materials" video. The CVSA Multimedia Team is working on new tutorial videos for both our CVSA member portal and learning management system (LMS), intended to assist you in getting the most out of your online membership tools.

Speaking of the LMS, the CVSA Multimedia Team has been working closely with CVSA Director of COHMED Program Bill Reese to create course content for the new Cooperative Hazardous Materials Enforcement Development (COHMED) online portal within the CVSA LMS. In addition, course materials for the Level VI Inspection Program are getting a face-lift. ■

## Operation Safe Driver Week Is July 15-21



CVSA's 2018 Operation Safe Driver Week will take place July 15-21. Traffic safety personnel will be on the lookout for unsafe driving behaviors by commercial motor vehicle (CMV) drivers and passenger vehicle drivers as we work toward zero deaths on our roadways.

Unsafe driver behaviors by CMV drivers and passenger vehicle drivers continue to be the leading cause of crashes. The Federal Motor Carrier Safety Administration's (FMCSA) "Large Truck Crash Causation Study" cites driver behavior as the critical reason for more than 88 percent of large truck crashes and 93 percent of passenger vehicle crashes.

Examples of dangerous driver behaviors that enforcement personnel will be tracking throughout Operation Safe Driver Week are speeding, distracted driving, texting, failure to use a seatbelt while operating a CMV or passenger vehicle, following too closely, improper lane change, failure to obey traffic control devices, etc.

CVSA's Operation Safe Driver Program was created to help to reduce the number of crashes, deaths and injuries involving large trucks, buses and passenger vehicles due to unsafe driving behaviors. During Operation Safe Driver Week, there will be increased CMV and passenger vehicle traffic enforcement.

Operation Safe Driver Week is sponsored by CVSA, in partnership with FMCSA and with support from industry and transportation safety organizations, and aims to help improve the behavior of all drivers operating in an unsafe manner – either in or around CMVs – through educational and traffic enforcement strategies to address individuals exhibiting high-risk driving behaviors. ■



Steven Payne of the Oklahoma Highway Patrol is interviewed for the "Why We Do What We Do" video.



## MARK YOUR CALENDAR

# North American Inspectors Championship

Aug. 14-18, 2018  
Columbus, Ohio

For more information and to register, visit [www.cvsa.org/eventpage/events/north-american-inspectors-championship](http://www.cvsa.org/eventpage/events/north-american-inspectors-championship).

## NAIC 2018 'Sprints Forward' >>>>>

By **Richard Roberts**, A/Training and Compliance Manager, Commercial Vehicle Safety and Enforcement, British Columbia Ministry of Transportation and Infrastructure; NAIC Program Committee Chair

As most of us "spring forward" to daylight saving time and have adjusted to the lost hour of sleep, the North American Inspectors Championship (NAIC) is also preparing to move ahead.

We left Orlando last year wrapping up the 25th anniversary of NAIC. Over the past 25 years, countless changes have been made to the "best of the best" inspectors' competition. Starting in 1994 as the International Inspectors' Competition, a name change was made in 1999 to the current North American Inspectors Championship.

After the competition in 2011, NAIC was within days of being cancelled. A change in funding put the competition's future in jeopardy. Fortunately, the NAIC Program Committee and the CVSA Board of Directors worked with CVSA staff to modify the competition and fund the event. Two days were removed from the competition but the following year saw the return of one of those days, allowing more training elements to be added.

So what changes will NAIC see for 2018? First, a new Operational Policy 16 was created for program information. The second change is a realignment of the NAIC dates. The event will begin one day later and conclude on Saturday. This change was made to allow NAIC competitors and participants to attend two

partnered events with the American Trucking Associations' (ATA) National Truck (and Step Van) Driving Championships (NTDC).

NAIC competitors and NTDC competitors will both be recognized at the Parade of Champions. CVSA and ATA will also hold a combined awards banquet where all event winners will be announced. This will be an exciting new change and one that is brand new to this event.

In the past, NAIC competitors attended the NTDC banquet but our winner had already been crowned. This will be the first time that we will have the NAIC competitors on the edge of their seats right up until dessert. These joint events were lost when the program changes were made in 2011. No additional days have been added to the event and only some slight time changes to the program were required. We are very excited to be back with ATA at the awards ceremony.

Despite numerous changes over the past 25 years of competition, one thing remains the same: the passion and dedication of the committee members, volunteers, sponsors and CVSA staff continue to make this event a success. Thank you to everyone involved and we look forward to seeing you in Columbus, Ohio, Aug. 14-18.

**More information on 2018 NAIC can be found at [www.cvsa.org/eventpage/events/north-american-inspectors-championship](http://www.cvsa.org/eventpage/events/north-american-inspectors-championship). ■**



## CVSA Creates Crash Data and Investigation Standards Committee

By **Scott Hernandez**, Director of Crash Standards and Analysis; Crash Data and Investigation Standards Committee Staff Liaison

CVSA's new Crash Data and Investigation Standards Committee is off and running, which means it's a perfect time to get involved. Be part of the future of training, investigations, reporting and data collection which will gain consistency through the work of this committee and aims to reduce the number of commercial motor vehicle crashes in the future.

At the CVSA Workshop in Portland, Oregon, the committee met for the first time and developed the purpose and goals for the immediate future, kicking off what, without a doubt, is going to provide significant gains in uniformity and consistency in commercial motor vehicle post-crash data and investigations.

The purpose of the committee is to establish and promote uniform comprehensive crash investigation, reporting and data collection standards for all stakeholders. Goals were established covering uniform reporting and crash investigation protocols, and accredited training for post-crash investigations and analysis.

The first goal is to establish and maintain a uniform commercial motor vehicle and large vehicle crash reporting protocol. Although there are specific minimum standards in crash reporting, the quality of data is always a challenge. Seizing the opportunity to improve reporting consistency is paramount. The opportunity to increase partnerships with all North American post-crash investigators by ensuring the reports are complete and uniform will be realized through CVSA training.

Reporting crash information and data in a uniform manner, which allows for improved analysis, is also a goal that aligns closely with the first. Improvements in providing consistent and accurate data will help identify ways that crashes can be prevented in the future.

Improved reporting will go hand in hand with another goal, which is to establish and maintain a uniform commercial motor vehicle and large vehicle crash investigation protocol. Several states and universities are ahead of the curve regarding post-crash training but as technology has advanced, so must the investigations. The ability to specialize in all areas and conduct a complete crash investigation will require multiple experts to come together to provide a fair and complete investigation. Each component of an investigation is complex and without consistent application of fact-finding techniques, many crashes' causation will remain a mystery.

Ultimately, none of the goals can be reached without uniform commercial motor vehicle and large vehicle crash investigation partnerships and training. Investigations will be more complete when every investigator is well trained in their discipline and working cooperatively to provide facts toward the final report. Providing quality and consistent data will allow for more accurate crash reduction identification and reduction techniques.

The final goal is to establish an accredited training curriculum. Investigators who pass the advanced post-crash investigation courses will earn higher education credits. ■

### Join the New Crash Data and Investigation Standards Committee

To join CVSA's new Crash Data and Investigation Standards Committee, log in to your CVSA member portal by visiting [www.cvsa.org](http://www.cvsa.org) then click on "Member Login" at the top of the page. Under "My Committees and Programs" select "Crash Data and Investigation Standards Committee." By joining the committee, you'll be able to access agendas prior to in-person committee meetings, view minutes after meetings, receive invitations for committee conference calls and be updated throughout the year about the committee's progress.



