



FLEET SAFETY MANAGEMENT



Creating an effective
Fleet Safety Management program

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This document represents information regarding safety activities and hiring practices and is not intended to meet the requirements for all situations. Montana State Fund cannot guarantee that this information will address all conditions that may be present in your workplace nor do we guarantee that you are in compliance with any local, state or federal law, rule or regulation.

SAFETY ON OUR ROADS

The health and safety of your employees should be your company's No. 1 concern. One area of safety education is the prevention of vehicular accidents. To one degree or another, almost every company engages in fleet operations. Whether your company has one passenger car, a number of service trucks or a large fleet of over-the-road vehicles, a comprehensive fleet safety program is key for safe fleet operations at your business.

At Montana State Fund, we are committed to providing Montana businesses with the best safety services and information possible. This manual has been prepared to give you ideas on how to establish and incorporate safety programs into your fleet operations. The material provided contains important, life-saving information that can make a difference for you and your employees. Accidents don't have to happen. We encourage you to read this manual thoroughly and think about the improvements you can make in your own operation. Remember, keeping your employees safe on the road begins with you. If you don't take it seriously, who will?

KEY ELEMENTS OF A SUCCESSFUL FLEET SAFETY PROGRAM

As in any comprehensive safety and loss-control program, there are a number of key factors that can best control losses. Fleet safety management is no exception. The following key elements are critical for the success of your fleet safety program.

1. Management Direction and Leadership

Plainly stated, *without management's commitment and leadership, there is little chance of controlling losses related to fleet operations*. It is imperative that management provides guidance on fleet safety in the same manner it does for its other business functions.

A written policy statement is one way to reflect your company's safety commitment to those employees who drive company vehicles. The policy statement should:

- Communicate to your employees that management believes in the safety of its drivers.
- Communicate to your employees the importance of adhering to safety guidelines and regulations.
- Show management is leading by example.
- Communicate how the company plans to control fleet-related losses.
- Assign responsibilities and accountability by stating all employees are expected and required to adhere to fleet safety guidelines.

2. Driver Selection and Qualification

In every company, employees are its most valuable assets. As a result, selecting personnel responsible for operating company vehicles should, at a minimum, include consideration to the following:

- Confirm that your employee's license is valid and issued in the state of residence, is the appropriate class for the specific company vehicles and is endorsed where applicable.
- Evaluate the employee's qualifications to operate the type of motor vehicle for which that person will be assigned.
- Follow up initial qualifications with a practical driving test.
- Each driver applicant being considered for employment should have his/her motor vehicle record reviewed. The MVR should be checked annually and compared to established criterion.
- Check prospective employee's references.
- Clearly communicate your company's discipline policy and what your employees can expect if their safety performance falls below company expectations.
- Post employment offer of a functional capacity evaluation (See page 9 for more details).

3. Driver Training

To ensure success in curtailing vehicular accidents, a driver-training program should be established to provide ongoing and appropriate training to increase skills and promote defensive driving behavior in all operators.

It is suggested that a basic driver-training curriculum include, but not be limited to:

- A policy statement reflecting your commitment to ensuring the safety of employees who drive company vehicles.
- Operational overview of your company's vehicles.
- The completion of a defensive driving course.
- An overview of accident reporting procedures.
- Federal, state and local regulations.
- Your drug and alcohol policy.
- Safety procedures related to individual types of vehicles to include:
 - Pre-trip inspections.
 - Acceptable use of electronic communication devices.
 - Emergency procedures.
 - Annual vehicle inspections.

4. Accident Reporting and Recordkeeping

It is recommended that each of your company's vehicles be equipped with an accident reporting kit. The kit should include reporting instructions and accident report forms. Inform employees that all accidents should be investigated using standard accident investigation protocols. The protocol at the scene of an accident involves dealing with immediate problems and accumulating pertinent accident information. This information should be given to the employee's immediate supervisor.

If an accident occurs, your employee will:

- Stop immediately and remain at the scene.
- Take precautions to avoid another accident, i.e., park safely using warning signals.
- Offer appropriate assistance to anyone who may have been injured.
- Notify law enforcement.
- Give other drivers his/her name, address and driver's license number as well as his/her company's name and address and the vehicle's license plate number.
- Document the incident by completing the accident report form enclosed in the accident report kit.
- Take pictures of the scene from numerous angles if possible.
- Obtain names, addresses and phone numbers of witnesses.
- Cooperate fully with law enforcement. Your employee should not apologize or admit fault to anyone at the scene.
- Report the incident to the company.

It is recommended that all accident investigation documentation be maintained by the company's human resource office and include the following information (at minimum):

- The driver's accident report.
- Accident facts and results of the accident investigation.
- Police reports.
- Copies of all documentation related to an accident investigation. As part of that documentation there may be things such as police reports, OSHA records, insurance carrier paperwork, etc. The required items will vary depending upon many factors such as industry, type and nature of incident, regulatory/compliance oversight, etc.
- Other related information as determined by the company.

