

# DDH Notes

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## FEDERAL & STATE UPDATES

### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION – FMCSA

Electronic Log regulations have been ruled by the court that the regulations are to be implemented 12/16/17 but they are in limbo due to the new presidential change and pending appeals.

Penalties for DOT violations are in effect: (1) \$1,000 for violation of reporting and recordkeeping requirements; (2) \$10,000 for violation of non-passenger carrier registration requirements; and (3) \$25,000 for violation of passenger carrier registration requirements.

The penalty for transporting hazardous waste without authority is now \$40,000 to \$50,000. Violations of regulations relating to transportation of hazardous materials will now result in fines of up to \$105,000 or, if involving death, serious illness, severe injury, or substantial destruction of property, of up to \$179,993.

Penalties for violating drug and alcohol regulations can be \$3,700 per violation.

General penalties for evading regulations currently require that the violation be knowing and willful. That requirement is being removed and penalties are increasing to \$2,000 - \$5,000 for a first violation and \$2,500 - \$7,000 for any subsequent violation.

The new regulations have added a penalty of \$25,000 for violating an out of service order. A carrier's "ability to pay" will no longer be taken into account in determining the penalty for violating the FMCSR.

### COMPLIANCE, SAFETY, ACCOUNTABILITY - CSA

There has been some confusion on the purpose of the CSA which monitors company safety fitness. This is a barometer for the FMCSA to evaluate which carriers should go through a safety compliance audit. Insurance companies and shippers are using the values also to see if a carrier has a safety problem in one of the "BASIC" areas. This effects insurability and insurance rates, and which carriers are tendered the freight. The scores for the seven BASIC safety areas do not generate any fines or penalties but are only an evaluation tool.

The CSA is based on the following Behavioral Analysis Safety Improvement Categories - BASIC's:  
Unsafe Driving BASIC - Operation of a CMV in a dangerous or careless manner. Sample violations: speeding, reckless driving, improper lane change, and inattention. The current intervention threshold for this BASIC is 65+%.

Hours-Of-Service (HOS) BASIC - Operation of a CMV by drivers who are ill, fatigued, or in non-compliance with the hours-of-service regulations. This BASIC includes violations of regulations surrounding



## Happy Holidays

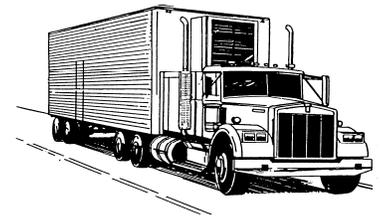
the complete and accurate recording of log books as they relate to HOS requirements and the management of CMV driver fatigue. Sample violations: HOS, logbook, and operating a CMV while ill or fatigued. The current intervention threshold for this BASIC is 65+%.

Driver Fitness BASIC - The operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. Sample violations: failure to have a valid and appropriate commercial driver's license and being medically unqualified to operate a CMV. The current intervention threshold for this BASIC is 80+%.

Controlled Substances and Alcohol BASIC - Operation of a CMV by a driver who is impaired due to alcohol, illegal drugs, and/or misuse of prescription or over-the-counter medications. Sample violation: use or possession of controlled substances or alcohol. The current intervention threshold for this BASIC is 80+%.

Vehicle Maintenance BASIC - CMV Includes failure due to improper or inadequate maintenance. Sample

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# FEDERAL & STATE UPDATES

violations: brakes, lights, and other mechanical defects, and failure to make required repairs. CMV incident resulting from shifting loads, spilled or dropped cargo, and unsafe handling of hazardous materials. Sample violations: improper load securement and cargo retention. The current intervention threshold for this BASIC is 80+%.

Hazardous Materials (HM) Compliance BASIC - Motor carriers that do not comply with Federal safety regulations related to properly packaging, transporting, accurately identifying, and communicating hazardous cargo in the event of a crash or spill. The general public is subject to a greater safety risk if HM is involved in a motor carrier crash. Unmarked or poorly marked HM cargo can result in less effective emergency response, as well as injuries and fatalities for emergency responders and others. The current intervention threshold for this BASIC is 80+%.

Additionally, the Safety Measurement System (SMS) evaluates an entity's crash history relative to its peers. Crash history is not specifically a behavior. Rather, it is a consequence of a behavior and may indicate a problem with the entity that warrants intervention. The Crash Indicator is defined as follows: Histories or patterns of high crash involvement, including frequency and severity and is based on information from state-reported crash reports. The current intervention threshold for this BASIC is 65+%.

The CSA system is continually being tweaked. There is a proposal

to reduce the threshold for CSA intervention for Vehicle Maintenance from 80% to 75% which would put more carriers in the Alert status for this BASIC. There is also a possibility that the threshold would be increased from 80% to 90% for controlled Substances/Alcohol, HM Compliance and Driver Fitness causing fewer carriers to be in the Alert status in these areas.

## **INTERNATIONAL FUEL TAX AGEEMENT - IFTA**

Carriers are being required to have trip reports for each load even if they have GPS systems in place. We are finding many errors with the mileage generated by the GPS systems. During an audit the trip reports are required or the state will reduce the carriers mile per gallon to 4.0 and assess penalties and interest.

## **INTERNATIONAL REGISTRATION PLAN - IRP**

Passenger carriers that cross state lines with a motor coach or bus are required to display an IRP plate. These units must be over 26,000 GVW and have "Bus" listed as the vehicle type on the title.

## **U.S. CUSTOMS**

It is time to renew your U.S. Customs Transponders. Carriers with vehicles that travel regularly in and out of Canada will need to obtain new transponders or renew their transponders from the U.S. Customs Service for the 2017 calendar year. Those who purchased transponders in past years should have received renewal notices.

Transponder fee again this year will

include a U.S. Department of Agriculture annual entry fee. The cost for the transponders will be \$401.67 each and will fulfill the user-fee requirement for all crossings during the calendar year for the vehicle to which they are assigned. Individual trip fees can be purchased at the border crossings for vehicles without transponders. The per trip fee for U.S. Customs and the U.S. Department of Agriculture is \$13.05 per crossing into the U.S. This Agriculture entry fee will be used to find illegal products entering the U.S.

## **COLORADO**

The state's chain law requires commercial vehicles to carry chains when traveling in the state. Carriers that are caught without chains in or on their vehicles between September 1 and May 31 each year on I-70 between milepost 163 and 259 will be fined. If a truck blocks a roadway due to being stuck in snow, the driver can be fined up to \$1000 if the vehicle is not chained and as a result blocks the highway when the law is in effect. Drivers can also be assessed four points on their CDL license for violation of the law.

## **December 31, 2016 Permit Extensions**

IFTA Fuel Tax Decals & Licenses are extended until February 28, 2017.

New Mexico has not granted an extension at this time.

Oregon has a grace period until March 15, 2017 if the renewal application is filed prior to December 31, 2016.



We want to take this opportunity to wish you a Merry Christmas and a prosperous New Year.

*Dave*