



## Magazine Contents

The 12 Tips of Christmas.....	2
FIVE YEARS LATER: The Cause and Effect of CSA on the Industry .....	4
FLASHBACK: The First CSA 2010 Lawsuit .....	11
READY OR NOT ELECTRONIC LOGGING DEVICES ARE HERE .....	11
PROHIBITION OF DRIVER COERCION.....	16
WHAT A DIFFERENCE A HALF YEAR MAKES!.....	20
A Success Story in Safety Management, CSA Score Improvement and DOT Compliance.....	2020
A Word from Our CFO, Isabella Sanchez.....	21
HIGHWAY BILL 2016 .....	23
WHAT'S NEW AT TDD .....	27
COMING IN THE NEXT ISSUE ....	28
THE ECONOMY AND TRUCKING .....	288
FAST ACT DISCUSSION.....	288
THE TAX MAN COMETH.....	288

### The Monthly Scoop

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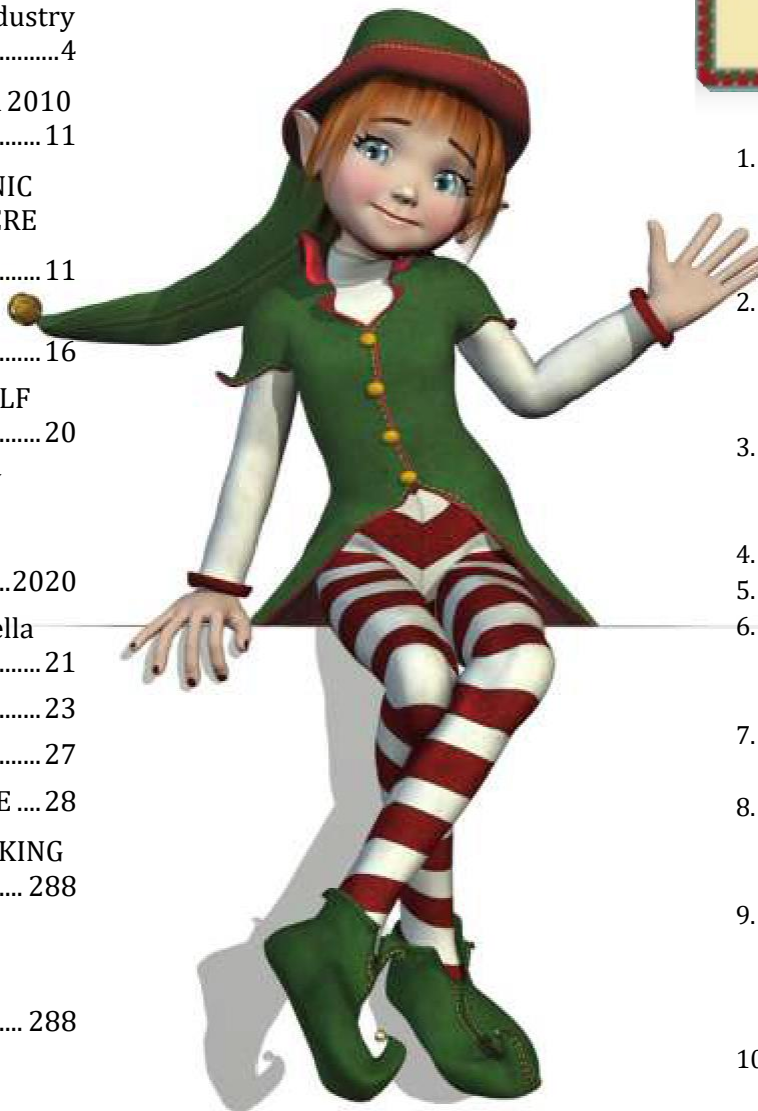
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<http://thedotdoctor.com/inc/blog?blog=66>



1. Prepare for winter driving: ready your vehicle and yourself for the cold months ahead.
2. Learn all you can about CSA 2010 and how these new regulations will affect your career.
3. Increase your following distance on wet and icy road- ways.
4. Be mindful for black ice.
5. Watch out for lost travelers
6. Take time to go home this holiday season and ENJOY your family.
7. Keep your Christmas low but your heart big.
8. Know your return to work date BEFORE you go home for the holidays.
9. Remember the little ones and watch out for them as you pass through their towns.
10. Try to avoid travel on New Year's Eve. It is statistically the most dangerous night of the year to be on the road.
11. Talk to The DOT Doctor and learn how you can make next year even safer than the last.
12. Drive Safely! You are the best present you can bring home to a loved one.

**YOUR DOT COMPLIANCE TEAM**  
**Safety Compliance Professionals**  
**844-DOTDOCTOR**



**The DOT Doctor**  
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**Canadian National Safety Code (NSC)**  
**Secretariat de Comunicaciones y Transportes (SCT)**

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- Certification of Completion
- 1 Executive Certificate on card stock with a Presentation folder
- Step by Step Instructions for Use

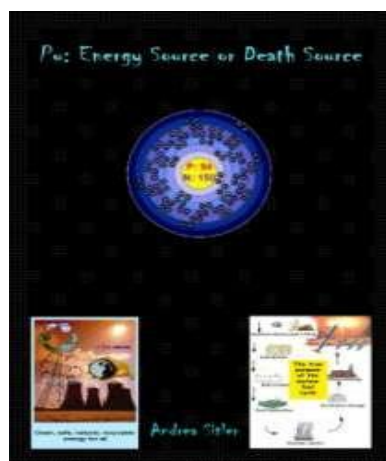
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## FIVE YEARS LATER: The Cause and Effect of CSA on the Industry

Dr. Andrea Sitler & Lakota Brown  
December 2015

### Is CSA Dead?

CSA 2010 came into existence twenty-five (25) months after The DOT Doctor opened our doors. This new system would change the way we interacted with our clients as well as the services and products we offer. With this having such a profound effect upon our company; I found it only fitting to take a look back at what has transpired since CSA's implementation.

**BREAKING NEWS** – Lawmakers also in the bill [Highway Bill] included language to bar FMCSA from continuing to use the system and its data to make safety determinations about carriers. Until FMCSA can implement a so-called “corrective action plan,” the CSA program will remain dormant.

See more at: <http://www.ccjdigital.com/final-highway-bill-csa-revamp-in-younger-truckers-and-carrier-hiring-standards-out/?sthash.vBFXvocj.mjjo#sthash.vBFXvocj.6jvAsCta.dpuf>

What we have found is that many issues are still unresolved. Lawsuits remain unsettled. The Federal Government is finally awaking to this fact. We are beginning to see some proof in the proposed Highway Bill, FAST (Fixing America's Surface Transportation) Act. One version of the bill has proposed that CSA scoring being removed not just from public view but also from FMCSA usage until the faults are identified and fixed. Only then can the plan go live again. There is a proposed 18-month window for this to occur. The crash correlation with a carrier's score is a top priority in this pending report. Looks like Vigillo woke up some people with

their findings.

FMCSA claims safer roads but statistics are contradictory. In 2010, the (NHTSA) National Highway Traffic Safety Administration's

***“.....we have lost 40% of our carriers since CSA 2010 began.”***

***~Dr. Sitler (The DOT Doctor) quoting an independent study performed by TDD***

announced that the previous 5-years saw a 25% decrease in fatalities. The fatality rate fell to a record-low of 1.09 deaths per 100 million vehicle miles traveled. This is pre-CSA numbers.

NHTSA's Fatal Analysis Reporting System (FARS) figures for 2014 show 32,675 people died in motor vehicle crashes in 2014, a 0.1-percent decrease from the previous year. The fatality rate fell to a record-low of 1.07 deaths per 100 million vehicle miles traveled; however, **the first six months of 2015 show a troubling increase in the number of fatalities. The 2015 fatality estimate is up 8.1 percent from the same period last year.** This is post-CSA results.

“US DOT is moving on many fronts to speed technology innovations that can save lives, from connected automation to the DADSS system to fight drunk driving,” Foxx said. “NHTSA is accelerating its efforts to strengthen behavioral safety programs at the core of its mission, and state and local governments need to adopt strong laws and enforce them.”

<http://www.nhtsa.gov/About+NHTSA/Press+Releases/2015/2014-traffic-deaths-drop-but-2015-trending-higher>

## Five Years Later (cont'd)

The system has undone multiple “tweaks” and updates but still there remain weaknesses.

Carriers are closing their doors or being closed down. The true fact is that we have **lost 40% of our carriers** while tonnage continues to increase.

The year 2014, appears to be the pivotal date for the industry. Truck sales were declining since 2006 until July 2014 saw a 17.8% increase. Freightliner no longer rules the road. According to WardsAuto, Mack led all brands, posting a 45.2% gain and increasing its share to 10.0% from 8.1% in the prior year. PACCAR's Kenworth and Peterbilt brands also posted solid gains of 23.9% and 17.2%, respectively.

The average age of a Class 8 truck on a US highway today is 11-years old according to Gary Meteer Sr., R.L. Polk & Co director in charge of commercial vehicle data. Accident and fatality rates continued to decline from 2005 to 2014 then this year they began to climb once again.

The Federal Motor Carrier Safety Administration (FMCSA) announced in a Federal Register Notice that beginning August 23, 2014, motor carriers and drivers will be able to request the removal of roadside inspection violations from agency data systems to more accurately reflect outcomes of judicial proceedings.

The updated policy will enable carriers and drivers to request, through the [DataQs system](#) the removal of violations that were

previously uploaded into FMCSA's Motor Carrier Management Information System by state enforcement agencies when a driver is found not guilty or if a violation is dismissed in court. FMCSA systems will continue to retain and display violations that result in a conviction or payment of fine.

Persons who plead to or are convicted of a lesser charge will also have that information reflected. The changes are claimed to be a part of the agency's so-called continued effort to improve the quality and uniformity of violation data that is accessible across FMCSA systems which is to be used to sharpen the focus on unsafe carriers and drivers. For more information on the announcement and this change visit: <http://www.fmcsa.dot.gov/regulations/rulemaking/2014-13022>.

November 2014 saw a roll-out of Factsheets for better understanding and education of the CSA system to drivers, carriers and public users. Still much mystery surrounds this system as users mistake the reverse grading system and fail to understand what is actually being displayed. Enhancements to the website continue to roll-out with the latest one occurring in Jan. 2015.

### Serious Violations

March 2015 was when the FMCSA states that it's updates to the SMS will better align with Serious Violations in its Regulations and IT Systems. This was to be a testimony to the ongoing commitment to safety that the Federal Motor Carrier Safety Administration (FMCSA).