5. Determining the Effectiveness of the Fleet Safety Program Process (self-inspection)

A fleet safety program audit process is not dissimilar from any other safety programming audit process. Periodic audits will ensure that key issues are being followed and are appropriate for your company and its ever-changing environment. It is critical that documentation is retained in order for your company to correct any deficiencies in your fleet safety program.



CREATING A SUCCESSFUL PASSENGER AND LIGHT-DUTY FLEET SAFETY MANAGEMENT PROGRAM

For many companies, a passenger car fleet and light-truck operation can be difficult to manage because of various factors common to this type of fleet process. Below is a list of sample concerns many fleet managers must address when developing a comprehensive Fleet Safety Management program.

- Many employees who were hired for a particular set of job skills eventually have opportunities to operate company vehicles. As a result, these skills may conflict with attributes a safety-conscious driver needs.
- Some companies are faced with personal use of company vehicles. A statement by management must outline specifically under what conditions personal use of the company vehicle is permitted.
- If a company operates in several locations, management of vehicles in those locations may require additional attention.

LIGHT-DUTY TRUCK FLEET

According to the U.S. Department of Transportation, Federal Motor Carrier Safety Regulations (FMCSR) and Montana state regulations, a “light-duty truck” is defined as any truck having a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR), gross vehicle weight (GVW) or gross combination weight of less than 10,001 pounds. If a vehicle is less than 10,001 pounds. GVW, it is not subject to FMCSR unless:

- The vehicle is designed to transport more than eight passengers (including the driver) for compensation. OR
- The vehicle is designed to transport 15 passengers (including the driver) and is not used to transport passengers for compensation. OR
- The vehicle is used in the transportation of material found by the U.S. Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations 49 CFR, subtitle B, chapter 1, subchapter C.

The typical light-duty truck fleet usually is made up of small pickups and vans. The basic fleet management program elements are similar to the passenger car fleet, but differ because these vehicles are usually larger and heavier; they also can carry larger loads than passenger vehicles. Driver training requirements may vary from those normally provided to operators of passenger vehicles. If you believe there are significant differences between your passenger car and light-duty truck fleet operation, these differences should be communicated to all employee operators.

FLEET SAFETY MANAGEMENT WRITTEN SAFETY PROGRAM POLICY STATEMENTS

Management must take the lead to adopt effective policies that control fleet-related accidents. These policies must be communicated in writing to all of your drivers at all levels and will become the cornerstone of your company's Fleet Safety Management program. The policy statement should address the overall company commitment to fleet safety. Below is a sample:

Overall Sample Program Statement

The management of (COMPANY NAME) has developed and established a Fleet Safety Management program predicated on the principle that the safety of our company vehicle operators is our No. 1 priority. Safety and production are inseparable and we are committed to that end.

Our employees are expected to operate vehicles safely to prevent accidents, which may result in injuries and property loss. It is the policy of (COMPANY NAME) to provide and maintain a safe working environment to protect our employees from injury and property loss. The company considers the use of automobiles part of the work environment.

We are committed to promoting a high level of safety awareness and responsible driving behavior in our employees. This program requires the full cooperation of each driver to operate his/her vehicle safely.

Use of company cars, seat belts and cellphones are outlined in our Fleet Safety Management program.

Signed

Date

ADDITIONAL RECOMMENDED PROGRAM POINTS:

A. Personal Use of Company Vehicles

The operation of a commercial vehicle fleet may involve personal use of company vehicles. A classic example would be a field representative who works from home and is given a company vehicle to use. If this situation exists within your company, a policy statement should outline the specific requirements for personal use of that vehicle.

It is suggested that the best policy does not allow personal use of a company vehicle. However, if some "X" amount of personal use is allowed at your business, you should identify your authorized employee drivers. If it is decided that your employee and your employee's spouse are authorized operators, then the MVR of the spouse should also be reviewed and he/she must pass the same criteria as your employee.

Sample Policy Statement

Statement to: All Operators of Company Vehicles

Personal use of the company vehicle is not permitted unless prior written approval is obtained from the fleet manager. The employee and/or the employee's spouse are the only authorized drivers of the company vehicle. Any personal use of the company vehicle, except as specified above, is prohibited.

President

I have read the above and agree to abide by this policy in the operation of the company vehicle entrusted to me.

Employee

Date

B. Safety Belt Use

It is no accident that safety belts save lives. A seat belt policy should be included in your safety program.

Sample Policy Statement

(COMPANY NAME) recognizes that safety belts are an important and effective way to reduce the severity of vehicular accidents. We value the lives and safety of our employees. Therefore, we are implementing the following safety belt usage policy:

(COMPANY NAME) is committed to safety belt usage. All employees and their passengers are required to use a seat belt when traveling in any vehicle while in the course of conducting company business.

It is especially important that all managers, supervisors and employees demonstrate their commitment to and support of this policy by their strict adherence to it.

The use of seat belts is to be considered a condition of employment with this company. Failure to abide by this stated policy might result in disciplinary action, including suspension and possible termination.

I have read and understand this policy as stated.

Employee

Date

C. Cellphone Use in Company Vehicles

Use of a mobile telephone while driving puts not only the driver at risk but other motorists as well. Cellular phone use of any type leads to significant increases in non-response to traffic situations. Employees who drive for your business should be encouraged to not use hand-held cellphones or other hand-held electronic communications devices or objects while operating company vehicles.