CVSA's newly created Crash Data and Investigation Standards Committee met for the first time on April 11, 2018, at the CVSA Workshop in Portland, Oregon. The chair of the committee is Lt. Thomas Fitzgerald with the Massachusetts State Police.

## Florida Highway Patrol's Outreach and Educational Efforts

By Chief Derek D. Barrs, Office of Commercial Vehicle Enforcement, Florida Highway Patrol

The Florida Highway Patrol Office of Commercial Vehicle Enforcement partnered with the Florida Trucking Association Road Team and held a Share the Road Event in Crestview, Florida, on Feb. 21, 2018, where there were more than 155 high school students in attendance.



On Feb. 16, 2018, the Florida Highway Patrol Radiological Nuclear Detection (Rad/Nuc) Team, led by Sgt. Casey Moore, provided a demonstration and learning opportunity for the Mainland High School (MHS) Air Force Junior Reserve Officers' Training Corps (JROTC) students, instructors and volunteers while they were on a field trip at the Daytona International Speedway in Daytona Beach, Florida.

The MHS Air Force JROTC consisted of 40 students, four parent volunteers and two instructors. During the demonstration, Sgt. Moore explained to the group what the Rad/Nuc Team is, why it is important and what they do to keep people safe at high-profile events. He showed different equipment types and how they work, answered questions and provided valuable information on the importance of their presence at the Daytona 500. ■



On Feb. 15, 2018, the Florida Highway Patrol Office of Commercial Vehicle Enforcement attended the National Tank Truck Carriers (NTTC) Winter Board Meeting in Miami, Florida. The attendees for NTTC were primarily CEOs and owners of major tank line motor carriers across the United States. Also in attendance was Ken Armstrong, president of the Florida Trucking Association. The Florida Highway Patrol Office of Commercial Vehicle Enforcement was in attendance to discuss the importance of partnerships and working together to make our roadways safer.

## REGIONAL MAP

### Region I

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, U.S. Virgin Islands and Vermont

### Region II

Alabama, American Samoa, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia

### Region III

Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Northern Mariana Islands, Ohio, South Dakota and Wisconsin

### Region IV

Alaska, Arizona, California, Guam, Hawaii, Idaho, Mexico, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming

### Region V

Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon



## Keeping Wild, Wonderful West Virginia Safe

By Reggie Bunner, Special Operations Manager, West Virginia Public Service Commission

Every state has a tourist industry that not only provides its residents and visitors with a lot of fun and exciting activities, but also presents unique challenges for local and state governments. The state of West Virginia is no different with its whitewater rafting industry.

West Virginia currently has approximately 16 different rafting companies that serve the areas of the Cheat River in the northern part of the state, the Gauley and New rivers in the southern part of the state, and the Shenandoah and Potomac rivers in the state's eastern panhandle. To service this industry, there are approximately 180 buses and more than 200 drivers.

Each spring the West Virginia Public Service Commission's Motor Carrier Enforcement Division gears up for the upcoming season by conducting inspections on the buses and drivers that transport the rafters to and from the various launch and recovery points. The Public Service Commission's Motor Carrier Enforcement Division, with its 40 officers, is West Virginia's only commercial motor vehicle inspection agency and accomplishes these rafting company inspections with approximately 16 bus inspectors.

In 2017, the enforcement division conducted 145 inspections of buses associated with the whitewater industry. Of these inspections, only six out-of-service violations were noted.

According to Inspector A.W. Ryan, who conducts the majority of the inspections in the southern part of the state, "The rafting companies in the southern part of the state are generally outstanding. They are very cooperative with our inspectors and appear to have the highest regard for the safety of their customers." Inspector Ryan also added that "We, as inspectors, put forth a very conscientious effort in these inspections due to the fact that the bulk of the bus fleets that we inspect are generally retired school buses that were mostly manufactured in the early to mid '90s."

All for-hire passenger carriers are required to be inspected annually by the West Virginia Public Service Commission. The rafting companies are very cooperative with our request to conduct terminal inspections of their drivers and buses. This, along with outreach training, has made a great contribution to the fact that the rafting industry has had no major incidents in the state with their fleet.

Statewide each year, West Virginia whitewater companies transport between 130,000-140,000 passengers.

To learn more about the West Virginia Public Service Commission, visit [www.psc.state.wv.us](http://www.psc.state.wv.us).



## Oregon Trucking Associations Offers Two Exclusive Certification Programs as Part of 'OTA University'

By *Vilija Jozaitis, Marketing and Communications Manager, Oregon Trucking Associations Inc.*



For more than 75 years, Oregon Trucking Associations (OTA) has been a primary provider of training and education for the state's trucking industry. Two years ago, OTA launched a brand-new, exclusive safety program designed specifically to cover the trucking-related topics safety managers need to know on the job. Otherwise known as the Northwest Fleet Safety Certification Program, this was the first area of study offered as part of the "OTA University."

The number of rules and regulations that govern the trucking industry, as well as swiftly emerging technologies and other developments, mean that those who work in trucking must stay up to date. The OTA University provides the knowledge, tools and resources needed to anticipate trends and implement changes.

The inaugural Northwest Fleet Safety class of 10 safety professionals officially graduated from the program in 2017 at OTA's Annual Spring Safety Conference and the next graduating class recently completed their curriculum. The class meets monthly throughout the year and covers topics such as Occupational Safety and Health Administration (OSHA) and Federal Motor Carrier Safety Administration (FMCSA) compliance, drugs and alcohol, driver qualification, incident investigation, defensive driving, conducting productive meetings and more.

John Sallak, a long-time trucking industry training expert and former safety consultant for OTA, originally developed the comprehensive curriculum to encompass areas that safety professionals deal with daily and throughout their careers. As regulations and technology evolve, so will the program's lineup. OTA also plans to offer a yearly refresher course for graduates so they can stay current on any changes.

Once certified, the individual gains the designation of NSP, for Northwest Safety Professional, and the company will keep its certification as long as the graduate is still employed. While the class is open to carrier companies, allied (non-carrier) companies can also benefit from the information presented. In addition to transferable, real-life skills and information, participants have developed strong relationships with other safety professionals in the industry.



Inaugural NW Fleet Safety Certification class graduates at OTA's 2018 Spring Safety Conference.



2017-2018 NW Fleet Safety Program participant presents to the class and trucking business leaders as part of the final session.

In a post-class interview, graduate Todd Boldin with Reddaway said, "The lessons were very thorough and presented very precisely by all of the instructors to the point of giving expert insight on each subject, making each of us better trained for our jobs."

The OTA University is expanding its offerings with the recently launched Northwest Fleet Maintenance Certification Program, aimed at fleet maintenance managers. The classes will have a similar setup to the Fleet Safety Program, but with a distinct focus on the maintenance side of trucking management. Topics will include advancing technology, the relationship between maintenance and operations, return on investment of maintenance, predictive versus preventative maintenance, conducting effective meetings and OSHA compliance for the shop.

These OTA University programs are key parts of the overall education and outreach that OTA performs, and OTA is already exploring other areas for future courses.

**Details on OTA's training opportunities, events and other activities can be found at [www.ortrucking.org](http://www.ortrucking.org).** ■



John Sallak teaches hazmat material as part of the NW Fleet Safety curriculum.