The Serious Violations spreadsheet is to better align with all of the Serious Violations in the FMCSA regulations and IT systems, including five Serious Violations that are currently used in investigations. These violations took effect in the SMS as of February 1, 2015. Motor carriers cited with any of these violations began to see them reflected in the March SMS data release.

For a complete list of all Serious Violations and updated descriptions, see the [Serious Violations spreadsheet](#).

FMCSA uses the SMS to assess carrier safety performance and compliance. When a carrier's most recent investigation results in the discovery of a Serious Violation, the SMS displays a violation in the carrier's Investigation Results for that Behavior Analysis and Safety Improvement Category (BASIC) for 12 months after completion of the investigation.

Serious Violations are violations where noncompliance is so severe that they require **immediate action by a motor carrier** regardless of its overall safety posture—or violations that are indicative of breakdowns in a carrier's safety management controls.

These Serious Violations are noted on your score by your Safety Rating; Satisfactory, Conditional, Unsatisfactory or Not Rated. You will also see these violations in a letter sent to your business. This letter must be addressed immediately with a Corrective Action Plan (CAP). You must not

## Five Years Later (cont'd)

short cut on this plan. Hire an expert, like TDD, to help you in the creation of this plan and its associated documentation. It can mean the difference between shut-down and remaining in operation.

The table below includes descriptions of the new Serious Violations in SMS and the BASICS to which they relate.

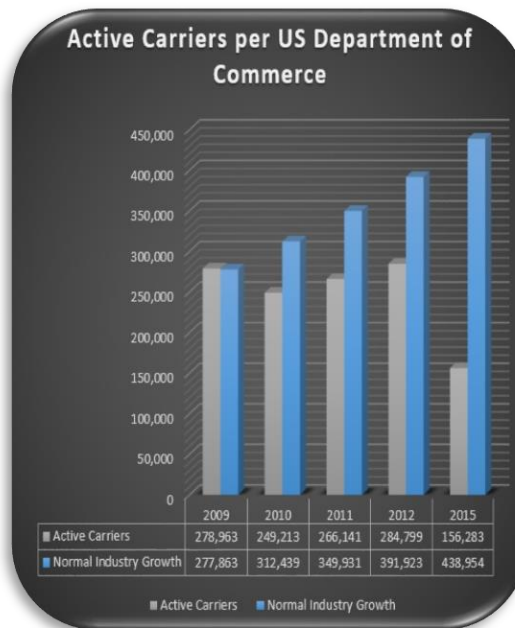
### Serious Violations Added to the SMS

Violation	Violation Description	BASIC
172.704(a)(4)	Failing to provide security awareness training	Hazardous Materials (HM) Compliance
172.704(a)(5)	Failing to provide in-depth security awareness training	HM Compliance
383.37(c)	Knowingly allowing, requiring, permitting, or authorizing an employee with more than one commercial driver's license to operate a commercial motor vehicle	Driver Fitness
395.3(a)(3)(i)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours	Hours-of-Service (HOS) Compliance
395.3(a)(3)(ii)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes	HOS Compliance

FMCSA claims to be committed to working with their State Partners to

make America's roads as safe as possible.

### Shocking CSA Stats



While everyone has been looking at the FMCSA registration numbers, The DOT Doctor took a detour and viewed the US Department of Commerce numbers to find the true number of carriers that are still operational since the implementation of the CSA Program. The results were shocking!

FMCSA is where a carrier goes to register for DOT authority. Even if that carrier is no longer in business; their authority counts towards the statistics until they officially file the paperwork to make themselves inactive. Carriers who have been suspended for non-compliance, poor scores, extreme deficiencies, failure to update VMT and/or MCS 150s as required still count towards the total number of carriers even though they may no longer legally operate.

These numbers, just like the Unemployment stats, do not tell the real story. The picture is skewed. We wanted the real stats on how CSA 2010 has affected the industry.

### TDD Research

TDD compared interstate carriers only. This would be the group most widely affected by the change from Safer to CSA. In doing so, we learned that **the trucking industry has lost 40% of its carriers since the implementation of CSA 2010.**

If we consider that the industry normally adds approximately 10% per year in new carriers and use that number verse the active carriers for 2015; a 281% reduction or loss of carriers since 2010 is the real picture.

FMCSA numbers show an increase in overall carrier count by over 500,000. This includes intrastate only carriers. The interstate carriers have declined by almost the same amount, 500,000. Since most reports only address the total number of carriers, it gives the impression that CSA has had little effect on the industry. In fact, at first glance, it shows that carriers are increasing and that simply is not true.

The true fact is that CSA has allowed the big carriers to keep expanding while the smaller carriers are going under. Looking at the REAL stats provides the full picture. Carriers are changing their status by downgrading or closing their doors. The US Department of Commerce, which breaks down each business by a very specific coding system, clearly shows this trend. Until FMCSA

## Five Years Later (cont'd)

purges its system of inactive numbers; the truth will remain concealed to those just looking at the total count of carriers.

The addition in overall trucks also helps to mask this façade.

Moreover, greater than 97% of these FMCSA registered carriers operate or had operated fleets of less than 20 trucks. Only 3% of registered carriers have over 20 vehicles. Less than 1% of all registered carriers rule the trucking industry with fleet sizes over 500. The 1%, even in trucking, is still pushing around all the rest of the players!

### The Ratings Game

carrier. If they state “best rate” they can be penalized. The CSA score must be considered.

Since small carriers may not pass through a scale often enough to generate the required amount of inspections per BASIC; that carrier may not be rated. Carriers rated Unsatisfactory, Conditional or even Not Rated find it hard to compete. With few trucks, it is hard to generate enough good inspections that are documented to change the score.

It has been our experience, that many of our clients have trucks that have passed an inspection only to have the inspector not document the situation. They only document the inspection when there is an issue

scores from public view and only allowing the rating to show; a Satisfactory Rating is even more important.

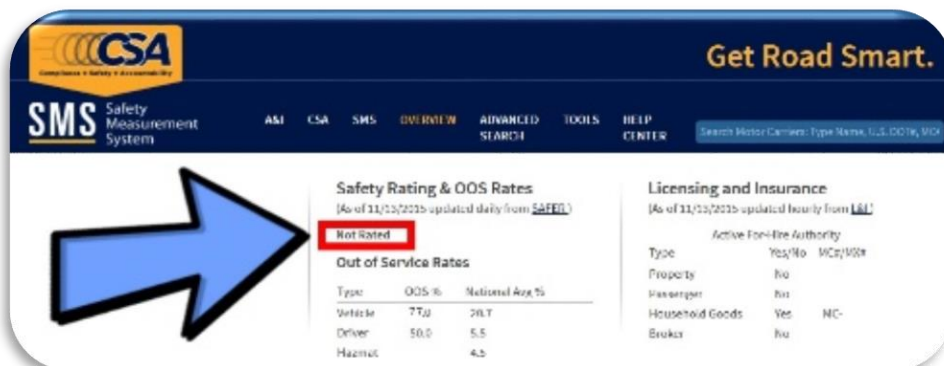
### Preventable or Not

Distinction between preventable and non-preventable accidents has been shown to cause up to a 15% decrease in score (Vigillo study, Nov 2015) yet the government fails to make this distinction in the CRASH BASIC. Another controversial issue that is being argued at present. All of these actions continue to stack the deck against the small carrier.

CSA points are based on the likelihood that an accident will occur due to a certain action. While this is statistically accurate; it is not 100% correct. CSA was created with the right intentions; increase carrier and auditor interactions. It has allowed for more than just 2% of the carriers to be audited each year to an approximate 85% annual carrier intervention rate.

Daily status from Roadside inspections are reviewed and recorded. No longer are auditors taking a “bird’s eye view” at a carrier but they are looking at specifics. This is the intent of CSA but due to the nature of some carrier’s business;

as to generate revenue for the station. This greatly effects the CSA score, skews the numbers and hurts the small carrier even further. With Congress considering to “hide” CSA



Small carriers are less likely to be rated. **Only 20% of all active carriers are rated.** 400,000 of the 500,000 active carriers are Unrated. Non-rated carriers, under the CSA system, are losing business. The government is advising shippers to review CSA stats prior to hiring a carrier. Billing Rate is no longer the leading factor. Safety stats per the CSA guidelines is the ruling factor due to shippers now shouldering part of the burden should a carrier be in an accident while hauling their freight. Shippers must justify how they chose the

One of the criterion — which called for shippers and brokers to hire only carriers with “Satisfactory” safety ratings — could have wreaked havoc on small carriers and owner-operators, said opponents of the measure. Many small trucking companies are “Unrated” by FMCSA, more than 400,000, per data from RigDig Business Intelligence.



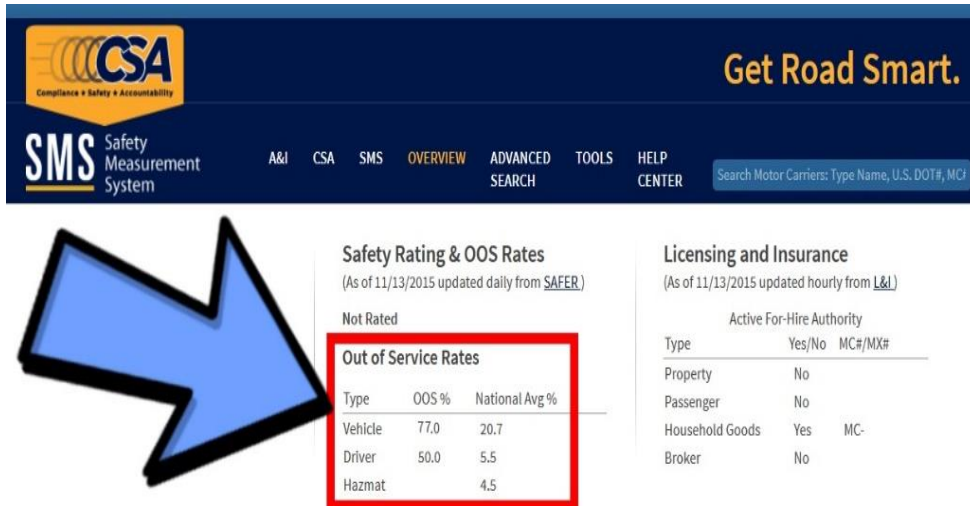
## Five Years Later (cont'd)

they are not getting this interaction. While that used to be a good thing, it is damaging to a carrier's score under the CSA rating plan.

driving habits and carriers with poor compliance programs are the industry's and their own worst enemy. They hurt the image of the rest of this noble profession.

to happen in all BASIC areas across the US. Only then can we hold carriers to CSA standards in a fair and just manner.