Sample Policy Statement

(COMPANY NAME) recommends all drivers who operate a motor vehicle on company business not drive while operating cellphones. Employees will not initiate calls while driving. If you receive a call while you are driving, safely pull over before you answer or return the call.

Employee

Date

DRIVER SELECTION PROCESS

Selecting personnel who are responsible for operating your company's vehicles is critical in your efforts to minimize vehicular accidents. It is suggested that the following elements be addressed during the selection process; however, management must decide how much to emphasize each of these steps in order to achieve a program that is effective and still practical for the company.

1. Requirements of the Job

This is first and foremost in a comprehensive employee selection process.

- What tasks must the employee perform?
- How will the job be accomplished?
- What skill level is required?

2. Application for Employment

It is recommended that all drivers, even those NOT regulated by the FMCSR, complete the application form that contains all of the information required under section 391.21 of FMCSR. It should provide the essential facts about the applicant's work experience, education and personal factors.

3. Personal Interview

A personal interview provides for face-to-face contact and further appraisal of job knowledge and qualifications. A standard interview process as outlined by your human resources department should be followed in order to obtain all desired information and to compare your applicants' qualifications.

4. Reference Checks

A check should be made with previous employers to develop information about the driver's general character and professional ability. Reference checks help to verify information included on the employment application pertaining to previous experience. A telephone interview, a letter or a personal visit with former employers is essential to a good hiring process. Information obtained from this process should be documented in the driver's qualification file.

5. MVR Inquiries

Contact your state Motor Vehicle Department to determine that the applicant has a valid license and to review the applicant's MVR. This step can provide essential information about the applicant's ability to operate motor vehicles.

6. Drug and Alcohol Testing

All applicants should be informed that final acceptance will be based on the successful completion of a drug and alcohol test. An in-depth discussion on this subject is covered later in these guidelines.

7. Post-offer Functional Capacity Evaluations

Post offer physicals, more properly called "functional capacity evaluations" or FCEs, can be a valuable part of the hiring process and can be worth the employer's expense because there is significant injury prevention potential. Employers can generally do this, but they need to be careful to comply with employment law. They would be well-advised to consult an employment law attorney prior to implementing a program. Specifically, the Americans with Disabilities Act (ADA) comes into play. FCEs cannot be "pre-employment" per se, but rather must be conducted "post-offer." An employer can make a job offer contingent on passing the FCE. If the FCE is not passed, the employer would need to make "reasonable accommodation" without "undue hardship." This does not necessarily mean that the person would have to still be hired, but ADA would need to be complied with. Other state law may also apply. FCEs are usually best performed by a physical therapist or occupational therapist, rather than an M.D. A good FCE should evaluate a person's abilities in comparison to the specific requirements of the job, which need to be predetermined. For example, job requirements ("essential functions" in ADA terminology) could include lifting 50 pounds, climbing ladders, working with arms overhead for long periods, etc. Employers may be able to self-determine these requirements in some cases, or a professional such as a vocational rehabilitation consultant can do a professional description of job requirements. MSF has a Sample Job Description Form on the Return to Work page of safemt.com that can be used for this purpose.

8. Road Test

All employees who drive as a part of their duties should be given a road test in traffic. A road test is one of the ways to find out if drivers can do the job expected of them. The same type of vehicle that will be assigned to the driver should be used in the test.



DRIVER ORIENTATION AND TRAINING

As an important element of any fleet safety management program, all new drivers should participate in and successfully complete a driver orientation program. The goal of your program for new employees should include:

- Adequate and proper training.
- The right tools and equipment.
- Appropriate driver support systems.
- A thorough understanding of your policies and procedures to perform all functions and duties of their jobs in a safe, legal and professional manner.

This process may include classroom instruction, assignment to a driver trainer (for evaluation of the new employee's overall driving skills and techniques, and to apply what has been learned in the classroom to an actual job situation) and continued in-service training based on periodic performance evaluations.

DRIVER VEHICLE INSPECTION AND MAINTENANCE PROCEDURES

Preventive maintenance in a passenger car and light-duty fleet requires the vehicle operator to follow the manufacturer's service recommendations. Most passenger car fleets consist of new vehicles that are periodically replaced before neglected maintenance might become a problem. A vehicle inspection and preventive maintenance program should be established to assure that all vehicles are maintained at a high degree of mechanical fitness and safety at all times.

It is suggested that basic vehicle inspection and preventive maintenance programs include at least the following items. Depending on the vehicles in operation, it may be necessary to add to this list.