# Meet Dal Gill

## with the Toronto Police Service

My name is Dal Gill and I currently work as a police constable for the Toronto Police Service in the Traffic Services Highway Truck Squad. I'm responsible for enforcement, investigations and running commercial motor vehicle safety blitzes in partnership with regional police services – York, Peel, Halton, Waterloo, Ontario Provincial Police and the Ministry of Transportation – across the province, promoting commercial motor vehicle safety.

I started mechanical training in high school and began my apprenticeship through what was known then as the Motor Vehicle Mechanic Program at Centennial College (known today as the Ontario College of Trades). I worked at various car dealerships during my apprenticeship and received my Class A mechanic's licence. I went on to complete my truck and coach technician's licence.

I've always had an interest in policing and a love for cars so working in the Commercial Vehicle Unit is a perfect way to combine my two passions. I'm also the only officer with certification as both an automotive and truck and coach technician in the unit, which has

been a valuable asset to my police work. I am also part of the Ontario Police Commercial Vehicle Committee, along with S/Sgt. Mike Hinsperger (Waterloo Regional Police); Sgt. Scott Parker (Ontario Provincial Police); Constables Pat Martin (Halton Regional Police) and Armando Pecchia (York Regional Police); and other CVSA officers.

Being both automotive- and truck-certified has certainly helped my career, along with being a CVSA and dangerous goods inspector. My qualifications have been instrumental to my current success with police officers and conducting commercial motor vehicle safety enforcement in partnership with our Greater Toronto area police services and the Ministry of Transportation.

There was a situation where we received a 911 call about a school bus carrying young children travelling on the Don Valley Parkway in the city of Toronto and one of the wheels was loose and ready to come off the bus. The bus was pulled over to the side of the highway and no children were hurt, thanks to fast actions of responding officers Derek Page and Jay Gill. I was asked to

attend the investigation. The bus was found to be unsafe and charges were laid. During the investigation, there were some questions about when the bus was certified, so Ministry of Transportation and the Ontario College of Trades enforcement officers were brought in to assist with the investigation. The work we do together is essential, making sure we keep unsafe vehicles off the roads. It has been a great partnership.

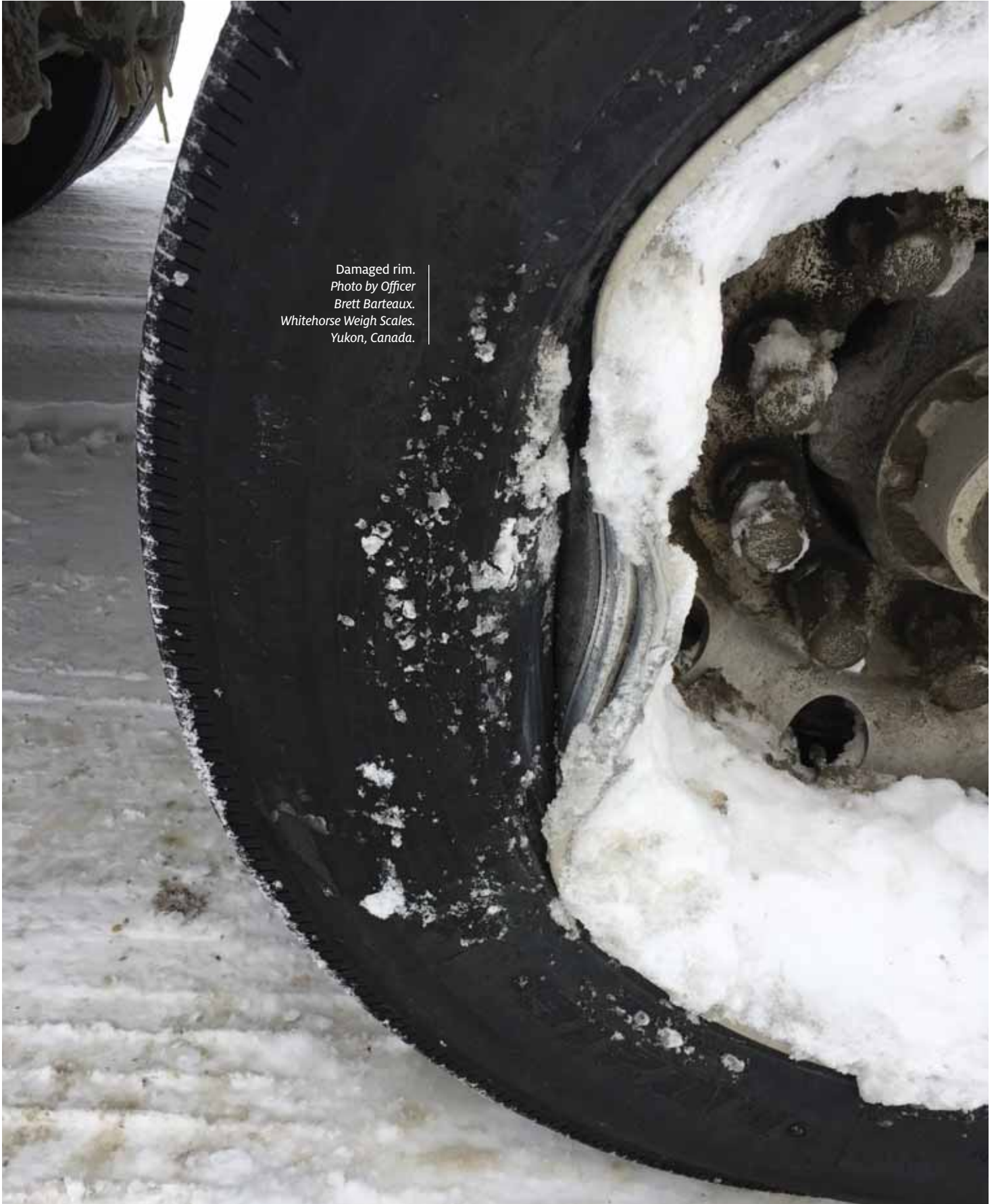
The CVSA program has also been a great asset in so many different areas of commercial motor vehicle investigations. It has been a great way to build relationships with a number of police departments and other investigative services across North America.

Police officers (CVSA inspectors), with officers from the Ministry of Transportation, continue their great work in their enforcement, investigation and promotion of commercial motor vehicle safety, setting the highest level of standards.

**To learn more about the Toronto Police Service, visit [www.torontopolice.on.ca](http://www.torontopolice.on.ca).** ■



## Inspection Photo



Damaged rim.  
Photo by Officer  
Brett Barteaux.  
Whitehorse Weigh Scales.  
Yukon, Canada.





# FROM THE DRIVER'S SEAT

## Essential Safety Lessons for Work Zones

By **Steve Brand**, Professional Driver, FedEx Freight, America's Road Team Captain

When you drive the same route every day, like me, you get to know the bumps in the road pretty well. As truck drivers, we savor the days when the road crews are out on the highway taking up the left lane and fixing the potholes and bridges that make our days a little uncomfortable.

That's probably not the way most people look at work zones. It's our nature as active people to get annoyed when there's extra traffic slowing us down on our way to work or a sign that tells us to merge because of road work. And we never really appreciate the moment when we drive over a spot that was previously a pothole. We typically don't even notice it.

But work zones are important and safety in work zones is critical. Incidents have a tendency to be more severe in work zones and because workers are exposed to large machinery and moving vehicles, they are constantly aware of their surroundings and diligent about safety. As motorists, we need to be as focused on safety as the road crews and that means we need to pay attention to two key safety behaviors.