CSA wants to expand to include state interactions. Until Federal interaction is totally and completely synchronized; how can we even begin to trust the varying state standards? The algorithms fit the many but as always the extremes, carriers who run only team or very small carriers, are being penalized unfairly. They fall outside the algorithm and as such their scores are poor. These are all severe issues for every trucker and every carrier. Drivers face their own issues with PSP scores that could haunt them for 3-years and move with them from carrier to carrier.



**CSA**  
Compliance • Safety • Accountability

**SMS** Safety Measurement System

A&I CSA SMS **OVERVIEW** ADVANCED SEARCH TOOLS HELP CENTER

Get Road Smart.

Search Motor Carriers: Type Name, U.S. DOT#, MC#

**Safety Rating & OOS Rates**  
(As of 11/13/2015 updated daily from SAFER)

Not Rated

**Out of Service Rates**

Type	OOS %	National Avg %
Vehicle	77.0	20.7
Driver	50.0	5.5
Hazmat		4.5

**Licensing and Insurance**  
(As of 11/13/2015 updated hourly from L&I)

Active For-Hire Authority

Type	Yes/No	MC#/MX#
Property	No	
Passenger	No	
Household Goods	Yes	MC-
Broker	No	

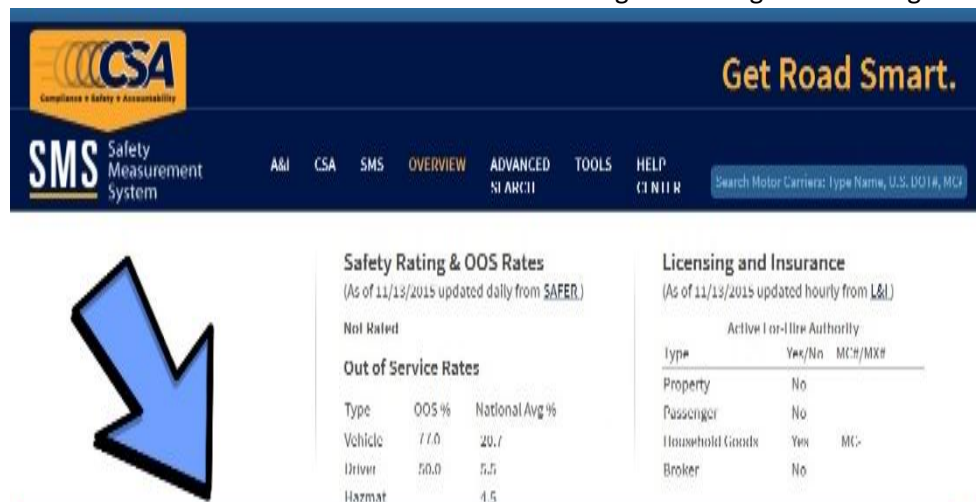
### Out of Business

Even though Professional Truckers are the safest group on the highways; they are the most visual and therefore the most penalized. The United States Department of Transportation estimates that over 500,000 truck accidents occur every year. Only 16% of all truck driving accidents are due to the truck driver's fault. Estimates of 41,000 to 45,000 traffic deaths occur every year within the US. Walkers and bikers account for 15% of the total traffic deaths each year. Fewer than 9% of those deaths involve commercial vehicles. More than 80% of those accidents are the fault of the non-commercial driver. Of those death related accidents only 4% of trucks are fatigue related (yet the DOT has driven home the HOS regulations along with extreme fines for non-compliance). Drinking related accounted for .06% of those accidents.

Good carriers with excellent safety plans are closing their doors. Inspectors are not consistent across the US or even across the state. Governor Abbott of Texas just set a plan in motion (Sept 2015) that outlined the exact standards for weighing a load. This put the entire state on the same page in this one area for the first time. We need this

### CSA: Safety or Revenue?

The big question: **Is CSA about safety or about revenue?** Insurance companies are raising rates and dropping carriers based on the assumption that they will be involved in an accident due to their scores. These predictive measures are again causing carriers to go out



**CSA**  
Compliance • Safety • Accountability

**SMS** Safety Measurement System

A&I CSA SMS **OVERVIEW** ADVANCED SEARCH TOOLS HELP CENTER

Get Road Smart.

Search Motor Carriers: Type Name, U.S. DOT#, MC#

**Safety Rating & OOS Rates**  
(As of 11/13/2015 updated daily from SAFER)

Not Rated

**Out of Service Rates**

Type	OOS %	National Avg %
Vehicle	77.0	20.7
Driver	50.0	5.5
Hazmat		4.5

**Licensing and Insurance**  
(As of 11/13/2015 updated hourly from L&I)

Active For-Hire Authority

Type	Yes/No	MC#/MX#
Property	No	
Passenger	No	
Household Goods	Yes	MC-
Broker	No	

Hollywood sensationalism is not the trucker's friend! Drivers with poor

U.S. DOT# 2094182 is currently under an Out-of-Service order from FMCSA and shall not operate. Out-of-Service Reason: New Entrant Revoked - Expedited Actions.



## Five Years Later (cont'd)

of business. Today's litigious society hurts everyone. With the average accident costing over \$6M, it is no wonder that insurance companies are concerned.

Auditors and inspectors will often tell you right out that they will detain you until they find a means to generate revenue against you and/or your carrier. Then I ask you,

seen a break-away chain before and had no idea they needed

to hook it up prior to moving the vehicle. (Company education

program would have addressed this but again we are talking about a brand new, non-CDL, tiny carrier.)

Instead of the DOT working with the carrier to help educate them, they were put out of business. In 2 years, 3 inspections had occurred. Two of

a new review. As you can guess; he lost all his contracts by the time his authority was reinstated. This is the cause and effect of the CSA system.

## Profit Margin in Trucking

We see firms in some industries that boast over 50% profit margin. Trucking is not one of these industries. With the average carrier making less than 5 cents profit per dollar spent (5%); every contract counts. Every accident can be the difference between a carrier being in business tomorrow or declaring bankruptcy. Each DOT audit can literally be the difference between life and death for the company.

Driver and employee DOT compliance errors cannot be tolerated due to the extreme risk to the life of the company. Every facet must be checked and double-checked to ensure full compliance with all DOT regulations.

## Outsourcing DOT Compliance

**You run your business and we handle the DOT!**

Add the latest news about the mandatory ELD implementation to all this and you need a team to help you. Outsourcing is the best cost savings tool for companies today. Outsourcing is the best cost savings tool for companies today. You hire experts for less than the cost of an employee. This not only saves on salary costs but also on benefits. Outsourcing allows you tax breaks for our fees are a business expense. There are not monthly, quarterly or annual tax statements and no worker's compensation concerns. One simple contract has you covered.

*The American Trucking Associations projects freight volumes will increase by nearly 29% over the next 11 years.*

*Forecast, a collaboration between ATA and IHS Global Insight, projects a 28.6% increase in freight tonnage and an increase in freight revenues of 74.5% to \$1.52 trillion in 2026.*

*The number of Class 8 trucks in use will grow from 3.56 million in 2015 to 3.98 million by 2026.*

<http://www.trucking.org/article.aspx?uid=4caa8338-9128-40fe-ab45-c6fb0c24e417>

how can this be about safety? It appears to be about intimidation and revenue!

Yes, CSA has been the vessel used to remove some truly unsafe carriers as well as drivers from our highways. CEOs, Safety Managers and drivers have seen jail time and high fines that are habitual offenders. Still the program screams for improvement.

**A real life example:** The TDD team personally worked with a small 3-truck carrier who had been put out of business due to his drivers not connecting a break-away chain. This carrier had 3 pickup trucks and a small trailer. The drivers had never

them found the driver to not have the chain in place. (These inspections were a day apart). This rendered a 66% OOS rate thus being above the allowable 35% OOS rate.

**Result:** close of doors for this New Entry carrier. This is when we received the call. The owner was beside himself that his drivers could cause him to lose his company. TDD did help him with tons of revamping of his safety program but the company was down for several months until we could educate his

employees, document the changes and get the DOT to come back to do

## Five Years Later (cont'd)

With TDD, you are gaining at least 3 highly qualified safety experts for less than the cost of 1 properly qualified Safety Manager. We keep current on all the changes as well as the proposed changes so you do not

have to. Our goal is to get and keep you compliant so your focus is on running your business.

TDD specializes in carriers with under 25 units. We want to help level the field for the smaller carrier by being your DOT Compliance

Team. The DOT Doctor lets you keep your mind on your business while we keep you trucking *full throttle* ahead.

# PROGRAM DETAILS

## Virtual Safety Director Program

**\$6,000/month**

TDD 3-Person Expert Safety Team with up to 2 onsite visits per month and unlimited classroom sessions + after hour support

## ACTION PLAN

Create a fully encompassing DOT Compliance Program that can withstand State DOT & US DOT audits

Increased understanding of DOT regulations and their direct application to your company's operation

Direct HOS training

Complete log auditing and documentation service

CSA score monitoring with Corrective Action Plan

Accident assistance services

Tax filing services (IFTA, 2290, UCR, etc)

Credential updates/renewals (Cab Cards, MCS 150, etc)

DOF management and maintenance to ensure proper steps are taken during the hiring process as well as all files being audit ready

Comprehensive Driver Orientation Program which is proven to reduce CSA/PSP points

Quarterly Safety meetings to further enhance the safety culture and aid in CSA improvement

Maintenance file management and review and equipment checks

Expert advice in all DOT matters from safety professionals who stay current on all regulatory changes and proposed changes

Policy and Procedure writing and management for CMV drivers to meet DOT Compliance standards

Implementation of e-log program, assistance with D&A program and other services as necessary to ensure DOT compliance

## GOAL

Be fully prepared at all times for any DOT Audit

Create, implement, support, maintain and oversee a fully compliant and documented DOT program

Rid the CSA score of triangles and prevent others from occurring

## FLASHBACK: The First CSA 2010 Lawsuit

Dr. Andrea Sitler December 2015

*"Petitioners have not satisfied the stringent standards required for a stay pending court review," a three-judge panel of the U. S. Court of Appeals for the District of Columbia Circuit said in its order. The court did not elaborate except to cite one court case and the court's own handbook of procedures.*

The first CSA 2010 lawsuit has been filed in September according to Avery Vise (2010) of Overdrive Magazine. Attorney Henry Seaton represents the (NASTC) National Association of Small Trucking Companies, The Expedite Alliance of North America and the (AEMCA) Air & Expedited Motor Carriers Association. These groups are moving to block the disclosure of certain data that could misrepresent a carriers' safety record and delay the onset of CSA 2010.