- Daily and/or pre-trip inspection by the vehicle driver, with documented results.
- Frequent inspections by someone with mechanical knowledge to cover the following basic vehicle equipment:
 - Condition of safety equipment — including emergency flagging, flares, first aid equipment and seat belts.
 - Condition of all braking systems, including those on trailers.
 - Condition of all lighting and signaling systems, including those on trailers.
 - Condition of the vehicle's body, including glass, mirrors, door latches, etc.
 - Condition of the vehicle's frame, springs and suspension systems.
 - Condition of the vehicle's tires and wheels, including spares.
- Condition of other critical vehicle accessories, including drive train components and their fluid levels.
- A system of reporting vehicle repair needs that can be submitted by drivers. If necessary, this system should also be the basis for pulling vehicles out of service.
- A system of maintaining accurate repair and maintenance shop records of the work done on vehicles. (Often, some method of recording this information on computer is helpful in streamlining this aspect of the maintenance program.)
- A system of regularly checking fluid levels and prompting regular fluid changes, lubrication, vehicle washing and replacement of parts as recommended by the vehicle manufacturer based on mileage and/or operating hours.

ACCIDENT REPORTING AND RECORDKEEPING

Training of all drivers in the procedures to be followed in the event an accident occurs should be incorporated in a new employee orientation as well as in periodic refresher trainings. It is recommended that each vehicle be equipped with an accident reporting kit. The kit should include reporting instructions and accident report forms. In addition, the telephone numbers and/or names of key company and insurance personnel should be provided.

If an accident occurs, it is suggested that your employee driver follow a procedure similar to the following:

- Stop, stay calm and pull your vehicle as far off the roadway as safely possible.
- Note the make, model, year, license number and description of the other vehicle(s) involved in the accident and the people involved in the accident. You will need this information when you report the incident to your company.
- Enable your four-way flashers as an immediate warning signal.
- If injuries occur and you are trained in first aid, provide services to the injured party and arrange for someone to call for medical assistance.
- Contact local law enforcement.
- Follow other procedures as described in your company's accident reporting protocols.
- Do not admit fault to anyone at the scene.

In the event your employee is injured in the accident, your company will investigate and file a First Report of Injury form with Montana State Fund according to reporting protocols.

Recordkeeping

An accident file should be maintained at your company for each accident that may occur. The following information should be included in each file:

- Driver's name.
- Date of the accident.
- Location where the accident occurred.
- Copies of all reports required by federal and / or state agencies, or insurers.
- The names and telephone numbers of the other people involved in the accident.
- Names, telephone numbers and addresses of any witnesses.
- A detailed description of how the accident occurred.
- If possible, complete sketches and photographs of the accident scene. Take pictures from numerous angles and directions, such as up/down the roadway, intersections, blind spots, etc. Do not take pictures of injured people.

As part of a typical management accident investigation process, direction for completion of reports, handling accident documentation, completing the management review process for accidents and overall follow-up should be completed at the earliest opportunity. This process also includes coordination with insurance companies, repair facilities and other interested parties to the accident.

CREATING A SUCCESSFUL COMMERCIAL MOTOR VEHICLE FLEET SAFETY MANAGEMENT PROGRAM

This section will focus on CMVs that are used on a highway for interstate commerce to transport passengers or property and are regulated to various degrees by the United States Department of Transportation Federal Highway Administration through the Federal Motor Carrier Safety Regulations (FMCSR).

CMV vehicles are defined as:

- Having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of 10,001 pounds or more, whichever is greater. OR
- Designed or used to transport more than eight passengers (including the driver) for compensation. OR
- Designed or used to transport more than 15 passengers, including the driver, but NOT used to transport passengers for compensation. OR
- Used to transport material found by the U.S. Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations 49 CFR, subtitle B, chapter I, subchapter C.

For more detailed information consult the Federal Motor Carrier Safety Regulations (Title 49, Parts 200-399). See part 390.5 for definitions.

Commercial Driver's License

Anyone operating a commercial motor vehicle (CMV) as defined in §383.5 is required to have a commercial driver's license (CDL).

Most states have adopted all or major parts of the FMCSR. As an employer you should be aware of the state regulations for each state in which your company has intrastate operations.

It is recommended that any company operating commercial motor vehicles also consult the Montana Department of Transportation Motor Carrier Services, Department of Justice, Highway Patrol Division or the Motor Vehicle Division for any additional applicable requirements or laws.

FLEET SAFETY MANAGEMENT WRITTEN SAFETY PROGRAM POLICY STATEMENTS

Management Direction and Leadership

As stated on page 6 in the Passenger/Light-Duty Truck section of this manual, a policy statement should be developed to communicate your commitment and leadership for your company's CMV fleet safety program to all of your employees.

Overall Sample Program Statement

The management of (COMPANY NAME) has developed and established a fleet safety management program predicated on the principle that the safety of our company vehicle operators is our No. 1 priority. Safety and production are inseparable and we are committed to that end.

Our employees are expected to operate vehicles safely to prevent accidents, which may result in injuries and property loss. It is the policy of (COMPANY NAME) to provide and maintain a safe working environment to protect our employees and the citizens of the communities where we conduct business from injury and property loss.

The Federal Motor Carrier Safety Regulations (FMCSR) are the basic standards of our Fleet Safety Management program, which will meet or exceed such federal standards as they apply to our operations.

Management will be responsible for implementing the elements of the Fleet Safety Management program as outlined in this manual. All managers, supervisors and employees will have the responsibility to follow the requirements of this program.

Signed

Date

Safety Belt Use

See page 7 in this manual for a Sample Policy Statement.

Cell Phone Use in Company Vehicles

See page 8 in this manual for a Sample Policy Statement.