For one, distracted driving is exceedingly dangerous in work zones. Looking down at your phone or taking a bite of your cheeseburger could be costly to you and the people around you. Think about this: when your attention is not 100 percent focused on driving, you could react slowly to a sudden change in the flow of traffic or an incident in the work zone, or you could become startled by machinery or the presence of a group of workers. There are a lot of moving pieces in work zones, whether that's people or vehicles or machines, so drivers have

to be fully aware of the situation and able to react to quick changes.

Let me give you a real-life example. About 10 years ago, I was driving through Illinois back to my home terminal in Ohio. The driver in front of me, who was possibly distracted, veered a little too close to a work zone and put all of the motorists around him, including myself, in danger. The road crew was repaving the right lane of a highway and had created a pretty deep hole in the road that was about 4 feet wide. The vehicle in front of me veered into the hole and hit the edge so abruptly, he completely took off his front right tire. Fortunately, the vehicle proceeded into the otherwise empty work zone and not back into the lane of traffic and, fortunately, I and those around me were undistracted and able to react. After safely pulling over a tenth of a mile down the road, I went back and checked on the driver and he was lucky to have escaped the situation unscathed. These types of stories aren't too common, but they give you a sense of the dangers of being distracted in or around a work zone and validate the importance of maintaining a safe following distance.

A safe following distance was crucial in the example above, but can also play a role any time you are driving through a work zone. I'm in a truck that sits up high and I have a tendency to straddle debris on the roadway. Debris could be anything in a work zone: a fallen cone, loose gravel, an unattended pipe or a number of other objects. My truck can go over a lot of objects just fine, but if the vehicle behind me is too close, that driver may not have enough time to react to a piece of debris in the road. A good rule of thumb is to keep at

least four seconds between you and the vehicle ahead of you, especially in a work zone. A vehicle could strike something in the work zone and drastically reduce its speed or slow down, so having that extra cushion of reaction time could save your life.

I understand that driving through work zones can be nerve-wracking or even scary. If you are uncomfortable driving through a work zone at the posted speed, there is nothing wrong with going even slower. Slow speeds mean we all have more reaction time. As long as you aren't creating an additional hazard by going extremely slow, the people around you in traffic can adjust safely to your chosen speed. If the sign says to go 45 mph in the work zone, there is nothing wrong with going 40 or 35. Truck drivers want the people around us to feel safe and comfortable and I'm sure the road crews appreciate the extra caution you are taking. After all, the people working on the roads are doing a job that makes our jobs as drivers safer.

In the late spring and early summer, work zones are likely to pop up. Crews take advantage of good, dry weather to accomplish as much road maintenance and construction as possible, which means road conditions and the flow of traffic can change significantly from day to day. So pay attention to posted signs and understand the situation.

I'll leave you with these three recommendations: slow down, stay focused on the road and maintain a safe following distance. Practicing those three safety habits can improve your driving safety and ensure that road workers have a safe day at work. ■



## Going the Extra Mile to Certify Compliance

By **Soona Lee**, Director of Regulatory Compliance, EROAD

As a motor carrier, it is your responsibility to implement a compliant electronic logging device (ELD) solution for your fleet. You need to ensure that your drivers and support staff are properly set up and trained to use your chosen ELD solution and that they're able to handle different situations, such as roadside inspections, annotating and editing log entries, or possible system malfunctions.

Your ELD provider is responsible for certifying that its ELD meets mandated requirements to be on the Federal Motor Carrier Safety Administration (FMCSA) registry – and that it remains on the registry. If the ELD you have implemented is removed from the registry, you may be exposed to risks that can cause disruption to your business. At worst, your fleet – and your business – may come to a grinding halt. You will need to quickly swap out some, or even all, of your ELD equipment and retrain your drivers and users in order to stay compliant and keep operating.

As a technology specialist, your ELD provider has a duty to ensure that its ELD solution is technically compliant and operationally usable, now and into the future. Bottom line is: If your provider fails, you fail.

### What is the minimum standard?

ELD providers are required to register with FMCSA, certifying that their devices meet the requirements and providing information on how their ELD works and how it was tested. That information includes a user manual; an instruction sheet for the driver on data transfer mechanisms for use at roadside inspections; and instructions on what to do when a malfunction occurs.

FMCSA also developed optional test procedures, which providers could use to ensure their ELD met the requirements. While providers are not required to use FMCSA's test procedures, this is what FMCSA uses (and relies on the results) during any investigation of a complaint in determining whether an ELD system is to remain on the ELD registry. So, although it is not mandatory, a prudent ELD provider should draw on FMCSA's test procedures and/or design its own internal testing framework to ensure its device remains on the registry.

### Is this sufficient?

The quality of your provider's user materials may be an indicator of how well they understand the regulations and operational demands on your drivers. For example, the information should demonstrate how intuitive and easy the ELD is for drivers to use under various operational scenarios. However, this may not sufficiently expose the robust operational capability of the system. You should be asking how frequently malfunctions will occur and how easy it is to tamper with the system.

Your ELD provider may test on its own and claim its ELD is compliant, but it will ultimately be you that runs the risk of non-compliance if the ELD solution malfunctions or is removed from the registry.

### Setting a new standard for ELD technology

Compliance matters, and ensuring that the ELD has been designed and tested to do what's expected equates to less downtime and reduced risks of penalties and fines.

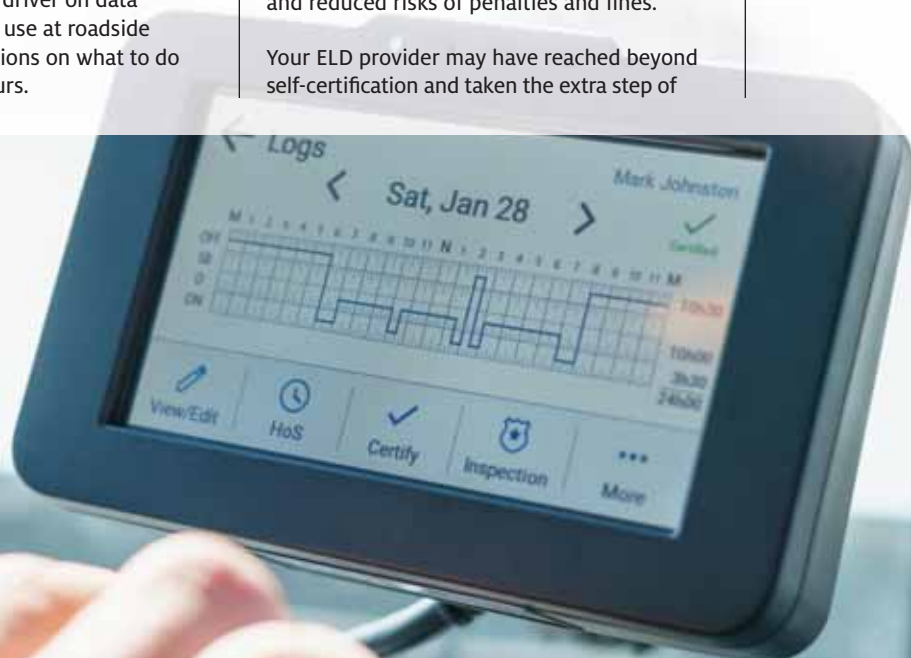
Your ELD provider may have reached beyond self-certification and taken the extra step of

having the solution verified by a third party. There are many different types of third-party verification and independent testers will have their own procedures to test whether an ELD matches FMCSA requirements.