*FMCSA told the appeals court that the groups' claims of disastrous consequences were without merit and that fundamentally the SMS data to be made public was no different than SafeStat data that has been public for more than a decade.*

CSA 2010 operates off a multiple level measurement system. The results are then readily available to the public. Carriers are claiming that this data is detrimental to their business. While similar data has long been available under the forerunner, *SafeStat*, this new format highlights a carrier's shortcomings. The rolling, weighted system is no longer a two-

year snapshot that can cancel deficiencies. CSA 2010 clearly states when a carrier does not measure up to government standards (Carrier Rating).

Groups named in this lawsuit say this new information is hurting business. However, this is not new information. It is the same information being presented in a new light. Carriers are going to have to shape up or their freight will be shipped out on another line.

Carrier hiring standards\*: The House highway bill sought to put in place criteria that brokers, shippers and others would have been encouraged to use when making carrier hiring decisions. One of the criterion — which called for shippers and brokers to hire only carriers with "Satisfactory" safety ratings — could have wreaked havoc on small carriers and owner-operators, said opponents of the measure

### The Battle Continues On

Today, these lawsuits and legal battles still wage on. While changes and so-called upgrades to the system have occurred; small carriers are still facing the hardest struggle.

While TDD agrees that carriers who place safety last and put the rest of us at jeopardy are identified and weeded out, protective measures for UNRATED carriers, especially those due to lack of federal interaction, need to be in place. The proposal to advise the public to view UNRATED equivocal to SATISFACTORY needs to be approved. Additionally, the CSA site needs to clearly state that the goal is 0 not 100. While this information maybe in the tutorial section, it still remains unclear to many how this grading system works.

We will always have carriers who try to work the system to their advantage. We will have carriers who "reinvent" themselves to keep moving freight. These are the ones that need to be identified and stopped. These are the unsafe carriers that this system was created to identify and eradicate. Unfortunately, it has harmed many legitimate carriers in the process.

### Real Change

Do we want real change? Implement the Canadian method of carrier authority establishment. When a carrier wishes to establish DOT authority, make it more than a paperwork process. Require training and proof of understanding. It is pointless to give a company a license to operate and then come in and fine them for non-compliance. We do not allow plumbers or electricians to operate in this fashion. Why then are trucking companies allowed? Prove you know the rules before you open your doors. This is how you address true safety and make a difference!

**Real world example:** An oilfield support company began operating equipment in a small area of Texas. About 6-months after being in operation, they decided they liked this business and would see what was needed to do so legally. At that time, TDD (2008) was called. We were tasked with gaining them their DOT authority, MC authority, TX DOT (TX DMV as it was known then) and other permits as needed. We were hired to write their policies and procedures, create a safety program and author their massive company handbook (over 500 pages).



## Flashback (cont'd)

It wasn't until we were well into this part of the assignment, that we learned the company had been operating without DOT authority.



## Impossible You Say?

One would ask, how is this possible? This shows just how poorly the old system worked; however, we still see this occurring post-CSA. It was common practice for carriers to out of route just to avoid scales. This avoidance technique coupled with the small area that was worked by this carrier initially; is what allowed the evasion of TX DOT and US DOT detection.

Many "old school" carriers and truckers still operate on the *avoidance plan*. This is part of the pg. 12

reason they have few inspections or score data. With CSA, they are only hurting themselves. This mode of operation is no longer a means of survival. It is an action that leads to one's own demise. With CSA, you must have inspections to rate. You must rate to have shippers. Without shippers, you do not have business.

While we see honest carriers going "belly up", we still find unsavory carriers usurping the rules and finding a way to operate. Inspector and auditor focus need to shift. An identification process needs to be implemented to detect and sort out the "rotten eggs" without hurting the carriers who are trying to be DOT compliant.

## Looking Forward

Our goal is to revisit the topic of CSA 2010 in another 5-years. Let's see what changes have occurred. How has it effected our business, the industry and the way we truck? Will highway safety have improved or is this just one big façade brought forth through special interest groups?

## Comments Welcomed

Please share your thoughts and views. Join in the conversation. Your thoughts and comments are always welcomed.

Blog:

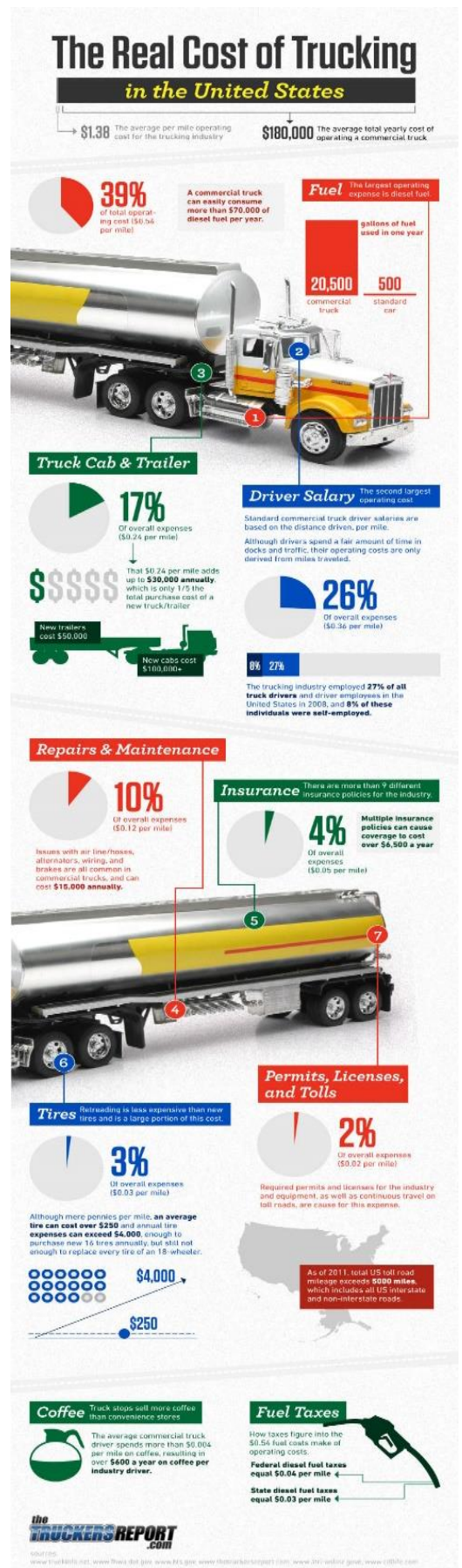
[http://thedotdoctor.com/the\\_dot\\_doctor\\_speaks](http://thedotdoctor.com/the_dot_doctor_speaks)

Facebook page

LinkedIn - DOT HELP GROUP

Reference:

Vice, A. (2010, November 23). Groups' lawsuit would block CSA 2010 carrier disclosure. *Overdrive*.



## READY OR NOT ELECTRONIC LOGGING DEVICES ARE HERE

Don Dyck

December 2015

The ELD mandate has passed the review with White House's Office of Management and Budget. It is now just a matter of time and we will all be using ELD's.

There will be many questions needing answers:

- How will this affect the transportation industry?
- How will it affect miles/remuneration to operators?
- Is this going to be a costly endeavour to my company?
- Where do I go to get both satisfying answers and help to implement the ELD strategies?



### Pros and Cons of ELDs

Let's look this over and spell out some pros and cons vs both systems



#### Paper vs ELD.

Having personal experience of both systems paper and ELD as operator and in management I have seen both advantages and disadvantages in each system.

Let's start first with **Management**.



#### Pros:

- ELD tracking systems you always know where your drivers are located and their duty status.
- Instant access to the minute of how much time they have left in the day.
- Dispatchers will be able to more effectively manage loads without pushing drivers to bend the HOS regulations.
- Less fines for HOS

violations

- Less space needed in the office to store previous six months of logs
- No more purchasing paper logs

each month, just one book for back-up, or paying to have the logs submitted to the office every 13 days while the drivers are on the road.

#### Cons:

- Price of implementing and training of the system.
- Roaming charges if using a phone based ELD when crossing a border.

#### The Safety Department –



#### Pros:

- Less HOS violations which mean safer drivers.
- No more trying to decipher some drivers handwriting
- With logs being electronically submitted daily, faster time to correct any violations with the driver.

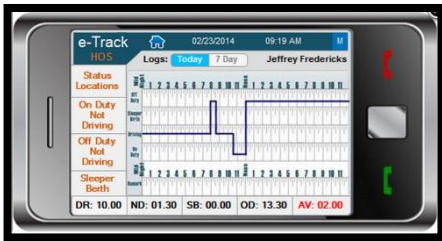
#### Cons:

- None for the safety department



## ELDs (cont'd)

### The Driver -



#### Pros:

- Less time filling out logs.
- Your logs are stored for you, and always available for your retrieval.
- Time tracked to the minute instead of to 15 minute intervals.
- Easily submitted to the carrier.
- Dispatch would be more organized, which means less pressure and stress.
- Easily switch between Canadian and US HOS.
- The ELD will let you know down to the minute how much time you have available for the day and the 60/70-hour rule.
- Logs are always current.
- ELD sticker on side of trucker often makes the inspection station an easy pass-through.

### Real World Example

While employed with one company we implemented ELD, we did it with just three drivers to start. We left the rest of the fleet on paper and did a trial run. We found that those three drivers embraced the system, they were receiving more miles per day due to more efficient dispatching.

Management appreciated knowing where their drivers/operators were located. This also assisted with accuracy of time relay to customers.

In turn the safety department noticed drivers stress reduced. The results had positive results so it was rolled out to the rest of the fleet.

There were some negative thoughts from a couple of operators but after a few months it was embraced by all. This included our local and OTR drivers, and their ages were 25 to 72 years old, all was glad to see the new system.

When new drivers were being hired, and we explained that we were on ELD, the first comment they usually said was **"...so no fudging? ...we will be running legal? ...ok, this will be a lot less stress and easier."**

The cost of the system was more than what we paid to have paper logs for the drivers, but in the end we were making more money from what we gained while using the ELD. We saved by gained minutes for the drivers which meant more loads per year, happier customers, and a more productive work environment around the office.



### Provider Options

Are all ELDs created equally? From our experience; no, they are not. You need to consider your type of operation, area of operation, what all you desire to track and budget.

Cell phone and tablet ONLY apps, that are not connected to the engine, are not ELDs. These are simply log helper apps and will not meet the requirements of the new ELD mandate.



#### Cons:

- When paid by the mile, there is a possibility that the pay could decrease.





## ELDs (cont'd)

All ELDs in play today will not meet the requirements. Know what you are purchasing before you invest.

### ELD IMPLEMENTATION TEAM

The best way to  
ensure  
compliance is to  
hire an ELD  
Implementation  
Expert Team!

There are many different providers for ELD including Omnitrac, Bigroad, JJ Keller's Encompass, KeepTruckin and Peoplenet to name a few. They all have different options and payscale. ELDs can be surprisingly inexpensive to quite luxurious.