DRIVER QUALIFICATION PROCESS

When a company is subject to FMCSR, the driver selection and qualification process for operators of vehicles classified as “commercial” as defined in 390.5 of the FMCSR requires that the company maintain a driver’s qualification (DQ) file for each driver it employs. The file must include the following:

- Application for employment (§391.21).
- Motor vehicle record (MVR) from states (§391.23).
- Previous employer information (§391.23).
- Road test form and certificate (§391.31(g)), or license or certificate accepted in lieu of road test (§391.33).
- Medical exam certificate, original or a copy (§391.43(g)).
- Any letter granting a waiver of a physical disqualification.
- Annual motor vehicle record (§391.25).
- Annual review of driving record (§391.25).
- Annual list of violations (§391.27).

Employment Application (§391.21)

The content for an employment application is specified in §391.21, although the actual format of the application for employment is left to your company’s discretion. In the interview process, a business may ask for more information than is required by the regulations; however, the application for employment must contain:

- Name and address of employing company.
- Applicant’s name, address, date of birth and social security number.
- Applicant’s address(es) for three years preceding date of application.
- Date of application.
- Issuing state, number and expiration date of applicant’s driver / operator license.
- Nature and extent of applicant’s experience operating motor vehicles.
- List of all motor vehicle accidents in which an applicant was involved during the last three years.
- List of all violations of motor vehicle laws and ordinances of which applicant was convicted or forfeited bond or collateral during the last three years.
- A statement detailing facts and circumstances of any denial, revocation or suspension of any license, permit or privilege to operate a motor vehicle issued the applicant, or a statement that no such denial, revocation or suspension has occurred.
- A list of the names and addresses of applicant’s employers during the last three years, including dates of employment and reason(s) for leaving. (If the applicant will operate a commercial motor vehicle that has a GVWR of 26,001 pounds or more, is designed to carry more than 15 people, or is any size used to carry hazardous materials, he/she must also list employment for which he/she operated a commercial motor vehicle during the seven years preceding the three years mentioned above.)
- A certification statement that the information supplied is correct.
- A signature and date line for the applicant.

Although not a required part of the application for employment, your company must notify the applicant prior to his/her submission of the application that the information supplied relative to previous employers may be used and the employers contacted. This notification can be included in the application along with other information desired by the company / motor carrier.

Previous Employer Check (§391.23)

An important aspect of hiring the right driver for the job is to review the applicant's previous employment history including safety performance history during that employment. Motor carriers are required to complete this check on each new driver they employ. Please refer to 391.23 for specific requirements of these previous-employment / driving safety performance histories and other appropriate background checks.

Motor Vehicle Record (MVR) (§391.23, 391.25)

Motor carriers are required to obtain an MVR for each new driver that they employ. The particular requirements are as follows:

- The request for a driving record must be made within 30 days of the date the driver's employment begins.
- The request must be sent to every state in which the driver held a license or permit during the last three years.
- The request must be in the form and manner each agency prescribes.
- A copy of each of the prospective employee's state records or response that a record does not exist must be maintained in the driver's qualification file.

Annual Review (§391.25)

Every 12 months the motor carrier must review the driving records of each of its drivers, which includes compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. A written record that states the date and the name of the person who reviewed the driving record must be placed in the driver's qualification file.

List of Violations (§391.27)

Motor carriers are required not only on the employment application but at least every 12 months thereafter to obtain a list of violations from each driver. Specifics of the requirement follow:

For standard driver's license holders:

- The list is to include all violations of motor vehicle traffic laws or ordinances for which the driver was convicted or forfeited bond or collateral during the preceding 12 months.
- If a driver has no violations of the type specified, the record must still be submitted to the motor carrier indicating there were none.

For CDL holders:

- Requirements of Part 383 must notify their employer of any motor vehicle violations within 30 days (§383.31). These violations do not have to be reported on the annual list.
- The list or certificate of violations must be filed as part of the driver's qualification file.

Road Test (§391.31)

One of the qualification requirements in §391.11(b) states “by reason of experience or training or both” the driver can safely operate the motor vehicle to be assigned. The employing carrier with the means for making this determination must require a driver to successfully complete a road test. The road test must be conducted using a motor vehicle of the type the driver is to be assigned. The test must include (at a minimum):

- A pre-trip inspection.
- Coupling and uncoupling a combination, if the driver may drive such equipment.
- Placing the vehicle in operation.
- Using the vehicle's controls and emergency equipment.
- Driving in traffic and passing other vehicles.
- Turning.
- Braking and slowing by means other than braking.
- Backing up and parking.

The motor carrier is required to rate the driver's skill in each of the above disciplines in a written form. This form should be signed by the person who gives the test and retained in the driver's qualification file.

Equivalent of Road Test

In lieu of a road test, the regulations allow a motor carrier to accept:

- A valid CDL issued by a state that requires a road test for the type of vehicle the driver will be assigned. OR
- A certificate of road test issued to the driver by another motor carrier within the preceding three years.