A body conducting the testing and verification against the requirements will undertake its own testing procedures, independent of the ELD provider, to determine whether the solution satisfies FMCSA's ELD requirements. ■

#### Here's what to check for to confirm the true value of independent testing and verification:

- The reputation and credibility of the verification body conducting the verification and its understanding of the U.S. regulatory and policy context
- The testing approach the body will adopt, which tests not only for the technical accuracy of the product but also whether it makes sense from the fleet's operational user perspectives
- The independence or unbiased position taken by the body to recommend and publish the results of its findings with carriers and the industry





## Dealing with the Truck Parking Problem

By Steve Vaughn, National Director of Field Operations, HELP Inc.

Finding available and safe truck parking has been a nationwide problem for more than a decade. However, in recent years this issue has gotten worse due to many states closing rest areas as part of cost-cutting strategies, changes to hours-of-service rules and an increase in freight volume. More trucks on the road, more requirements to stop and rest, and fewer locations for trucks to stop has created a formula for increased driver frustration.

The American Transportation Research Institute (ATRI) recently reported that drivers are spending on average about one hour of drive time per day looking for a safe place to park. That time results in \$4,600 in lost wages annually. The ATRI study also found that between the hours of 4 p.m. and 11:59 p.m. – when many drivers are ready to park for the evening – 63 percent of drivers are taking 15 minutes or more to look for parking.

Federal Highway Administration figures say there are about 300,000 parking spaces, but there are more than 3 million truckers on the road. Of course, not every truck driver needs a parking space as many return to their terminals each day, but there is still a significant percentage of drivers who don't return to their home terminal every day.

As truckers struggle to find parking, many state and law enforcement officials have noticed an uptick in unauthorized truck parking along

major transit corridors and in dense metropolitan areas, the ATRI study found.

Truckers and fleet managers are seeking solutions, often at the spur of the moment. With the soft enforcement period for the ELD mandate over, more officers are finding it necessary to place vehicles out of service if they are not in compliance. The parking challenge then moves front and center, because when a truck is placed out of service, it will need to park somewhere.

The best advice for drivers and carriers? Use available resources and always plan for the unexpected.

If drivers are having no initial luck finding a spot, advise them to talk to the destination dispatcher. He or she may have some suggestions for safe, local places to park.

In some cases, a fleet may be a preferred customer at a truck stop chain. Some major chains are now offering parking reservations for preferred customers in addition to savings on fuel and food. Travel Centers of America offers an online reservation service and Pilot Flying J's Prime Parking program allows drivers to reserve spots and pay at the location or through the myPilot app.

If a driver or carrier is not participating in one of these services, careful planning is the best

option. Many drivers know their routes, how long it typically takes them to get from point A to point B, where the rest stops are and areas where they can park. Too often, however, they fail to think of alternative parking locations should their preferred parking area be full or if a crash, road closure or weather conditions delay them and they arrive late.

Before each trip, drivers should not only identify where they intend to park at the end of their shift, but also identify several alternatives within a 60-80 mile radius, in case they are delayed.

While planning won't guarantee a parking space, it will give the driver more options in the event things don't go according to plan.

Enforcement and state officials can be proactive and ready to help drivers who are in need of parking by having information on hand for local resources. Drivers are concerned with their safety and not breaking any rules while parking, so recommendations coming from enforcement will be welcome.

The parking challenge will not resolve itself overnight – but in the meantime, we can all find ways to help one another so that as many trucks as possible can park safely overnight. ■

## Industry Roadside Inspection Course – Vehicle Requirements

July 16-20, 2018  
Salt Lake City, Utah



CVSA is offering a training course to the motor carrier industry. Industry Roadside Inspection Course – Vehicle Requirements will take place in Salt Lake City, Utah, July 16-20.

Offered exclusively to members of the motor carrier industry, the training will focus on regulatory vehicle-related roadside requirements and out-of-service conditions. This course includes information on regulatory requirements of 49 CFR 393, 396 and Appendix G. The course is designed to thoroughly explain the regulations, the North American Level I Inspection Procedure and Out-of-Service Criteria as it relates to the vehicle components of a commercial motor vehicle.

This course is intended to provide industry with the necessary training to better understand the roadside regulatory requirements. The goal of the training is to provide each motor carrier with the tools and knowledge to achieve compliance with the roadside safety regulations and a better understanding of the relationship between regulatory requirements and out-of-service conditions.

The course is limited to 30 students so make sure you register before all of the slots fill up.

The cost of the five-day course is \$995 per person for members; \$1,195 for non-members. The deadline for registration is June 29.

**For more information and to register, visit [cvsa.org/trainingpage/training/industry-course-driver-requirements](http://cvsa.org/trainingpage/training/industry-course-driver-requirements).** ■

## Make Your ELD Work for You

By **Fred Fakkema**, *Vice President of Compliance, Zonar*

Choosing an ELD vendor means you're not only investing in hardware and software, but also in a long-term relationship with customer service.

Whether you became compliant in December 2017 or waited for the April 1 deadline, the electronic logging device (ELD) mandate is in full effect for all commercial fleets and it's important that you stay compliant. If your fleet is still getting used to its new ELDs, looking to replace automatic onboard recording devices (AOBRDs) or even still trying to figure out the best compliance solution for a specific need, these three tips will help your fleet get the most out of its ELDs and avoid citations.

### Focus on training for operators and drivers

Tools are only as good as the people who use them and ELDs are an investment. The missing piece to compliance for a lot of fleets is ensuring that anyone behind the wheel understands and knows how their ELD works. After all, if their ELD fails while on the road, FMCSA states that a driver will need to be able to share their current day and previous 7 days' worth of logs, if requested by an inspector. Truly knowing how their on-board device functions will help a driver prepare for (and maybe avoid) a potential technology failure and teach them how to react if there is a problem.

Fleet managers should work closely with their ELD vendor to create a targeted curriculum for drivers and ensure they clearly communicate basic troubleshooting practices and an understanding of how the device functions. You should also take into account the familiarity or comfort level your drivers have with hardware to make sure the guides don't go too slow and aren't too complicated.

### Take advantage of all that an ELD can offer

This seems like an obvious one but ELDs won't just help businesses stay compliant, they can also help make processes more efficient, identify cost savings and – most importantly – keep drivers safe.

According to FMCSA, using an ELD will help drivers save up to \$705 a year in just paperwork alone. This also translates to 15 minutes more time on the road each day, since that's the amount of time drivers spend on manually tracking their hours. Also, ELDs can help fleet managers decrease fuel costs,

reduce truck downtime and even lower the potential for injuries – all because these devices help track certain types of information about the vehicle.

Again, talking to your ELD vendor to ensure you truly understand how a solution works is fundamental to reaching its full potential for your business and your drivers.

### Do not settle for less with your ELD solution

Since FMCSA announced the ELD rule, there's been a flood of new businesses offering ELD solutions. Some of these vendors have offered simple, sometimes phone-based, solutions that they self-certified in attempts to capture businesses during the rush to become ELD compliant. Many of these solutions are turning out to fall short of being functional and compliant ELDs, while others that have compliant ELD solutions are unable to provide appropriate support to their customers and lack the expertise and experience needed to truly know how fleets work and what they need in an ELD.

