

SAFETY & TECHNOLOGY ORGANIZER

MARCH 2013

ENCLOSED

Safety Topic: “Company Vehicle Safety”

Please contact GAWDA's OSHA and EPA Consultant, Mike Dodd for more information.

Traffic Bulletin: “Annual Driver Review 391.25”

Please contact GAWDA's DOT and Security Consultant, Mike Dodd for more information.



Safety Meetings are important!

They: get your employees actively involved
encourage safety awareness
help identify problems before they become accidents
motivate employees to follow proper safety procedures

We are happy to provide you with a monthly topic for your agenda.

ROUTE TO:

- General Manager
- Safety Coordinator
- Supervisor Dept. _____
- Other _____
- Date of Meeting _____

Company Vehicle Safety

(The following information was developed in joint cooperation between OSHA, the National Highway Traffic Safety Administration, and the Network of Employers for Traffic Safety.)

Every 5 seconds a motor vehicle crash occurs. Every 10 seconds an injury occurs, and every 12 minutes someone dies in a motor vehicle crash. Many of these incidents occur during the workday or during rush hour commutes. Whether you manage a fleet of vehicles, oversee a mobile sales force, or simply employ commuters, implementing a driver safety program can greatly reduce the risks faced by your employees and their families.

A driver safety program should keep the driver safe, as well as others who share the road. If necessary, the program must work to change driver attitudes, improve behavior, and increase skills to build a “be safe” culture. By instructing your employees in basic safe driving practices and then rewarding safety-conscious behavior, you can help your employees and their families avoid tragedy.

The American National Standards Institute publication ANSI Z15.1, Safe Practices for Motor Vehicle Operations, offers guidelines and best practices for motor vehicle safety programs. In addition, the Network of Employers for Traffic Safety (NETS) assisted in developing a 10-step program.

NETS 10-step program to minimize crash risk

The 10-Step Program provides guidelines for what an employer can do to improve traffic safety performance and minimize the risk of motor vehicle crashes. Following these steps helps to ensure that you hire capable drivers, only allow eligible drivers to drive on company business, and maintain company vehicles properly. Adherence to these 10 steps can also help to keep your motor vehicle insurance costs as low as possible. These steps are from the NETS Traffic Safety Primer: A Guidebook for Employers.

Step 1: Senior management commitment and employee involvement

Senior management can provide leadership, set policies, and allocate resources (staff and budget) to create a safety culture. Actively encouraging employee participation and involvement at all levels of the organization is a good practice and will help the effort to succeed. Workers and their representatives must be involved in the initial planning phase.



Step 2: Written policies and procedures

A written statement emphasizing the commitment to reducing traffic-related deaths and injuries is essential to a successful program. Create a clear, comprehensive and enforceable set of traffic safety policies and communicate them to all employees. Post them throughout the workplace, distribute copies periodically, and discuss the policies at company meetings. Offer incentives for sticking to the rules, and point out the consequences of disregarding them.

Step 3: Driver agreements

Establish a contract with all employees who drive for work purposes, whether they drive assigned company vehicles or personal vehicles. By signing an agreement, the driver acknowledges awareness and understanding of the organization's traffic safety policies, procedures, and expectations regarding driver performance, vehicle maintenance, and reporting of moving violations.

Step 4: Motor vehicle record (MVR) checks

Check the driving records of all employees who drive for work purposes. Screen out drivers who have poor driving records since they are most likely to cause problems in the future. Periodically review the MVR to ensure that the driver maintains a good driving record. Clearly define the number of violations an employee/driver can have before losing the privilege of driving for work, and provide training where indicated.

Step 5: Crash reporting and investigation

Establish and enforce a crash reporting and investigation process. All crashes, regardless of severity, should be reported to the employee's supervisor as soon as feasible after the incident. Company policies and procedures should clearly guide drivers through their responsibilities in a crash situation. Review all crashes to determine their cause and whether or not the incidents were preventable. Understanding the root causes of crashes and why they are happening, regardless of fault, forms the basis for eliminating them in the future.

Step 6: Vehicle Selection, Maintenance and Inspection

Properly maintaining and routinely inspecting company vehicles is an important part of preventing crashes and related losses. Review the safety features of all vehicles to be considered for use. Choose vehicles that demonstrate "best in class" status for crashworthiness and overall safety.

Regular maintenance preventive maintenance should be done at specific mileage intervals consistent with the manufacturer's recommendations. A mechanic should do a thorough inspection of each vehicle at least annually with documented results placed in the vehicle's file.



Step 6: Vehicle Selection, Maintenance and Inspection (continued)

Personal vehicles used for company business are not necessarily subject to the same criteria and are generally the responsibility of the owner. However, personal vehicles used on company business should be maintained in a manner that provides the employee with maximum safety and reflects positively on the company.

Step 7: Disciplinary Action System

Develop a strategy to determine the course of action after a moving violation and/or “preventable” crash. The system should provide for progressive discipline if a driver begins to develop a pattern of repeated traffic violations and/or preventable crashes. The system should describe what specific action(s) will be taken if a driver accumulates a certain number of violations or preventable crashes in any pre-defined period.

Step 8: Reward/Incentive Program

Develop and implement a driver reward/incentive program to make safe driving an integral part of your business culture. Safe driving behaviors contribute directly to the bottom line and should be recognized as such. Incorporate driving performance into the overall evaluation of job performance. Reward and incentive programs typically involve recognition, monetary rewards, special privileges, or other incentives to motivate positive behaviors.