Physical Exam (Part 391, Subpart E)

If there is one driver qualification that the regulations place greater significance, it is for the driver to be fully physically qualified. This is emphasized by the requirement that makes it mandatory for a driver to have “...on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a motor vehicle.” This is the ONLY certificate that is required by the regulations to be carried by a driver at all times while operating a commercial motor vehicle.

***Note:** Effective January 30, 2015, a CDL-required driver may submit a current medical examiner's certificate to the state documenting that he or she meets the physical qualification requirements and then no longer needs to carry the certificate “on person.”

Effective May 21, 2014, medical examiners must be listed on the National Registry of Certified Medical Examiners and they must follow the instructions and recording of the physical examination in accordance with the FMSA rules.

Drug Testing (Part 382)

Testing drivers for the presence of controlled substances is required by Part 382 of FMCSR. The regulations require pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Procedures for administering the test are outlined in Part 40, beginning at Sec. 40.31. It is recommended that employers subject to these regulations (Title 49, Parts 200-399) thoroughly review Part 382 of the FMCSR for further information. For more information go to the Montana Department of Labor & Industry website <http://wsd.dli.mt.gov/service/drugmanuala.asp>.

Pre-Employment Drug Testing (§382.301)

Before a driver performs any safety-sensitive functions or operates a commercial motor vehicle for your company, the driver must submit to a drug test. You must receive a result from the medical review officer that indicates a verified negative test result. Before performing a drug test, you must notify the driver that the test is required under the regulations. The notice can be oral or written. Use of the "Controlled Substances Custody and Control Form" may serve as the required notice.

Post-Accident Alcohol and Drug Testing (§382.303)

In post-accident testing, the use of police drug tests may be used in lieu of a motor carrier company test where police make results available.

Included in §382.303 are requirements to use that determine when tests must be conducted, the time frame under which they must be conducted, and the circumstances in which the tests of a law enforcement officer may be used following an accident of your employee. As stated, time frames are as soon as possible following an occurrence involving a commercial motor vehicle that is operating on a public road in commerce. You as the employer shall test for alcohol for each of your surviving drivers.

See Random Alcohol and Drug Testing §382.305 for more information.

Reasonable Suspicion Alcohol and Drug Testing (§382.307)

§382.307 requires a driver to submit to an alcohol or drug test when the employer has reasonable suspicion to believe the driver has violated the prohibitions in §382.201 through 382.215 (Subpart B). Your company's reasonable suspicion must be based on specific, contemporaneous and articulate observations concerning the appearance, behavior and speech or body odors of the driver. Observance must be made by a supervisor or company officer who is trained in accordance with 382.603.

Return-to-Duty Alcohol and Drug Testing (§382.309)

The requirement for a return-to-duty test is stated in §382.309; paragraph (c)(1) of §382.605 — Referral, evaluation, and treatment, also references the need for a return-to-duty test. In the event a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed.

Medical Review Officer (Part 40, Subpart G)

An MRO's primary responsibility is to review and interpret positive drug test results obtained from the certified laboratory.

HOURS OF SERVICE

Driver fatigue is a critical concern to any employer involved in the transportation industry. FMCSR guidelines should be the basis of monitoring hours of service. The hours-of-service regulations distinguish between property-carrying and passenger-carrying commercial motor vehicles, and they address driving limits and recordkeeping for each. While the hours of service rules have been incorporated into 395.3, they have also been appealed, vacated and revised. The motor carrier company must consult the most recent regulatory requirement of 395.3 to ensure the proper rules are implemented.

See FMCSR 395.3-395.8 for more information.

You can find the Federal Motor Carrier Safety Administration, and all FMCSR documents, online at www.fmcsa.dot.gov/regulations.



VEHICLE INSPECTION AND MAINTENANCE

A motor carrier is required by §396.3 to “...systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all vehicles subject to its control.”

The time period between systematic vehicle inspections is to be determined by the motor carrier. The intervals can be established by mileage or by time period. While the intervals for inspection, repair and maintenance are at the discretion of the motor carrier, the program must be reasonable and systematic. In addition, carriers are required to maintain records on all vehicles they control for 30 days or more.

Records to be Maintained

- An identification of the vehicle, including:
 - Company number (if so marked).
 - Make.
 - Serial number.
 - Year.
 - Tire size.
 - Name of the person furnishing the vehicle if it is not owned by the carrier.
- A means to indicate the nature and the due date of the various inspection and maintenance operations to be performed.
- A record of the dates and type of inspection, repair and maintenance performed.
- A record of when tests are conducted on push out windows, emergency doors and emergency door marking lights on buses.

All records shall be retained where the vehicle is housed or maintained. Records should be kept for one year for housed vehicles and for six months after the vehicle leaves the motor carrier's control.

Driver Vehicle Inspection Reports (§396.11)

The inspection requirements of Part 396 call for drivers to complete a written vehicle inspection report (DVIR) (§396.11) for each day a vehicle is inspected. The report must be signed and include at least the following parts and accessories:

- Service brakes including trailer brake connections.
- Parking (hand) brake.
- Steering mechanism.
- Lighting devices and reflectors.
- Tires.
- Horn.
- Windshield wipers.
- Rear vision mirrors.
- Coupling devices.
- Wheels and rims.
- Emergency equipment.