Overdrive created a great chart of different ELD companies, with options and what they offer. While TDD offers no guarantee that these systems are all going to be DOT Compliant; there is some great information here to being the comparison search.

Here is the link:

<http://www.overdriveonline.com/2015eldchart>.

pg. 15

FMCSA stated that it would require motor carriers to select an ELD system that connects to the engine of a commercial motor vehicle so driving time can be automatically recorded.

### Now What?

With all this information, what am I to do? Cellular or satellite or hybrid? Which system is right for me? Are all these systems legal? Why can't I just use a phone app? How do I get my drivers to accept this new mandate? How do we change our operations to function under these new tight schedules? How do I still compete in this market? Has the government just overstepped and gone "loco"?

### TDD ELD Implement Program

The DOT Doctor offers a team of implementation experts to ease your pain. We know ELDs. We have worked with many brands and understand their strengths and weaknesses. We also understand "maintaining the budget". Our Project Managers come in on or under budget 99.998% of the time.

TDD can assist in a major or a minor way. We can handle the heavy lifting from the very start to full finish or any part along the way. Let us create a comparison chart for your business, obtain the hardware, provide the training, roll-out the implementation and change management procedures to your full team (managers, supervisors and drivers), install the hard and software or arrange for the installation, be your phone support for your drivers and your point of contact for the entire process.

TDD has managed many projects; large and small. We have performed **ELD Planning and Implementation** many times and we are prepared to do it again for you! The countdown to compliance has begun.

**A positive implementation takes approximately 6-9 months.**

Equipment backlog is estimated at 6-months or more for some providers.

Don't delay and be caught without an ELD at the deadline. This will be a self-execution of your company.

Call TDD today for details on how we can assist you. **844-DOTDOCTOR!**



Reference:

[www.bigroad.com](http://www.bigroad.com)  
[www.ccjdigital.com](http://www.ccjdigital.com)  
[eoplenetonline.com](http://eoplenetonline.com)  
[www.eldfacts.com](http://www.eldfacts.com)  
[www.keeptruckin.com](http://www.keeptruckin.com)  
[www.kellerencompass.com](http://www.kellerencompass.com)  
[www.landlinemag.com](http://www.landlinemag.com)  
[www.omnitrac.com](http://www.omnitrac.com)  
[www.pwww.overdriveonline.com](http://www.pwww.overdriveonline.com)

"Any time a motor carrier, shipper, receiver, freight-forwarder, or broker demands that a schedule be met, one that the driver says would be impossible without violating hours-of-service restrictions or other safety regulations, that is coercion.

No commercial driver should ever feel compelled to bypass important federal safety regulations and potentially endanger the lives of all travelers on the road."

## PROHIBITION OF DRIVER COERCION

Don Dyck & Dr. Andrea Sitler  
December 2015

Electronic Logging Device (ELD) implementation required a second part to be efficient. ELDs would not work if carriers could edit logs without driver's consent or even if drivers could easily edit, aka falsify, their Record of Duty Status aka "logs" to gain hours. To help insure against these actions, the "Coercion of Commercial Motor Vehicle Drivers Rules," commonly referred to as the "Driver Coercion Rule" in industry circles; has been published in the Federal Register on Monday, November 30, 2015. This rule will go into effect in 60 days (approximately February 1, 2016).

According to the FMCSA, the Driver Coercion Rule proposes to "adopt regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMV) in violation of certain provisions of the Federal Motor Carrier Safety Regulations, including drivers' hours-of-service (HOS) limits and the commercial drivers' license regulations and associated drug and alcohol testing rules or the hazardous materials regulations."

"It is a game changer, because it is forcing upon shippers the duties and responsibilities they did not have," he said. "What we are saying is shippers will be forced to take responsibility for validating and verifying their carriers' information, which has not been the case before."

Mike Regan, chief relationship officer at TranzAct Technologies

## Drivers Own Their Logs

With this ELD mandate they have also added a Prohibition of Driver Coercion. First thing this means is that the drivers own their logs. A lot of companies believe that they own the driver's logs, but this is simply not the case. Logs are legal documents, whether paper or electronic, that the driver creates daily to show their work status during the day.

In Canada this means that only the driver is allowed to make a log for each day, and once it is signed, nobody including the driver is allowed to make any changes. In the USA changes can be made, but only with the permission of the driver.

This is an important part of the ELD mandate. Nobody can authorize any changes to the log to try and coerce the driver into doing more or saying he did less. Only the driver is allowed to OK the changes made to the log, and there has to be an attached note saying why the changes were made and by whom. Documentation is key to compliance in this area.

## Remember, Compliance and Safety are not synonymous!



## Driver Coercion (cont'd)

### What Will Non-Compliance Cost?

The second part of this Prohibition of Driver Coercion is the monetary penalties and fines for the carrier. If the motor carrier, shipper, receiver or transportation intermediaries are caught and proven to be coercing the driver, they can have up to \$16,000.00 dollars (new fine amount was increased 11/30/15) in fines per occurrence as well as up to \$250,000.00 penalty for punitive damages. Companies can also be required to cease operations.

*"...that an act of coercion by a carrier, shipper, receiver, or transportation intermediary does not absolve the driver of responsibility to comply with safety regulations, including HOS rules. It went on to explain that the FMCSA definition of coercion prohibits threats by the aforementioned parties to withhold future business from a driver for objecting to operate a vehicle in violation of safety regulations. What's more, FMCSA explained a threat would not constitute coercion unless the driver objects or attempts to object to the operation of a vehicle for reasons related to HOS or other regulations. Violations of the driver coercion rule would result in a fine of up to \$11,000, [now increased to \$16,000], said the FMCSA, coupled with the agency able to suspend, amend, or revoke the operating authority registration of a for-hire motor carrier, broker, or freight forwarder."*

### How Will My Business Change?

Elds will provide visibility to up to the minute availability of a driver. A driver's hours of service are always current. Dispatch and other's responsible for continuous HOS Compliance can easily see if a driver is on-track or going to exceed their HOS. This will allow for quick alternations in the routing and scheduling to maintain a high on-time delivery ratio without breaking any HOS or coercing drivers.

This may mean a change in how you operate or dispatch. You must monitor HOS of all drivers at all times to ensure FULL Compliance. There is no longer an excuse of "I didn't know he was out/close on hours". It is the carrier's job to use the tools and technology available to ensure compliance to all HOS rules at all times.

**"With great power comes great responsibility" - Voltaire**

### **This was never more true!**

Carriers must monitor their drivers. They must provide accurate information to those they provide service for instead of sending in a driver knowing that the driver cannot legally meet the shipper's requirements for delivery. This is a poor method of operation practiced by many that has caused drivers great grief over the years.

Shippers and transportation intermediaries have the right to be concerned. In February 2016, when this Driver Coercion Rules come into effect the communication process between carrier, shipper and driver

must evolve. Sixty (60) days is not long to break a decades old cycle of bad habits.

The industry has the tools, the technology and the know-how. It is time to use these tools for compliance and safety.

Driver pay may need to be revisited. Hiring and dispatch practices may need to be revisited. The days of "do me a favor" are over. Dispatchers and load planners need to do their jobs properly. A dispatcher is not just a mouth piece to the driver. This is a position of responsibility that holds accountability for compliance.

*"Our biggest concern with this rule is that it changes the presumption to what you knew to what you should have known, and it puts that onus on every shipper and every receiver and anybody who engages a truck, ...It is what you should know about the driver, which means you have to ask and means you are increasing their vicarious liability because now you have to know it creates a catch-22 situation."*

Bob Voltmann, president and CEO of the Transportation Intermediaries Association (TIA)

The DOT has always viewed this position in this manner even when companies have not.

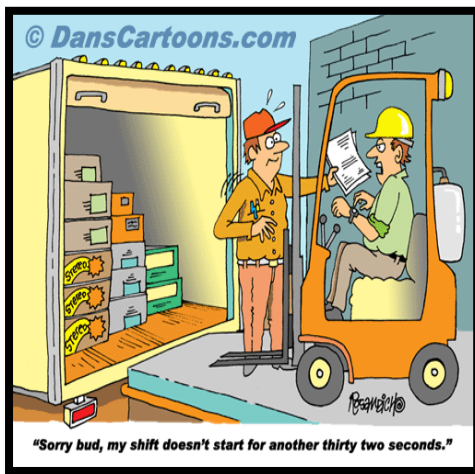
Shippers need assurances that their loads can be delivered legally. This



## Driver Coercion (cont'd)

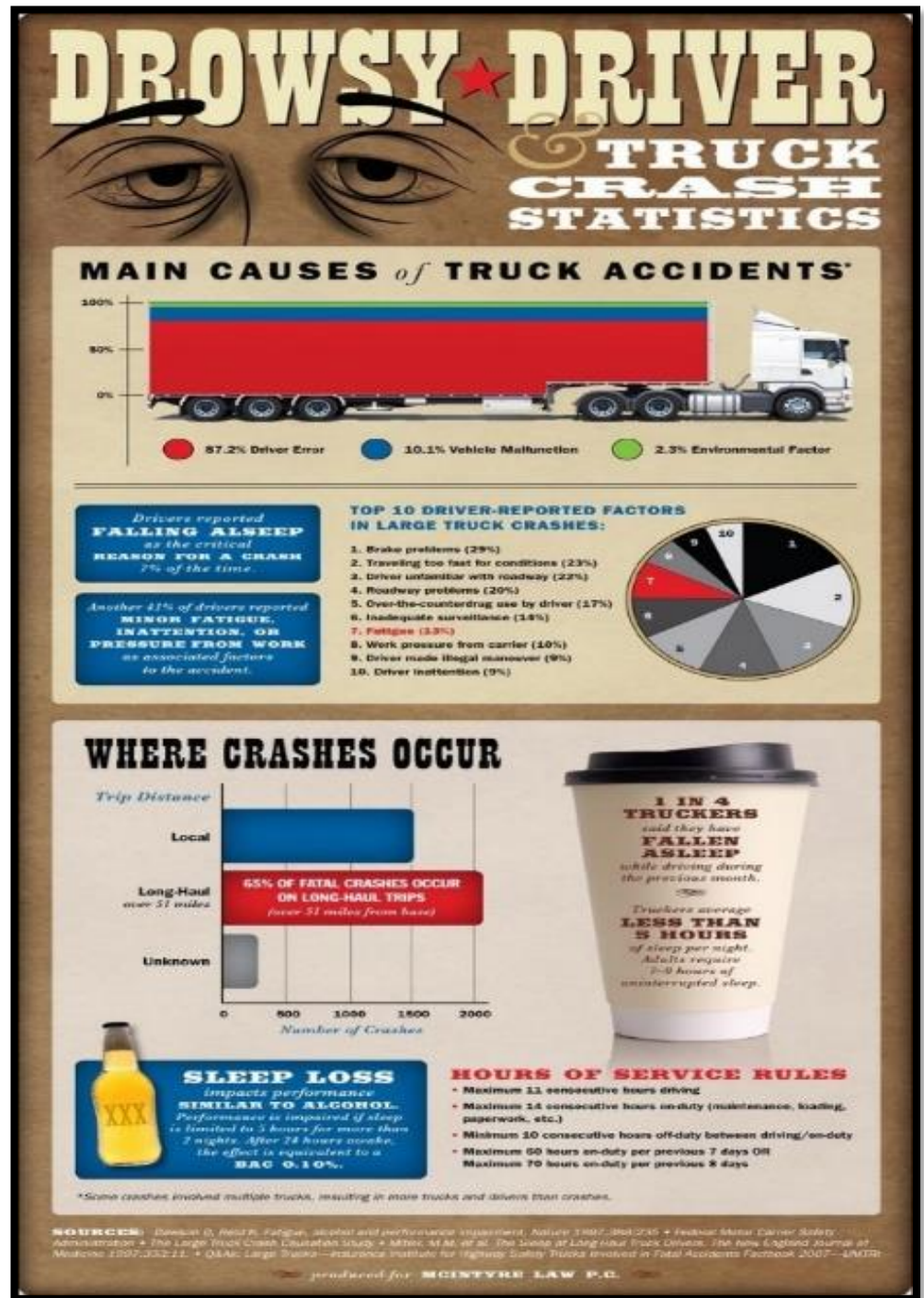
many mean that schedules will change or service providers may change. Shippers should have the right to view driver logs as a means of elevating fear of compliance issues. Likewise, shippers and receivers need to provide true unloading schedules. Driver detainment needs to be at a minimum or the detainer needs to be prepared to compensate the carrier and the driver for time consumed.

