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# The Safety and Risk Challenge in Trucking



## Exceeding federal standards can pay off.

The Federal Motor Carrier Safety Regulations set safety and operation standards for companies and individuals operating trucks, vans, buses, and other commercial motor vehicles involved in interstate commerce. It is critical to remember that the Federal Motor Carrier Safety Regulations (FMCSRs) are *minimum* standards, and motor carriers can, and should, go beyond the minimum requirements to enhance the safety of its operations.

Recognizing that the FMCSRs are minimum requirements, here are some suggestions of specific areas in which additional care, attention, and consideration should prove helpful to any motor carrier in making the roads safer and minimizing its exposure in the event of an accident:

**Hiring.** The FMCS Administration has identified the qualifications needed to drive a commercial motor vehicle. There are also physical qualifications a truck driver must meet. A motor carrier must have documented proof that the driver is

physically qualified before the driver is able to begin driving a commercial motor vehicle. The driver must remain physically qualified at all times while driving. According to the FMCSA, the purpose of these standards is to make certain drivers do not have any physical or mental conditions that could seriously affect their ability to control or operate a motor vehicle safely under all conditions. For example, a driver with a history of cardiovascular conditions could seriously impede on the safe operation of the motor vehicle.

A motor carrier would be well-served to look closely at the drivers they hire to ensure they not only meet, but exceed, the requirements for driving a commercial motor vehicle. For instance, monitoring and testing drivers for sleep apnea can decrease the chances of putting a fatigued

driver on the road.

All motor carriers are required to check into the employment history of each new driver they employ. The background check must be completed and documented within 30 days of the date employment begins. The investigation into the driver's background may be completed by any means deemed appropriate, including personal interviews, telephone interviews, and letters. The FMCSA outlines a multi-step background process.

Again, a motor carrier would be well-served to go beyond the minimum requirements in the process of hiring new drivers. For instance, a carrier could implement a detailed, face-to-face interview process with any prospective driver. In doing so, the motor carrier could explore certain aspects of the driver's personality and temperament, aspects that may not be readily apparent by the normal background check methods. This would help to ensure that a driver with the appropriate mindset and temperament is hired.

**Inspection and Maintenance of Vehicles.** Proper and regular vehicle inspections and maintenance programs are vital to commercial motor vehicle safety. Employers whose inspection and maintenance programs are lacking will experience more accidents, more roadside violations, more vehicles being placed out of operation, and many other consequences. The vehicle inspection and maintenance requirements found in the FMCSRs apply to all commercial vehicles and the employers and employees operating them. Accordingly, implementing a program that enforces the importance of the systematic lubrication inspection and maintenance of vehicles can only lead to a safer vehicle being on the roadway.

**Driving in extreme weather.** The FMCSRs provide guidance for the operation of a motor vehicle in hazardous conditions. Specifically, 49 CFR 392.14 states:

*Extreme caution in the operation of a commercial motor vehicle shall be exercised when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the operation of a commercial motor vehicle shall be discontinued and shall not be resumed until the commercial motor vehicle can be safely operated. Whenever compliance with the foregoing provisions of this rule increases hazard to passengers, the commercial motor vehicle may be operated to the nearest point at which the safety of passengers is assured.*

A motor carrier should emphasize this regulation with its drivers and stress the importance of exercising "extreme caution" in hazardous conditions. Moreover, given the available technology with computers and smartphones to provide generally accurate, real-time conditions, as well as forecast a variety of potentially hazardous weather conditions, companies should employ a process of monitoring the weather forecast to provide its drivers with updates or warnings before they encounter any hazardous conditions. **1**

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