While no specific format is required, provisions must be made for three signatures:

- The driver's signature preparing the report.
- The motor carrier mechanic's signature certifying that the reported defects or deficiencies have been corrected or that no correction was necessary.
- The reviewing driver's signature that states corrective action was taken by the carrier.

Motor carriers must maintain the original of each vehicle inspection report and the certification of repairs for at least three months following inspection / repairs.

Exemptions

Driver vehicle inspection reports are not required of the following operations:

- Drive-away / tow-away operations as specified in §396.15.
- A motor carrier operating only one motor vehicle (396.11(d)).
- A private motor carrier of passengers (nonbusiness) (396.11(d)).

Periodic Inspection (§396.17 - 396.23)

Regulations require that commercial motor vehicles operated in interstate or foreign commerce pass an inspection at least annually. The inspection requirements may be met through periodic inspection programs administered by the states, or by a self-inspection, a roadside inspection or an inspection performed by a commercial garage or similar commercial business as long as the inspection complies with federal standards or compatible state standards. The periodic inspection report must be documented.

ACCIDENT REPORTING AND RECORDKEEPING

By establishing an accident reporting and recordkeeping procedure into your company's new employee orientation, you can facilitate claim recovery and control liability exposure from third-party claims.

It is recommended that each of your company's vehicles be equipped with an accident reporting kit. The kit should include reporting instructions and accident report forms. In addition, the telephone numbers and/or names of key company and insurance personnel should be provided.

U.S. Department of Transportation Recordable Accidents

A DOT reportable accident is an occurrence involving a commercial vehicle operating on a public road, which results in:

- A fatality. OR
- Bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident. OR
- One or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported from the scene by a tow truck or other vehicle.

If an accident occurs, it is suggested the driver follow a procedure similar to the following:

- Stop, stay calm and pull your vehicle as far off the roadway as safely possible.
- Note the make, model, year, license number and description of the other vehicle to provide to the company.
- Enable four-way flashers as an immediate warning signal.
- Set out emergency warning devices as required by 49 CFR Sec. 392.22.
- If injuries are observed and your employee is trained, he/she should provide first aid and have someone call for medical assistance.
- Contact local law enforcement.
- Gather information pertaining to those people involved in the accident, license numbers, and other information required to report the incident to the company.
- Follow other procedures as described in your company's accident reporting protocols.

In the event your employee is injured in the accident, your company should file a First Report of Injury form with Montana State Fund.

Recordkeeping

An accident file should be maintained that contains at least the following information on each accident:

- Date of the accident.
- City or town in which or closest to where the accident occurred, and the state.
- Driver's name.
- Copies of all reports required by state, other governmental entities or insurers.
- Name(s) of other driver(s) involved.
- Names, telephone numbers, addresses of witnesses.
- Description of the accident.
- Photographs of the accident scene.
- Sketches of the accident scene.

FLEET SAFETY MANAGEMENT PROGRAM AUDITING

A critical element of any Fleet Safety Management program involves performing periodic audits of all of your program requirements, standards and activities. Your company should designate an individual or individuals responsible for this activity. Audits must be completed periodically to determine compliance with state and federal regulations, as well as monitoring loss-control programming elements for effectiveness.

The following elements of a Fleet Safety Management program require periodic evaluation:

- Driver qualification files.
- Vehicle maintenance and inspection.
- Driver training.
- Accident reporting and recordkeeping procedures.
- MVR program.
- Alcohol and drug programs.

DEFENSIVE DRIVING

Your company should provide adequate and ongoing training on defensive driving techniques. Training should include:

- Night driving exposures.
- Winter driving exposures (black ice, uphill/downhill including proper gears).
- Engine RPM and braking PSI.
- Use of engine brake.
- City driving.
- Backing procedures.
- High wind conditions (park and position the vehicle in a 90-degree angle to prevent a blow-over accident).
- Chain up and emergencies procedures.
- Pre- and post-vehicle inspections (clean windows, lights, reflectors and mirrors, break down on the road procedures).
- Maintaining proper speed for road and weather conditions.
- Adequate rest and fatigue issues.
- Discuss drug and alcohol concerns.
- Driver attitude.

INJURY PREVENTION

It is essential that your company invest in safety programs that prevent on-the-job injuries to keep your employees safe and to control workers' compensation costs. The following is a list of some typical types of injuries sustained by employees in the transportation industry and potential means of prevention.

Back Injuries

Drivers who are required to handle freight, especially pick-up and delivery (LTL), and drivers who help load and unload their trucks (furniture haulers for example), have risk of back injury. Handling tarps is also a contributor to back injuries. In addition, over the road drivers are often less active and therefore their backs are in poor physical condition. Below are methods to reduce risk of back injuries:

- Encourage drivers to stay in good physical condition, exercise, maintain a healthy diet and get adequate sleep. Effective health and wellness programs sponsored by employers will assist in this effort.
- Provide training and awareness to encourage safe lifting techniques, i.e., lifting with the legs and keeping items close to the body. Avoid lifting and twisting motions, reaching out, excessive pushing/pulling and lifting overhead. Know and respect your physical limitations. Use options such as getting extra help, use material handling equipment, etc.
- Furniture haulers and helpers, for example, should always make a "plan" on how items will be lifted and moved into and out of a truck. Use material-handling equipment if at all possible. Proper handling of furniture on stairways is critical to avoid strain-related injuries. Ensure your employees have enough help to perform the move.
- Provide mechanical means to replace physical lifting whenever feasible.