If you're still in the market for an ELD, then you have time to do some deep digging. Before making a decision, make sure you know how long a potential vendor has been in the industry, what they know about compliance and fleet management, and what customer service (including training and technology support) they offer.

Choosing an ELD vendor means you're not only investing in hardware and software, but also in a long-term relationship with customer service. If anything sounds fishy or you can't get a straight answer, then trust your intuition. After all, going with a vendor that you don't completely trust will eventually lead to ELD rebound – meaning you're left scrambling to stay compliant and paying out more to make sure you have a quality ELD.

By following these three tips, you won't be caught off guard when everyone is still getting familiar with their ELDs. Remember, ELDs are supposed to streamline your workflow, so make sure you are taking advantage of their capabilities. ■



# DISTRACTED DRIVING

## *What's Behind It and What You Can Do About It*

By Chris L'Ecluse, Master Driver Trainer, Teletrac Navman

There's been a lot of hype in recent years about distracted driving, a term used widely in the media because of the many incidents caused by texting. Unfortunately, this is not a new trend and you should be concerned about its growing impact on drivers.

Essentially, all drivers – whether commercial or not – self-regulate within boundaries set by the government. For example, when a posted speed is 65 miles per hour, drivers will often push their speed 5 or 10 miles faster because they think they're capable enough to handle the road conditions, despite the law. However successful self-regulation may seem, it ultimately leads to poor driving behaviors and choices that can end badly. And while poor driving habits may only lead to an occasional violation or minor incident, they can also easily lead to death.

Distracted driving is a threat to commercial drivers' safety as well as the safety of those who share the roads with them, plus the loads they carry for customers. However, to attempt to understand the problem, you must first determine how to define or categorize what constitutes a distraction. There are three main types of distractions:

1. **Manual** – Taking hands off the wheel and using them to manipulate an object not directly related to the safe operation of a motor vehicle.
2. **Visual** – Taking eyes off the road to focus on non-driving related activities.

3. **Cognitive** – Taking one's mind off driving; diverting mental focus from your driving requirements to any other event. This includes multi-tasking, like eating or texting behind the wheel.

Running a safe fleet means that drivers must be trained to apply absolute concentration and focus in all three areas at all times, not only when they're driving in challenging conditions, like in rush hour traffic or bad weather. Driver scorecards are an excellent way to measure positive driving behaviors and draw attention to negative ones, and can be an important part of driver coaching.

### How ELDs can help

While there are many things that can lead to distracted driving, driver fatigue is a primary culprit. Reducing fatigue by strictly observing hours-of-service limits and enforcing breaks is an obvious benefit to the Federal Motor Carrier Safety Administration's (FMCSA) electronic logging device (ELD) mandate, but it's not the only way ELDs contribute to safer driving. Here are some other benefits:

- **Reducing/eliminating record-keeping:** Anything that lessens drivers' workloads, by reducing the amount of administrative tasks for which they're responsible, ultimately helps them focus. Filling out even a small amount of paperwork is not restful and is time that could be spent taking a short break.

- **Simplifying tasks:** Automated records means there's less for drivers to think about (When was the last time the log was maintained? How many minutes left on the clock before the next required break?). This clears the way for them to focus instead on their primary task: driving.

- **Equipment alerts:** Since ELDs automatically record engine data, this can flag potential mechanical problems before they become serious, allowing fleet managers to put in a service order before the truck becomes a hazard to commercial drivers and those with whom they share the road.

To put these benefits in real terms, FMCSA studied crash rates in vehicles equipped with ELDs versus those without. The ELD trucks and drivers had a lower crash rate — an 11.7 percent reduction in incidents. Based on the findings, FMCSA calculates that with full adoption across the industry, using ELDs may prevent more than 500 injuries and save an estimated 26 lives per year.

But we cannot rely on ELDs alone to improve road safety; the devices can help, but safe driving is ultimately in the driver's hands. As a fleet manager, boosting training and incentives programs to reward safe driving is the only way to reduce the number of injuries and deaths that occur as a result of distracted driving. ■

## UPS Inducts 1,582 Drivers Into Its

# Circle of Honor



UPS inducted 1,582 drivers into its elite “Circle of Honor,” raising to 10,504 the number of drivers who have not had an avoidable incident for 25 years or more.

Collectively, the 10,504 drivers have logged 14 billion miles and achieved more than 257,221 years of safe driving throughout their careers. That’s enough miles to circle the earth at the equator 562,000 times or make 200 round-trips to Mars.

The number of active Circle of Honor drivers is the most in UPS’s history and includes 83 new members from Canada, the United Kingdom, France, Germany and the Netherlands.

Of all Circle of Honor members, 739 have been incident-free for 35 or more years, with 126 of those having driven more than 40 years without an incident. Thirteen drivers have eclipsed the 45-year safe driving mark.

This year, 38 new inductees are women and 50 have joined the ranks of those with more than 30 years of safe driving. A total of 234 women are in the Circle of Honor.

“Congratulations on 25 years and more of safe driving and many thanks for helping make our roads safer for everyone,” said U.S. Secretary of Transportation Elaine L. Chao.

UPS’s longest-tenured safe driver in 2017 is Livonia, Michigan, package car driver Tom Camp, who has now driven for more than half a century – 55 years – and delivered more

than 5 million packages without an incident. Camp was honored for being the company’s longest-tenured safe driver at a ceremony in October 2017. Those in attendance included UPS Chairman and CEO David Abney, political leaders from the Michigan House and Senate, as well as the mayor of Livonia, who declared Oct. 18 as “Tom Camp Day” in Livonia. The company refurbished a 1960s-era delivery truck in Camp’s honor and christened it the “Tom Camp Special,” complete with pin striping and prominent “55” badging.

“Tom Camp’s 55-plus years of safe driving at UPS is an astonishing feat and a testament to the impact of driver education programs,” said Chris Spear, president and CEO of the American Trucking Associations. “Smart decision making on the road reduces the rate of incidents and keeps both pedestrians and other drivers safe. We applaud Tom for his lifelong commitment to safety, as well as his service to this country as a marine.”

UPS began recognizing its safe drivers in 1923. Founder Jim Casey honored the company’s first 5-year safe driver, Ray McCue, in 1928.

The company’s 127,000 small-package drivers worldwide are among the safest on the roads, logging more than 3 billion miles per year and delivering nearly 5 billion packages annually.

“Our group of elite drivers continues to expand around the world,” said Teri McClure, chief human resources officer and senior vice president, global human resources and labor. “Congratulations to our newest inductees in France, the United Kingdom, and the


Netherlands, and congratulations to Tom Camp for his amazing achievement. We can all learn something from these men and women who have set the standard for safety, service and longevity.”

Before ever making a delivery, all UPS drivers are taught safe driving methods through the company’s defensive driving platform. The training continues throughout their careers. The company’s UPS Integrad® training school for delivery drivers, and Driver Trainer School for tractor-trailer instructors boast some of the industry’s most rigorous safety training. Virtual reality technology is being used at Integrad sites to give students a chance to learn using the most up-to-date methods available.

UPS extends its safe driving expertise to the communities it serves through UPS Road Code® training, a teen safe driving program available in the United States and internationally. Taught by UPS volunteers and based on the company’s safe-driving methods, the program is available to teens between the ages of 13 and 18. To date, more than 47,000 teenagers have participated. The program has been extended to Canada, China, Germany, Mexico, the United Kingdom and the United Arab Emirates.