### Time is a commodity!



Driver time should have never been free. Interstate CMV drivers have a 14-hour clock and every minute counts. No more "fudging" with elogs. That is the entire point of the new system implementation.

It is time to train your staff, your drivers and your customers in HOS Compliance. Everyone must follow the rules. This is how the system will work and how safety, lack of driver fatigue, will improve. Any weak link breaks the system. Will you be the weakest link in your safety chain?



#### Reference:

Berman, J. (2014). Proposed FMCSA regulation regarding 'driver coercion' could be a game changer for trucking industry, *Logistics Management*, November

Oeuvres de Voltaire, Volume 48

[www.truckersnews.com](http://www.truckersnews.com)

For details about what FMCSA considers coercion and how to file a complaint, visit: [www.fmcsa.dot.gov/safety/coercion](http://www.fmcsa.dot.gov/safety/coercion)

## TRUCKER & CARRIER RESOURCES



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**We Go To Court & Win 9 out of 10 Cases**

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The advertisement features a blue and white header with the TVC logo. Below the header, there is a graphic of a truck on the left and a photograph of a red semi-truck on the right. The central text is in a bold, sans-serif font.

<http://www.truckersvoiceincourt.com>



<http://www.ooida.com>



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*Worry Less. Live More.*

Prepaid legal plans for Personal and Business

**Agent: Vanda Choate**  
**Email: [Vandachoate@yahoo.com](mailto:Vandachoate@yahoo.com)**  
**<http://www.legalshield.com>**

The advertisement for LegalShield features a large, stylized logo with a yellow arc above the word "LegalShield". Below the logo, the tagline "Worry Less. Live More." is written in a smaller font. The text "Prepaid legal plans for Personal and Business" is in a bold, sans-serif font. The agent's name, email, and website are listed at the bottom in a bold, sans-serif font.

<http://www.legalshield.com>

MORE GREAT RESOURCES MAY BE FOUND AT: <http://thedotdoctor.com/resources>



**GLOBALTRANZ®**  
FREIGHT DRIVEN BY TECHNOLOGY

The GlobalTranz logo is presented in a large, bold, blue font. Below the main logo, the tagline "FREIGHT DRIVEN BY TECHNOLOGY" is written in a smaller, grey font. The entire logo is enclosed in a black rectangular border.

<https://www.globaltranz.com>



## WHAT A DIFFERENCE A HALF YEAR MAKES!

A Success Story in Safety Management, CSA Score Improvement and DOT Compliance  
Dr. Andrea Sitler December 2015

The DOT Doctor is very fortunate to have two (2) very similar success stories to offer this year. Shortly after CSA 2010 was implemented, we designed a DOT Compliance Boot Camp. Highly selected customers were offered the opportunity to partner with us in this endeavour.

The carrier had to be dedicated to safety and have a firm commitment to DOT Compliance. They must have a desire to improve and want to put their efforts into actions. This is not a program for carriers who "hope" their score will improve but have no desire to change their way of doing business. This is an intense change management program for the entire company.

### THE RESULTS ARE AMAZING!

**In half a year, six (6) months; this carrier went from "OUT OF BUSINESS" to an Interstate Hazmat carrier with a fleet size increase of 500%.**

A carrier's CSA score rules their business. It dictates everything

THIS IS AN INTENSE UNDERTAKING WITH AMAZING RESULTS!

TDD BOOTCAMP BEGINS APRIL 2015							
ABC TRUCKING	JUNE 2014	SEPT 2014	DEC 2014	MAR 2015	JUN 2015	SEPT 2015	OCT 2015
STATUS	ACTIVE	UNSATISFACTORY	SUSPENDED	SUSPENDED	CONDITIONAL	NOT RATED	SATISFACTORY
CARRIER OPERATION	INTERSTATE	INTERSTATE	INTERSTATE	INTERSTATE	INTERSTATE	INTRASTATE NON-HAZMAT	INTERSTATE HAZMAT
NUMBER OF POWER UNITS	4	4	4	4	18	17	21
NUMBER OF DRIVERS	4	4	4	4	14	18	21
NUMBER OF INSPECTIONS	5	7	7	7	7	9	4
NUMBER OF CRASHES	0	0	1	1	2	2	2
UNSAFE DRIVING	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS
HOS COMPLIANCE	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS
VEHICLE MAINT.	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS
DRUGS/ALCOHOL	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS
DRIVER FITNESS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS	BELOW THRESHOLD LIMITS
TX DOT	ACTIVE						

from insurance rates to available contracts. Any rating other than **Satisfactory** is a death warrant for a public carrier. Even private carriers feel the wrath of an Unrated or non-Satisfactory score.

Before coming to TDD, this carrier was out of business. They had failed an audit the doors were closed. They had turned to others for help but with no success. In fact, the one provider actually made things worse! Due to that provider's mistake, this carrier went from **Unsatisfactory** to **SUSPENDED**!

Less than a year ago we began helping this carrier with their compliance efforts. TDD worked with the DOT on their behalf. We found a carrier that they could subcontract through for a limited period while we put Upper Management through an intense DOT Training program.

CSA Boot Camp began in April. We created Policies and Procedures,

Driver Qualification Files, CMV Driver handbooks, Maintenance Files, D&A Program and Driver and Vehicle Master Lists. Training Programs were established and implemented ELDs. Mechanics were sent for air brake training. Driver training begun with HOS and Drug and Alcohol Awareness then progressed to Defensive Driving along with a myriad of other topics.

Our program addressed all aspects of the **7 BASICS to ensure full DOT Compliance**. We needed to have this carrier DOT audit ready!

Three (3) months later, June 2015, the DOT was invited back to review and audit the carrier. DOT Authority was fully restored and the carrier rated as **Conditional**.

The program continued onward and by September, the carrier with four (4) triangles now only has one (1) triangle remaining. In October, we gained them their hazmat authority. They added five (5) new accounts in the next thirty (30) days!



# PROGRAM

6-Month DOT Compliance Boot Camp

Monthly Investment \$10,000

TDD Safety Team onsite + additional remote support

## ACTION PLAN

Create a fully encompassing DOT Compliance Program that can withstand  
State DOT & US DOT audits

Increased company wide  
understanding of DOT Compliance

Direct HOS training

Onsite log auditing

Onsite PTI training

Onsite DQF management to  
ensure proper steps are taken

Comprehensive Driver  
Orientation Program which is

Monthly Safety meetings to  
further implement the new safety

Onsite Maintenance review

## GOAL

Invite State DOT and US DOT in for an Audit

Upgrade Status and add Hazmat authority (if applicable)

Reduced insurance costs

## RESULT

This allows for company growth by opening the door to new  
contract options due to improved score

**CSA BOOT CAMP  
CALL FOR DETAILS  
844-DOTDOCTOR**

A Word  
from  
Our  
CFO,  
Isabella  
Sanchez



Feel free to contact me directly with any questions you have about your invoice or other billing concerns.



A big thank you for everyone who pays on time either through our online system, Autopay or via the mail. Timely payments are appreciated!!!

Autopay option is now available. One less check to write. One less letter to mail. With Autopay, we will auto bill your credit card on your due date each month. Invoices will still arrive via email. Just fill out the Autopay form and you are set.

Email me directly to request a form to begin Autopay:

[isanchez@thedotdoctor.com](mailto:isanchez@thedotdoctor.com)

The market is tough right now. For the 2nd quarter we have seen a decline in rates as well as freight volume.

As oil prices fall; so do jobs. It may be nice to feel less pain at the pump but it is only a temporary reprise. Each time pump prices fall; unemployment in the oil and gas sector rises. It is a rough cycle.



**WISHING EVERYONE A  
SAFE, HAPPY AND  
PROSPEROUS NEW YEAR!**



## Highway Bill 2016

Dr. Andrea Sitler & Charlene Belloso  
December 2015

### Introduction

Our infrastructure is crumbling. Roads need to be widened not just maintained and yet the government states there is not enough funds to do either. So while the industry pushes for longer doubles and heavier trailer limits; our roadways and bridges crumble under us. This is not new news. The funding issue is not new news. This is circular debate that has reoccurred for years. Truckers pay millions each year in Highway Taxes still to hear, over and over again, that there are no funds for highway repair.

My saga began on this subject with **TEA-21** (1998) ([http://thedotdoctor.com/tea\\_21](http://thedotdoctor.com/tea_21)). In a sense, the predecessor to MAP-21. MAP-21 is the encompassing program that addresses our highway funding and pending regulations. The bill before us this year will set the stage for 2016 Compliance efforts.