Other Strain-Related Injuries

Drivers who operate cartage vans or flatbeds and throw straps and chains over loads are susceptible to shoulder and neck strains. Never allow your employees to move palletized freight by themselves, especially in a confined space such as a van trailer.

- Before throwing a strap or chain over a load, employees should position themselves sideways to the load and throw the strap or chain over their heads. This technique offers the most effective position for accuracy and thrust. Before the throw, the employee should always stretch and flex his / her arms, shoulders and neck to loosen up.

Slips, Trips and Falls

Icy, frosty decks, and improper entering and exiting of vehicles increases the risk of slips and falls for drivers. Falls while tarping loads are also common. Sudden blasts of wind may pick up the tarp and throw a driver off his/her rig or a driver may fall through a space on the load he/she may have forgotten about while tarping. Drivers may easily slip and fall from the top of tankers as well. The following guidelines are recommended for your drivers:

- Ensure use of the three-point hold system when entering / exiting vehicle cabs or trailers. Never jump to the ground.
- Wear aggressive slip-resistant footwear at all times. Slick, leather-soled cowboy boots, for example, are not the best choice to prevent slip and falls.
- Be aware of aluminum decks that may have frost on them, as they are very slippery.
- Never tarp a load in windy conditions. Find a place, if possible, by a building (out of the wind), or get extra help to secure the tarp. Use a tarping rack facility where possible.
- Walk on icy surfaces with feet apart, slow steps, knees slightly bent and arms outward for balance, and keep your upper torso straight up.
- Before entering the cab of the vehicle, ensure you have a secure grip with both hands, and your footing is sufficient to climb into or to exit the vehicle (three-point hold).
- Avoid climbing onto tankers if at all possible, unless you have a fall protection system that is designed to allow you to be up there safely.

Forklifts

Forklifts can severely injure your employees. While loading or unloading, your drivers should stay alert to forklift activity. It is the responsibility of all employees to stay clear and alert around forklifts. Refer to OSHA requirements, 29 CFR 1910.178, regarding forklift training.

Dock Safety

Drivers and other workers are crushed and killed every year while working around docks. Your employees must always be aware of their surroundings. Noise may make it impossible to hear a truck backing into a dock, so train them to stay alert. When it is necessary to close doors or access the rear of a trailer, train them to ensure brakes are properly engaged according to normal operating procedures.

Ergonomics While Driving

Driving long distances may subject your employees to positions that are not “body friendly.” Long-term exposure to these improper positions may potentially cause injury. Ensure your employees are positioned correctly in their seats. Good technique for your drivers includes:

- Sitting up straight, with the seat providing adequate lumbar support.
- Using armrests if provided, and avoid driving with arms extended outward, which may cause fatigue to the arms, shoulders and neck.
- Positioning seat height and distance from the floor controls so that the back of the legs are not totally resting on the edge of the seat, which may constrict blood flow in the legs.
- Adjusting air-ride seats to the driver’s weight to minimize low-frequency vibrations and absorb sudden bumps.
- Taking advantage of breaks to stretch and move the body.

Fatigue

Fatigue is a major issue with many drivers, especially long haul, and those who drive during nighttime hours. Fatigue is one of the biggest causes of vehicle-related and personal injury accidents. Adequate sleep is still the best way to prevent fatigue. Drugs and other substances do not help a driver from becoming fatigued. They offer nothing more than a false sense of security. Encourage drivers to take microbreaks, but remind them that nothing replaces at least eight hours of sleep for peak performance.



Securing the Load

Many drivers, especially those operating vans and reefer units, are injured every year from loads that become unstable and fall on them. Train your drivers to:

- Be alert of unstable loads when opening trailer doors.
- Avoid sudden swerves, which increases risk of an unstable load. Flatbed loads commonly become unstable, especially in the rear part of the load.
- Tie down straps or chains from opposing sides to avoid the torque from being pulled in one direction.
- Understand and use the proper tie down technique for the type of load that they are hauling.
- Ensure drivers who haul chemicals and other hazardous materials are well-trained and know what steps to take in the event of an emergency.
- Understand what “high center of gravity” means in reference to slowing down on corners to prevent losing a load or turn-over accident.

REFERENCES

American Trucking Associations

www.trucking.org

America's Independent Truckers Association (AITA)

www.aitaonline.com

Commercial Vehicle Safety Alliance

www.cvsa.org

Federal Motor Carriers

www.fmcsa.dot.gov

Great American Insurance Group

www.greatamericaninsurancegroup.com

J.J. Keller and Associates (Keller Online)

www.jjkeller.com

Montana Department of Transportation

www.mdt.mt.gov

Motor Carriers of Montana

www.mttrucking.org

National Highway Traffic Safety Administration

www.nhtsa.dot.gov



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