UPS Road Code training is offered in the U.S. in conjunction with the Boys & Girls Clubs of America, and in six additional countries with various youth development organizations. The UPS Foundation has contributed \$16.6 million to the UPS Road Code program since its inception. ■

  
**10,504**  
**Total Number of Drivers**  
*who have not had an avoidable incident for 25 years or more*

  
**38**  
**New Inductees Are Women**  
*with a total of 234 women in the Circle of Honor*

  
**5 million+**  
**Number of Packages Safely Delivered**  
*without incident by the longest-tenured safe driver in 2017, Tom Camp of Livonia, Michigan*

## CVSA's Level VI Inspection Outreach Program to Attend NAHMMA National Conference in August



CVSA Level VI Inspection Program representatives will be at the North American Hazardous Materials Management Association (NAHMMA) National Conference, Aug. 27-31 in Portland, Maine.

The Level VI Inspection Outreach Program consists of brochures, videos, a conference/trade show display, trained speakers and a quarterly newsletter.

NAHMMA is the premier association for professionals working to reduce and manage household hazardous waste. NAHMMA is committed to pollution prevention, product stewardship, and the safe and effective handling of hazardous materials from households and small businesses.

**To register for NAHMMA's Conference, visit [www.nahmma.org/meetinginfo.php?id=15](http://www.nahmma.org/meetinginfo.php?id=15).**

In addition, representatives of the CVSA Level VI Inspection Program travel throughout the United States to promote the program, including participating with U.S. Department of Energy stakeholders at various local and national meetings.

CVSA has cooperative agreements with the U.S. Department of Energy on Level VI Inspections of transuranic waste, spent nuclear fuel and high-level radioactive waste shipments throughout the United States. ■

## About 'RAD Inspection News'

'RAD Inspection News' features news and other stories pertaining to the North American Standard Level VI Inspection Program for transuranic waste and highway route controlled quantities (HRCQ) of radioactive material. This inspection is for select radiological shipments that include enhancements to the North American Standard Level I Inspection Program and the North American Standard Out-of-Service Criteria with added radiological requirements for transuranic waste and HRCQ of radioactive material.

**Learn more about the Level VI Inspection Program at [www.cvsa.org](http://www.cvsa.org).**

'RAD Inspection News' is made possible under a cooperative agreement with the U.S. Department of Energy (DOE). Since January 2007, it has run as a section inside CVSA's "Guardian." ■



## Level VI Inspectors: Get Your Copy of the 2018 Level VI Handbook



Thanks to grant funding by the U.S. Department of Energy, CVSA is able to provide certified Level VI inspectors with a complimentary handbook of the 2018 CVSA North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Material.

The Level VI Handbook includes:

- General Information on the Level VI Inspection
- Directions for Completing a Level VI Inspection
- Driver Inspection Standards
- Vehicle Inspection Standards
- Hazardous Materials Inspection Standards
- Administrative Inspection Standards

The 2018 Level VI Handbook and Out-of-Service Criteria is effective April 1, 2018, to March 31, 2019. The 2018 edition replaces and supersedes all previous editions.

**If you are a certified Level VI inspector who has not yet received your copy of the Level VI Handbook, contact CVSA Director of Level VI Inspection Program Carlisle Smith at [carlises@cvsa.org](mailto:carlises@cvsa.org) to have a complimentary copy mailed to you. ■**

## A Primer On Transuranic Waste

The Waste Isolation Pilot Plant was designed to dispose of two kinds of waste – contact-handled transuranic waste and remote-handled transuranic waste.

The Waste Isolation Pilot Plant (WIPP) permanently disposes of transuranic (TRU) waste that is the byproduct of the nation's nuclear defense program.

TRU waste consists of tools, rags, protective clothing, sludges, soil and other materials contaminated with radioactive elements, mostly plutonium. These man-made elements have atomic numbers greater than uranium on the periodic table of elements (thus “trans-uranic” or beyond uranium).

WIPP was designed to dispose of two kinds of TRU waste – contact-handled (CH) TRU waste and remote-handled (RH) TRU waste. CH TRU waste has a radiation dose rate not greater than 200 millirem (mrem) per hour, as measured at the surface of the waste container. RH TRU waste can have a dose rate up to 1,000 rem per hour. About 96 percent of the waste to be disposed of at WIPP is CH

TRU waste. When transported, both RH and CH TRU waste have the same dose rate limit on the outside of the shipping casks due to lead shielding.

CH TRU waste barrels and boxes are stacked in rows on the floor of WIPP's underground disposal rooms, while RH TRU waste canisters are placed in boreholes drilled into the walls of the same rooms. ■





## CVSA's Level VI Program Holds Its Annual Train the Trainer Course

This year's Level VI Train the Trainer Course was held on Feb. 27-March 1, 2018, in San Antonio, Texas. The course, offered annually, is designed for representatives from agencies who are responsible for providing Level VI refresher training to their state's certified Level VI inspectors in order for those inspectors to maintain their Level VI certification. Twenty-three state Level VI trainers were in attendance.

Through its cooperative agreement with the U.S. Department of Energy, CVSA is funded to conduct basic Level VI Certification Courses and hold one Train the Trainer Course each year. A Class I Member jurisdiction whose inspector is certified in both North American Standard Level I and in General Hazardous Materials/Dangerous Goods is qualified to attend a Level VI Certification Course. Upon passing the final certification exam, that inspector is certified to conduct Level VI Inspections.

It is the state's responsibility to ensure each Level VI inspector receives eight hours of refresher training within 24 months of being certified as a Level VI inspector in order to meet CVSA's Operational Policy for Maintenance of Certification. States will send their chosen Level VI instructors to the CVSA Level VI Train the Trainer Course to receive three days of course review and updates, instruction techniques, updates on regulations and the new Level VI Out-of-Service Criteria, all led and provided by the CVSA Level VI National Instructor Team.

During the Train the Trainer Course, the state trainers are given a quiz to test their subject matter knowledge and must instruct an assigned training module, positively showing their ability to provide refresher training to their staff back home. ■



CVSA Train the Trainer Instructor Brad Wagner of the Nebraska State Patrol provides instruction on the Ludlum 14C survey meter.



CVSA Level VI National Instructors provide instruction on math conversions during the Train the Trainer class.



CVSA Train the Trainer Instructor Scott Maguire of the Massachusetts State Police provides instruction on radiation safety.



Train the Trainer Instructor Brad Yates of the Louisiana State Police provides instruction on the hazardous materials regulations that pertain to radioactive materials.