Aaron Huff of CCJ, wrote on November 20, 2015 in his article, *Highway bill presents tough challenges for FMCSA* excerpts on the proposed bill and Bill Quade's commentary. Bill Quade is in charge of implementing new programs and regulations for the Federal Motor Carrier Safety Administration. In his opinion, "the highway bill now moving through Congress will test the agency's limited resources".

The limited resource argument has become quite a popular one this year. It is blamed for a myriad of issues that will be "unenforceable" or challenging to enforce due to the limited reach of the FMCSA. How many carriers have paid fines this year or been placed out of service? Is their reach truly limited?

While they may not be an omnipotent division of the Federal Government, their reach is hardly limited. State and local agencies have joined forces to help

police and enforce FMCSA policy. Nonetheless, here are Quade's words.

### Comments from Quade

...Turning to the highway bill, Quade questioned why Compliance, Safety, Accountability scores will be removed from public view until regulators rework the program. If CSA scores are not public, carriers will have to field a lot of information requests from shippers and insurance brokers. The FMCSA had 72 million hits on its websites last year, he said, and predicted that the Freedom of Information Act (FOIA) office may be overwhelmed.

At any rate, the agency will continue to use CSA scores to identify carriers for interventions as it makes new proposals and changes to the program. One change underway now is the "utilization factor" and segmenting of the Hazmat BASIC. The agency is going to give carriers a preview of what these changes will do to their CSA scores "in a couple of weeks," he said.

TDD (our interjected comments in black) is watching closely for these changes to come online. We will be communicating with our clients on what effect this new scoring method might have had on their score. With this new change having unpredictable effects, it is a good time to make scores non-public. The upside, it is high time that the people behind CSA finally see the difference between a mean score and an average. Their statics did not add up for fringe carriers. Hopefully this utilization factor will help narrow that gap. It is more focused on high mileage carriers, aka team runners, than it is for small carriers based upon the last set of information I found available on the topic.

The highway bill also requires FMCSA to implement a new program to assign crash preventability. The idea is to exclude crashes deemed as non-preventable from carriers' CSA scores, such as when a vehicle rear-ends a commercial vehicle.

Preventability should have always been a factor. There is no excuse for this not being considered. Ignoring this critical fact can make a carrier appear to be accident prone.

Quade believes the agency will have a "difficult time" implementing this because of limited resources. FMCSA will have to review approximately 120,000 commercial vehicle crashes per year, and "we are not going to do in-depth accident reconstructions because that is economically prohibitive."

Suggestion to the issue; use Villigo crash solutions, use the insurance agency findings or the carrier's accident recreation data. Any carrier that is involved in an accident should take the proper measures to document the situation and verify the conditions. DOT requires you to create an Accident log and file. While not submit that information, just like you have to submit an OSHA report, and FMCSA can use that data for their determinations. NO more excuses for "limited resources" or lack of funding.

He warned of unintended consequences for the government assigning crash preventability. The conclusions "may get used out of context," he said, like possibly being used as evidence in civil lawsuits brought against carriers.

The House of Representatives' version of the highway bill flat lines FMCSA's budget for the next six years. In real



## HB 2016 (cont'd)

terms this represents an 11 percent decrease in funding, he said.

"Some of you may think that's a good thing, and that's okay, but it does make it difficult to do new programs," he said. Despite limited resources, he estimates that FMCSA will be able to have a crash preventability program running in six months after the bill passes.

Beyond Compliance is a program included in the Senate version of the highway bill, and is required to be implemented before CSA scores go public again. The intent is for carriers to be given credit for doing things above compliance such as installing collision avoidance technologies.

The program is a good idea, Quade said, but "we are not best people to run it" due to limited resources to verify that fleets are actually doing what they claim.

"We have 400 investigators for 500,000 trucking companies. We do not have enough people to get to the worst companies, much less divert people to companies that are doing extra things," he said.

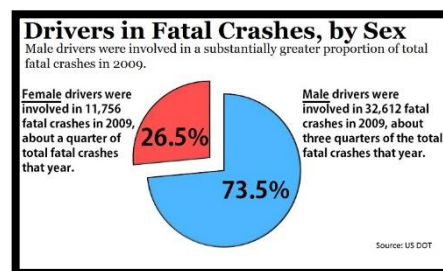
Beyond Compliance is a good concept. Seeing this program in action, may change my mind, as it too often does. The government takes many good concept programs and ruins them in implementation. Special interest groups tend to cause a deviation from the true intent when the result may exploit a fact or financial condition that is likely to not agree with their position. As always, any result can be twisted to

gain the outcome that one desires if they try hard enough.

Carriers who go beyond, should be given credit for their added efforts. They should be the mentors and shining examples for the other fleets. On that same note, it is important to "see" proof of these extra measures in action. As with any CAP or statement of action, it is necessary to clearly see and obtain proof of ongoing efforts. A one-time "try" does not constitute compliance yet alone "extra effort".

As for only 400 investigators; what is the real total once state agencies are added into the mix? Looks like it is a good thing that CSA caused the closure or downgrade of 40% of the interstate carrier fleet since investigators are claimed to be at such a short supply. ([http://thedotdoctor.com/the\\_dot\\_doctor\\_speaks](http://thedotdoctor.com/the_dot_doctor_speaks))

Another difficult-to-implement program in the highway bill is CDL training for drivers under the age of 21. "I have mixed feelings about this. I am more comfortable doing a pilot before implementing nationally," he said. "The stats say that inexperienced drivers are much, much less safe."



Under age 21 drivers for interstate trucking is a shared concern of many. While we need more drivers, the problem is not "finding a pulse to fill a seat" but finding a qualified driver to professionally operate the equipment and deliver the load. Adding under 21 year olds to this profession is not necessarily the cure. Statistically, males

in this age group are aggressive and unsafe drivers. Considering that the driving population for trucking is still over 80% male; this is not a strategic implementation. A pilot program may allow us all to become more comfortable with the prospect of younger drivers in an 80,000 lb. rolling "bomb".

### Looking Ahead: Upcoming Rules from FMCSA

Quade then gave an update on upcoming rules from the FMCSA:

- E-log and driver coercion rules have cleared the White House's Office of Management and Budget. Quade predicted they will be published as final rules between Thanksgiving and Christmas Day. Soon after, the agency plans to hold webinars to "make sure everybody understands what is and what is not required, and when," he said.

As we have seen, the Driver Coercion rules were entered into the Federal Register on November 30, 2015. Failure to comply can result in up to a \$16,000 fine and shut down.

### The Safety Fitness

#### Determination proposed rule

will be reviewed by OMB "soon," he said, and published before Christmas. The proposal uses on-road performance data to rate companies. The rule will allow the agency to keep ratings current on more carriers.

Currently, safety ratings are given to carriers after on-site compliance reviews. FMCSA is able to visit 15,000 carriers a

## HB 2016 (cont'd)

year, but there are about 500,000 registered carriers, he said. Once published, FMCSA plans to do a webinar to explain the differences between the current Safety Measurement System and the new rule.

- [A proposed rule for entry level driver training](#) will be available in the “next month or two” for comments, he said.
- [A CDL Drug and Alcohol Clearinghouse Final Rule](#) will be published in early 2016. The rule would create a database of drivers who have failed or refused to take a drug or alcohol test. Carriers would then be required to query the database when making hires and upload drug testing information. Quade said the database will “take some time” to implement once the rule is published.

The D&A Clearing House has been on the radar for almost a decade. Due to the lack of response to SPH requests, this is going to be a wonderful resource. TDD is looking forward to this coming into action. Testing for synthetic marijuana, as recommended by NTSB is another excellence addition to this Clearing House.

- A rule to mandate the [use of speed limiters](#) on heavy trucks

is currently being reviewed by the OMB.

Speed limiters have a place but to govern all vehicles at the same speed is creating a road hazard. This theory may work with Autotronic Vehicles but as long as a human is behind the wheel, there is will always be a natural desire to find one's place in the “pecking order”.

Drivers are already feeling the hour squeeze between the 14-hour rule and ELDs. Wiggle room is gone! Now forcing all trucks to run at the same speed is only causing chaos. Until all main highways have truck only lanes; this is not practical. Why create a 5 or 10 mile rolling roadblock as one truck tries to pass another unsuccessfully?

- A proposed rule, perhaps available next year, will streamline the [transition of military members to CDL holders](#) in civilian life. “We’re going to get to point where when you come out of the military you will get a regular CDL,” he said.

Our military deserve a break. They handled much more than an 80,000 lbs. rig while in combat. The main issue I see here and many of my clients have experienced in the veteran hiring process, is that fact that an OTR trucker runs straight until he is forced to take a break. Transitioning military to civilian drivers; this is not the norm. Military are used to forced breaks that occur hourly. This along with civilian HOS rules, weight station requirements and other transitional issues; the idea is of merit. A transition program needs to be implemented to address the differences but the transfer of a military license to

a CDL should not be something that is made difficult for our veterans.

### In Conclusion

Change is on the horizon. Will these rules make our highways safer or will just generate more revenue for the government and other enforcement bodies? Only time will tell. There are currently some good things in the pipeline that can help us all. There are also some damaging items. Many of these perceptions have to do with your thoughts and feelings on what you perceive as safe actions. In the end, we all know that the insurance companies “write the rules” but we can still influence the outcome.

With so much looming on the horizon make your voice heard. Your comments can still be added. Add your comments to these topics and more. Take an active stance in rules that will be effecting your industry, your livelihood and your pocketbook. Stay informed and submit your comments at: <https://www.federalregister.gov> as well as on our Blog and in our DOT HELP Group on LinkedIn.

Want the information in easy to read language instead of government jumble? Subscribe to [TDD's blog](#) and newsletter.

Feeling overwhelmed with all these changes and proposed changes? Subscribe to a TDD service plan. Take a load off. Leave the compliance issues to us. We're up reading this stuff anyway!