Step 9: Driver Training/Communication

Provide continuous driver safety training and communication. Even experienced drivers benefit from periodic training and reminders of safe driving practices and skills. It is easy to become complacent and not think about the consequences of poor driving habits.

Step 10: Regulatory Compliance

Ensure adherence to highway safety regulations. It is important to clearly establish which, if any, local, state, and/or federal regulations govern your vehicles and/or drivers. These regulations may involve, but may not necessarily be limited to the:

- Federal Motor Carrier Safety Administration
- U.S. Department of Transportation
- National Highway Transportation Safety Administration
- Federal Highway Administration
- Employment Standards Administration

Promote safe driving practices

The safety issues described below should be addressed in an employee awareness and training program.



Secure materials for transport: Tools or equipment should be secured while being transported to prevent unsafe movement. During a crash or when making sudden maneuvers, loose objects can slide around or become airborne, injuring the driver or passengers. Objects that could become a hazard should be secured or stored outside the passenger compartment.

Seat belt use: Seat belts are the single most effective means of reducing deaths and serious injuries in traffic crashes.

Distracted driving: Distracted driving is a factor in 25 to 30 percent of all traffic crashes. Since drivers make more than 200 decisions during every mile traveled, it's critical to stress that when driving for work, safe driving is the primary responsibility.

Alcohol and drug impaired driving: It is estimated that three in every 10 Americans will be involved in an impaired driving-related crash some time in their life. Alcohol, certain prescription drugs, over-the-counter medications, and illegal drugs can all affect a person's ability to drive safely due to decreased alertness, concentration, coordination, and reaction time.

Fatigued driving: Fatigued or drowsy driving may be involved in more than 100,000 crashes each year, resulting in 40,000 injuries and 1,550 deaths. Employees should be well rested, alert, and sober on the road so they are in a position to defend themselves from drivers who do not make the same choice. Train employees to make smart decisions when they're behind the wheel, on and off the job.

Aggressive driving: Employees commuting to and from work or traveling for work often get caught up in bottlenecks and traffic delays, wasting their time and reducing their productivity. These situations create frustration that can spark aggressive driving behavior. Aggressive driving acts include excessive speed, tailgating, failure to signal a lane change, running a red light, and passing on the right. The best advice is to avoid engaging in conflict with other drivers and to allow others to merge.

Young drivers: Under Federal law, 16-year-old workers are prohibited from driving as part of their job, and 17-year-olds may drive for work only under strictly limited circumstances. Some state laws may be more restrictive than Federal laws.





TRAFFIC BULLETIN

March 2013

Annual Driver Review 391.25

At least every 12 months, the motor carrier must review the driving record of each driver, including compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. **This means doing the review on or before the same date next year.** If you go past the date, then DOT during their audit will try to find if you used the driver during the lapse. If they find this, then you will receive a penalty for “allowing and permitting an unqualified driver” to operate a commercial motor vehicle.

This review is a 3-part process. First, you should have the driver certify the previous 12 months of driving violations. Then you would check their records for any violations, one of which should be the appropriate state motor vehicle record (MVR). Finally, you then certify as the carrier whether the driver is qualified or not to continue driving.

You can use third-party companies to do the MVR checks. You can pull the MVR yourself or you can have the driver obtain their own MVR, which is the easiest way many times.

In reviewing each driver's record for the preceding year, attention should be given to any accidents and indications of violations of motor vehicle laws and regulations. Of particular importance are violations indicating a disregard for the safety of the public, such as speeding or operating a vehicle while under the influence of alcohol or drugs.

The reviewer's evaluation of the record should determine whether the driver remains qualified or is disqualified to drive a motor vehicle under the provisions of §391.15 for such infractions as operating a vehicle while under the influence of alcohol or drugs, leaving the scene of an accident involving personal injury or death, etc.

A written record, including the date and the name of the person who reviewed the driving record, must be placed in the driver's qualification file. **This review must be maintained in the driver qualification file for three years after the carrier certification date.** If you need a form to do this documentation, just send me an email and I'll be glad to send you one.

I recommend stapling any paperwork such as the state motor vehicle record and any other reviews that you may have done to the back of the certification form for ease of recordkeeping.





TRAFFIC BULLETIN

DOT Interpretations:

Question 1: To what extent must a motor carrier review a driver's overall driving record to comply with the requirements of §391.25?

Guidance: The motor carrier must consider as much information about the driver's experience as is reasonably available. This would include all known violations, whether or not they are part of an official record maintained by a State, as well as any other information that would indicate the driver has shown a lack of due regard for the safety of the public. Violations of traffic and criminal laws, as well as the driver's involvement in motor vehicle accidents, are such indications and must be considered. A violation of size and weight laws should also be considered.

Question 2: Is a driver service or leasing company that is not a motor carrier permitted to perform annual reviews of driving records (§391.25) on the drivers it furnishes to motor carriers?

Guidance: The driver service or leasing company may perform annual reviews if designated by a motor carrier to do so.

Question 3: May motor carriers use third parties to ask State agencies for copies of driving records to be examined during the carrier's annual review of each driver's record?

Guidance: Yes. Although an examination of the official driving record maintained by the State is not required during the annual review, motor carriers that choose to do so may use third-party agents, such as driver information services or companies, to obtain the information. However, the motor carrier is responsible for ensuring the information is accurate.