### This year's Train the Trainer Course included the following CVSA Class I Members:

**Andrew James**  
*Arkansas Highway Police*

**Zach Jones**  
*Colorado State Patrol*

**Robert Morris**  
*Florida Highway Patrol*

**Brenda Tubbs**  
*Indiana State Police*

**Jerry Hudson**  
*Kentucky State Police*

**Brad Yates**  
*Louisiana State Police*

**Jason Lambert**  
*Maryland State Police*

**Jonathan Bates**  
*Massachusetts State Police*

**Michael Tucker**  
*Massachusetts State Police*

**Scott Maguire**  
*Massachusetts State Police*

**Andrew Dellapenna**  
*Mississippi DOT*

**Charles Vick**  
*Mississippi DOT*

**Jamie Leach**  
*Mississippi Highway Patrol*

**John Hadaway**  
*Nebraska State Patrol*

**Brad Wagner**  
*Nebraska State Patrol*

**Louie Zimmerman**  
*New Mexico State Police*

**Adam Trujillo**  
*New Mexico State Police*

**John Burris**  
*New York State Police*

**Chris Thompson**  
*North Carolina State Patrol*

**Samuel McLawhorn**  
*North Carolina State Patrol*

**Derek Young**  
*Virginia State Police*

**Kevin Osborn**  
*Washington State Patrol*

**Kent Hutchinson**  
*Wyoming Highway Patrol*

## Level VI Roadside Inspections (2018 - Fiscal)

LEVEL VI INSPECTIONS	Federal	State	Total	% of Total
Number of Level VI Inspections	0	321	321	100%
Point of Origin	0	168	168	52.34%
En Route	0	152	152	47.35%
Point of Destination	0	1	1	0.31%
Unknown Location	0	0	0	0%
Level VI Inspections with No Violations	0	308	308	95.95%
Level VI Inspections with Violations	0	13	13	4.05%
Level VI Inspections with Out-of-Service (OOS) Violations	0	7	7	2.18%

## Level VI Roadside Inspections, Violations (2018 - Fiscal)

Violation Code	Violation Description	# of Inspections	# of Violations	% of Total Violations	# of OOS Violations	OOS %
393.9A	Inoperative Required Lamps	3	3	17.65%	1	33.33%
396.3A1	Inspection/Repair and Maintenance Parts and Accessories	2	2	11.76%	1	50%
393.207F	Air Suspension Pressure Loss	1	1	5.88%	1	100%
393.45D	Brake Connections with Leaks/Constrictions	1	1	5.88%	1	100%
393.45B2	Brake Hose/Tubing Chafing and/or Kinking	1	1	5.88%	0	0%
393.45PC	Brake Tubing and Hose Adequacy – Connections to Power Unit	1	1	5.88%	1	100%
393.201A	Frame Cracked/Loose/Sagging/Broken	1	1	5.88%	1	100%
392.2IRP	IRP Apportioned Tag or Registration Violation	1	1	5.88%	0	0%
393.110D	Large/Odd-Shaped Cargo Not Adequately Secured	1	1	5.88%	0	0%
393.11	No/Defective Lighting Devices/Reflective Devices/Projected	1	1	5.88%	0	0%
395.22A	Operating with a Device Not Registered with FMCSA	1	1	5.88%	0	0%
393.75BOOS	Tire-front Tread Depth Less Than 2/32 of Inch on a Major Tread Groove	1	1	5.88%	1	100%
396.3A1T	Tires (General)	1	1	5.88%	1	100%
393.75A3	Tire – Flat and/or Audible Air Leak	1	1	5.88%	1	100%

# WIPP Resumes Mining Operations



Source: WIPP.energy.gov

Mining operations resumed at the Waste Isolation Pilot Plant (WIPP) for the first time in four years when a continuous mining machine made its first cut into the salt where Panel 8 had been started years before.

Mining restarted in Panel 8, which will be used for the emplacement of transuranic waste once waste-handling crews fill Panel 7. Panel 8 mining began in late 2013, but was halted following separate fire and radiological events that suspended emplacement operations. Completion of Panel 8 is scheduled for 2020.

“Resuming mining operations will allow us to continue fully restoring WIPP and fulfilling our important mission of providing a transuranic waste solution for the DOE complex,” Carlsbad Field Office Manager Todd Shrader said. “As with the restart of waste emplacement operations last year, WIPP will take a slow, deliberate approach to mining, keeping safety as a core value.”

More than 112,000 tons of salt will be removed from the underground to complete

the panel, which will contain seven disposal rooms for waste emplacement. Each disposal room is 300 feet long, 33 feet wide and 13 feet high.

Mining crews use a continuous miner, as it is highly efficient. The machine cuts into the salt rock with a rotating drum, which can be elevated. Standing behind this cutting head, a miner remotely operates the machine, which has the capacity to generate 10 tons of salt per minute. Gathering arms move the salt onto a belt that carries it to a truck, for use elsewhere in the underground or to a hoist that carries the salt from 2,150 feet underground to a salt tailings pile on the surface.

Mining at WIPP is timed so that a panel is only ready when it is needed for waste emplacement. This is because the natural movement of salt causes mined openings to close. In fact, panels are mined slightly larger than the desired size to account for this closure. This is the salt rock behavior that will eventually permanently encapsulate the waste. ■

# Level VI Inspection Basic Certification Courses



Registration is required. To register for a CVSA Basic Level VI Inspection course, contact CVSA Director of Level VI Inspection Program Carlisle Smith at [carlises@cvsa.org](mailto:carlises@cvsa.org). ■

**MARK YOUR CALENDAR**

# 2019 COHMED Conference

**Jan. 28-Feb. 1, 2019  
San Antonio, Texas**

The COHMED Conference provides high-level training on hazardous materials/dangerous goods while providing a unique opportunity for the hazmat community to receive, present and address concerns about enforcement of regulations. Conference attendees include hazardous materials specialists, enforcement personnel, representatives from federal and state agencies, emergency responders and planning managers, and representatives from academic institutions, interest groups and private industry.

If you are involved in hazmat regulation, transportation, enforcement or safety, the COHMED Conference is one event you cannot afford to miss.

Visit [www.cvsa.org/eventpage/events/cohmed-conference](http://www.cvsa.org/eventpage/events/cohmed-conference) to learn more and to register. ■



## A Reminder of the Procedures for Application and Removal of the Level VI Decal



*A CVSA Level VI decal is issued only to a vehicle and/or vehicle combination that is defect-free of the North American Standard Level VI Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material at the point of origin.*

### Location of the Level VI Decal

If, at the point of origin, a vehicle and/or vehicle combination passes a defect-free inspection, the CVSA Level VI decal will be placed on the passenger-side edge of the windshield near the top so the bottom edge of the decal is not more than 6 inches from the top of the windshield. It must be out of the sweep of the wiper and not be affixed where it would interfere with the driver's view. Refer to the Federal Motor Carrier Safety Regulations, 49 CFR 393.60 (e) (1) and (2) for windshield decal placement restrictions.

The CVSA Level VI decal is hole-punched with the correct year, month and day the North American Standard Level VI Inspection was completed and is valid for a single trip. In addition, a regular or standard CVSA decal will also be applied in accordance with CVSA policy, if one is missing or not valid. Unlike the regular or standard CVSA decal, the CVSA Level VI decal is for the entire vehicle and/or vehicle combination.

### Removal of the Level VI Decal

The CVSA Level VI decal is good for the entire trip from point of origin to destination. If a vehicle is subject to an en-route Level VI Inspection, the decal should not be removed unless it meets one of the following criteria:

- a vehicle in the combination is found to be in an out-of-service condition in accordance with the North American Standard Out-of-Service Criteria for HRCQ of radioactive material
- there is an equipment change while en route

In cases where the decal is removed, the vehicle and/or vehicle combination will need to be re-inspected. Once in compliance and re-inspected, a new CVSA Level VI decal will be applied. Any expired CVSA decal and any CVSA Level VI decal will be removed before a new CVSA Level VI decal is affixed.

The CVSA Level VI decal is not valid after the shipment for which it was issued is completed. In addition, it is the driver's responsibility to remove the Level VI decal at the conclusion of the trip. ■

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