### Resource:

Quade's words - [http://www.ccdigital.com/highway-bill-presents-tough-challenges-for-fmcsa/?utm\\_source=daily&utm\\_medium=email&utm\\_content=11-23-2015&utm\\_campaign=Commercial%20Carrier%20Journal&ust\\_id=46bf747f1af0d3a5462a9ee58250a858&#sthash.4KXNZDF7.dpuf](http://www.ccdigital.com/highway-bill-presents-tough-challenges-for-fmcsa/?utm_source=daily&utm_medium=email&utm_content=11-23-2015&utm_campaign=Commercial%20Carrier%20Journal&ust_id=46bf747f1af0d3a5462a9ee58250a858&#sthash.4KXNZDF7.dpuf)

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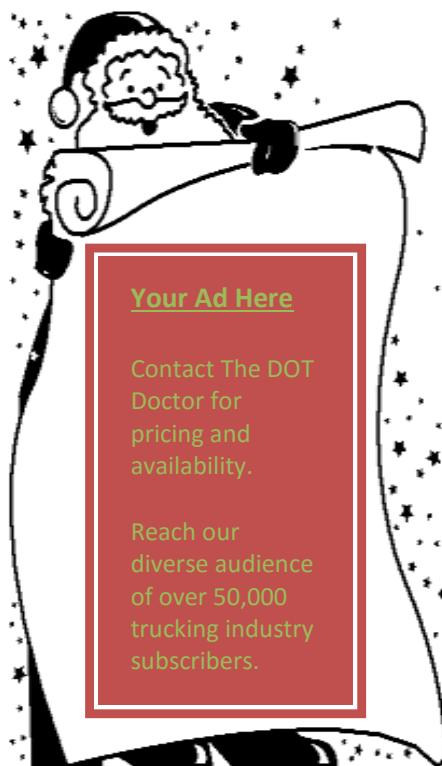
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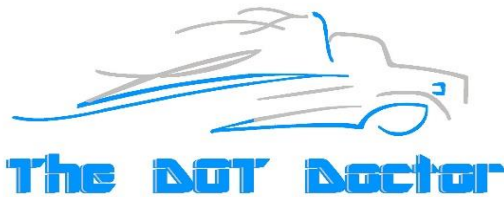


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## WHAT'S NEW AT TDD?



The DOT Doctor is happy to announce that we have gone International this year!  
TDD now services all of North America.

### New Additions to Our Staff:

Don Dyck  
 Blanca Dyck  
 Charlene Belloso  
 Jose Belloso  
 Patrick Sedlock  
 Brandi Knotts  
 Dr. Andrea Sitler, PhD, DSC, CSP, CLP

VP International Division  
 Spanish Interpreter and Translator  
 VP Client Development (return to TDD after a 3-year hiatus to pursue a teaching career)  
 Maintenance Supervisor  
 Sales  
 Customer Service Representative (CSR) assists in sales and tax filings  
 Founding Partner (return after 2-years with J.J. Keller)

### Business Expansions:



Home Office and Training Center  
 opened in Gun Barrel City, TX



Partnered with Wheels On in  
 Central Alberta to expand our  
 Canadian base while offering both  
 of our customers' more safety and  
 training options.



Established our presence in  
 Mexico at the "Pearl of the  
 Pacific," Mazatlan, Sinaloa.

### Expansion Plans 2016:

General Business	Staffing	International (Mexico Division)
Training Seminars & Conferences <a href="http://thedotdoctor.com/conventions">http://thedotdoctor.com/conventions</a>	Receptionist & Clerical – log and IFTA specialists	Support Staff
Additional Training Kits & Classroom sessions	Growth of the Sales Division – Sales Manager and Sales Staff	Growth of the Sales Division – Sales Manager and Sales Staff
Log auditing options including elog options	DOT & OSHA Safety Consultants	Autotransporte Federal Regulaciones Expert Consultant



## In the Next Issue

### THE ECONOMY AND TRUCKING

Did your business survive 2015? How many trucking companies closed their doors this year? How is the high cost of doing business along with increased regulations effecting your bottom-line?

Special section geared for Owner/Operators in this report. Are they the wave of the future or a dinosaur from the past?





Send in your comments to be included in this exclusive article.

(<mailto:info@thedotdoctor.com>)

### FAST ACT DISCUSSION

The Highway Bill should be signed into law by our next edition. Discussion will cover how these new rules will affect your business as well as timeline for implementation.

#### Get Social with TDD

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-  LinkedIn – Company Page & DOT HELP GROUP
-  Twitter
-  Yelp

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([http://thedotdoctor.com/tax\\_filings](http://thedotdoctor.com/tax_filings))





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**The DOT Doctor**

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FOR EVERY TOY + 5 CAN GOODS DONATED



## Log Auditing Service by The DOT Doctor

### Notification of Log Violation(s)

Driver name: Jose Ramirez ID: Terminal:

Today's date: JULY 2 2015 Log audit date: JULY 2 2015 Log date(s): JUNE

In auditing your records of duty status (logs) from the above regulations, the following violation(s) were discovered:

DESCRIPTION	No.	Total Miles	DRIVER'S DAILY LOG
Date	12-1	123	12-1
Date	12-2	123	12-2
Date	12-3	123	12-3
Date	12-4	123	12-4
Date	12-5	123	12-5
Date	12-6	123	12-6
Date	12-7	123	12-7
Date	12-8	123	12-8
Date	12-9	123	12-9
Date	12-10	123	12-10
Date	12-11	123	12-11
Date	12-12	123	12-12
Name			
Signature			
Carrier address			
Co-driver name miss			
Total hours missing/error	\$35		
X Shipping no. or shipper/commodity	\$395.8(h)(11)	No Manifest shipped	
Changes in duty status missing/error	\$395.8(h)(5)		
Location(s) missing/error	\$395.8(h)(5)		

DESCRIPTION	SECTION	NOTES
Log graph incomplete/error	\$395.8(h)	
Log graph incomplete/error	\$395.8	



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[http://thetdotdoctor.com/auditing\\_logbooks](http://thetdotdoctor.com/auditing_logbooks)

Driver's signature \_\_\_\_\_ Co. official's signature \_\_\_\_\_

Paper and eLog Service



# FAST ACT

The Fixing America's Surface Transportation (**FAST**) Act is five-year legislation to improve the Nation's surface transportation infrastructure, including our roads, bridges, transit systems, and rail transportation network. The bill reforms and strengthens transportation programs, refocuses on national priorities, provides long-term certainty and more flexibility for states and local governments, streamlines project approval processes, and maintains a strong commitment to safety.

## **ROADS & BRIDGES**

- Facilitates commerce and the movement of goods by refocusing existing funding for a National Highway Freight Program and a Nationally Significant Freight and Highway Projects Program
- Expands funding available for bridges off the National Highway System
- Streamlines the environmental review and permitting process to accelerate project approvals, without sacrificing environmental protections
- Eliminates or consolidates at least six separate offices within the Department of Transportation and establishes a National Surface Transportation and Innovative Finance Bureau to help states, local governments, and the private sector with project delivery
- Increases transparency by requiring the Department of Transportation to provide project-level information to Congress and the public
- Promotes private investment in our surface transportation system
- Promotes the deployment of transportation technologies and congestion management tools
- Encourages installation of vehicle-to-infrastructure equipment to improve congestion and safety
- Updates research and transportation standards development to reflect the growth of technology

## **PUBLIC TRANSPORTATION**

- Increases dedicated bus funding by 89% over the life of the bill
- Provides both stable formula funding and a competitive grant program to address bus and bus facility needs
- Reforms public transportation procurement to make federal investment more cost effective and competitive
- Consolidates and refocuses transit research activities to increase efficiency and accountability
- Establishes a pilot program for communities to expand transit through the use of public-private partnerships
- Eliminates the set aside for allocated transit improvements
- Provides flexibility for recipients to use federal funds to meet their state of good repair needs
- Provides for the coordination of public transportation services with other federally assisted transportation services to aid in the mobility of seniors and individuals with disabilities
- Requires a review of safety standards and protocols to evaluate the need to establish federal minimum safety standards in public transportation and requires the results to be made public

## **HIGHWAY & MOTOR VEHICLE SAFETY**

- Focuses funding for roadway safety critical needs
- Increases percentage of National Priority Safety Program states can spend on traditional safety programs
- Ensures more states are eligible for safety incentive grant funds and encourages states to adopt additional safety improvements
- Encourages states to increase safety awareness of commercial motor vehicles
- Increases National Highway Traffic Safety Administration civil penalties cap

## ★★★ SUMMARY ★★★

- Increases funding for highway-railway grade crossings
- Requires a feasibility study for an impairment standard for drivers under the influence of marijuana
- Improves the auto safety recall process to better inform and protect consumers
- Increases accountability in the automobile industry for safety-related issues
- Prevents the rental of cars with safety defects

### TRUCK & BUS SAFETY

- Overhauls the rulemaking process for truck and bus safety to improve transparency
- Consolidates truck and bus safety grant programs and provides state flexibility on safety priorities
- Incentivizes the adoption of innovative truck and bus safety technologies
- Requires changes to the Compliance, Safety, Accountability program to improve transparency in the FMCSA's oversight activity
- Improves truck and bus safety by accelerating the introduction of new transportation technologies

### HAZARDOUS MATERIALS

- Grants states more power to decide how to spend training and planning funds for first responders
- Requires Class I railroads to provide crude oil movement information to emergency responders
- Reforms an underutilized grant program for state and Indian tribe emergency response efforts
- Better leverages training funding for hazmat employees and those enforcing hazmat regulations
- Requires real-world testing and a data-driven approach to braking technology
- Enhances safety for both new tank cars and legacy tank cars
- Speeds up administrative processes for hazmat special permits and approvals
- Cuts red tape to allow a more nimble federal response during national emergencies

### RAILROADS

- Provides robust reforms for Amtrak, including reorganizing the way Amtrak operates into business lines
- Gives states greater control over their routes, by creating a State-Supported Route Committee
- Speeds up the environmental review process for rail projects, without sacrificing environmental protections
- Creates opportunities for the private sector through station and right-of-way development
- Consolidates rail grant programs for passenger, freight, and other rail activities
- Establishes a Federal-State Partnership for State of Good Repair grant program
- Strengthens Northeast Corridor planning to make Amtrak more accountable and states equal partners
- Allows competitors to operate up to three Amtrak long-distance lines, if at less cost to the taxpayer
- Strengthens passenger and commuter rail safety, and track and bridge safety
- Preserves historic sites for rail while ensuring that safety improvements can move forward
- Unlocks and reforms the Railroad Rehabilitation and Improvement Financing (RRIF) loan program
- Includes reforms to get RRIF loans approved more quickly with enhanced transparency
- Provides commuter railroads with competitive grants and loans to spur timely Positive Train Control implementation
- Provides competitive opportunities for the enhancement and restoration of rail service
- Increases the rail liability cap

### ADDITIONAL PROVISIONS

- Includes strongly bipartisan measures to simplify rules and regulations, aid consumers, enhance our capital markets, assist low-income housing residents, and help build a healthier economy
- Includes bipartisan provisions to provide energy infrastructure and security upgrades
- Streamlines the review process for infrastructure, energy, and other construction projects

### FINANCING PROVISIONS

- Includes fiscally responsible provisions to ensure the bill is fully paid for
- Ensures the Highway Trust Fund is authorized to meet its obligations through FY 2020
- Directs offsets from the FAST Act into the Highway Trust Fund to ensure fund solvency
- Reauthorizes the dedicated revenue sources to the Highway Trust Fund, which periodically expire