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Speak Up! The Safety Regulation Process Needs Your Voice!

Those operating motor vehicles in “interstate commerce” under jurisdiction of the Federal Motor Carrier Safety Administration (FMCSA) are subject to regulations passed by congress. It is the duty of the FMCSA to implement the regulations that meet the constantly changing laws passed by congress. When these changes are made to existing laws, it becomes necessary for regulations set by the FMCSA to be amended as well. This prompts a “Notice of Proposed Rule Making”, or other notice, inviting comments and discussion from anyone concerned or connected to the subject at hand. This information is required to be published by all Administrations and is posted in the *Federal Register*.

You can now access the *Federal Register* at <http://www.gpoaccess.gov/fr/browse.html> online. Go to the Administration section that affects your operation to find out the most up-to-date information on newly proposed regulations.

You should then be permitted to make comments such as information not considered when the regulation was proposed. You can stay up-to-the-minute with these regulations by following your issue of choice in the *Federal Register*, as your comments will be published.

The Administration welcomes these comments in their effort to remain current and relevant with actual operations during the process of passing these regulations.

OOS Criteria Released

The most current North American Standard Out-of-Service Criteria (OOSC) were released by the Commercial Vehicle Safety Alliance (CVSA) on April 1, 2010. This criterion defines what inspectors will use to assign an out-of-service (OOS) violation during roadside safety inspections. Once an OOS violation is issued, commercial vehicles and drivers will be unable to proceed until these violations are resolved.

"It is in the best interests of every driver and motor carrier to be familiar with the North American Standard Out-of-Service Criteria", said Stephen A. Keppler, CVSA's Interim Executive Director. "Knowing which commercial motor vehicle violations have been identified as being the most serious is helpful because it provides necessary focus in properly maintaining vehicles and it saves lives. It also helps prevent unnecessary delays and down time in transit as a result of having a driver or vehicle placed out-of-service."

Following are the inspection points that have been deemed critical when making sure you and your vehicle are prepared in the event you are stopped for a roadside check.

"The importance of this issue cannot be understated."

Buzzy France, President of CVSA

To order a copy of the 2010 North American Standard Out-of-Service Criteria, please visit <http://www.cvsa.org>

Vehicle Inspection Items:

- Brake systems
- Coupling Devices
- Exhaust Systems
- Frames
- Axles (Adjustable)
- Fuel Systems
- Lighting Devices
- Securement of Cargo
- Steering Mechanisms
- Suspensions
- Tires
- Van and Open-Top Trailer Bodies
- Wheels, Rims and Hubs
- Windshield Wipers
- Emergency Exits and/or Electrical Cables and Systems in Engine and Battery Compartments (Buses)



Driver Inspection Items:

- Interstate (and intrastate if hauling placarded load) driver is less than 21 years old.
- Not properly licensed, including lack of proper commercial driver's license (CDL) endorsement for type of vehicle being operated.
- Holds a learner's permit but is not accompanied by the holder of a valid commercial driver's license, does not hold a valid automobile license or is transporting regulated hazardous materials.
- Lacks waiver of physical disqualification or equivalent exemption.
- No skill performance evaluation certificate in driver's possession, when required.
- Lacks hearing aid or corrective lenses noted on medical certificate.
- Operating a passenger-carrying vehicle without possessing a valid medical certificate.

Driver Inspection Items (cont):

- Judged unsafe due to obvious sickness or fatigue.
- Unable to communicate sufficiently to understand and respond to official inquiries and directions.
- Disqualified by Federal Motor Carrier Safety Regulation 391.15.
- Possesses or, to any degree, is under the influence of unauthorized drugs or alcohol (placed Out-of-Service for 24 hours).
- Violates an Out-of-Service order related to intoxicating beverages (placed Out-of-Service for 24 hours).
- Driver of a property-carrying vehicle will be put Out-of-Service until eligibility is reestablished for any of the following violations: driving more than 11 hours; driving after the 14th hour after coming on duty following 10 consecutive hours off duty; and, barring a 34-hour restart, driving after having been on duty more than 60 hours in seven consecutive days or more than 70 hours in eight consecutive days.
- Falsification of required driver logs; not having logs for previous eight days (day of inspection plus 7 previous days). Placed Out-of-Service for 10 consecutive hours.
- Certain short-haul operators are allowed one or two 16-hour days per 7 or 8 days, depending on nature of the operation.

The data collected during these inspections will detect motor carriers presenting a high risk to the public, and those who will be selected for review by the FMCSA's Comprehensive Safety Analysis (CSA 2010) program.

Being prepared for these inspections and anticipating changes that may need to be implemented is paramount to ensuring motor carriers can remain in service and avoid violations during these inspections.

Avoiding Work Zone Accidents

Two of the biggest opportunities for accidents in work zones are speeding and lack of concentration. A recent study found that more than 750 people were killed in highway work zones during 2008-09, and one third of these crashes were rear-end collisions.

To prevent these types of accidents, there are some precautions that drivers can take while driving in construction work zones.

- Pay close attention to flaggers, warning signs and electronic message boards posted.
- Obey speed limits and give your full attention to your driving. Don't slow down to watch the activity around you.
- Avoid changing radio stations and other distractions until you are out of the work zone.
- Watch for detours and lane alterations.
- Watch for stopped or slowed traffic.
- Remember that night work is being used more and more.

NHTSA - 2009 Estimates of Motor Vehicle Traffic Fatalities

The National Highway Traffic Safety Administration (NHTSA) has released their early estimates of motor vehicle traffic fatalities for 2009. They show that 33,963 estimated deaths (a decline of 8.9% over 2008). If these projections prove accurate, fatalities will be the lowest they have been on record since 1954.

The fatality rate per 100 million vehicle miles of travel is approximately 1.16, down from 1.25 fatalities per 100 million in 2008. The month showing the largest decline of fatalities in 2009 was February when the rate was 16.4% lower than the monthly average. However, all months trended lower than the previous years' data on a monthly basis.

For more statistical information on this subject, please go to:

<http://www-nrd.nhtsa.dot.gov/Pubs/811291.PDF>

Roadcheck 2010

This year's Roadcheck inspection program will take place June 8th, 9th and 10th according to the Commercial Vehicle Safety Alliance (CVSA). During this event, over 70,000 vehicles, specifically heavy trucks and buses will be inspected over a 72-hour period.

The thousands of inspectors enlisted to examine vehicles will enter their findings into the CSA 2010 Safety Measurement System. Please remember that even violations that do not result in an "out of service" order will be recorded.

Some things to remember:

- Some of the criteria used for CSA 2010 include load securement, driver fitness, driver history (including proper licensing), use of controlled substances, and vehicle maintenance.
- Log books and proper vehicle maintenance are among the items that will be checked by CVSA inspectors.
- All inspection violations will officially become part of your CSA 2010 record.

For more information, please visit <http://www.cvsa.org>.

