

**\*\*For PSC Insiders Circle Members only\*\***

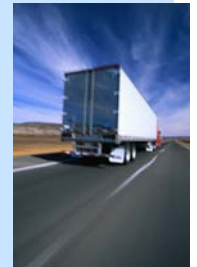
# Friday Safety Brief®

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## Safety Regulations Affecting Intrastate, Private Motor Carriers and Others

Last week, we met with very astute CEO's of private carriers (trucks), tour & charter (passenger operations), towing operators, and several other types of operations who are subject to either the Federal Motor Carrier Safety Regulations, or, the same regulations as adopted by their State (Intrastate commercial vehicle operators). Some of these companies were very cognizant of all of the rules and some were "somewhat" aware of the rules, such as having the required CDL qualified drivers, along with drug/alcohol testing, but with incomplete driver qualification files and other requirements. These are "top notch" operations which, in practice, follow safety rules and run sophisticated operations but are missing some required files and records. In short, it's "paperwork".

These operations, not necessarily "truckers" transporting property for hire, or passengers, but rather transporting their own "tools of trade" and/or their own products, are subject to the Federal Motor Carrier Safety Regulations (if crossing state lines), or, the State Safety Regulations, if you operate within your state. If your state has adopted the Federal Safety Regulations, you are subject to those rules, but under state jurisdiction. In short, if you operate commercial vehicles in excess of 10,000 lbs *actual weight* or *gross vehicle weight rating* (check the door plate on each vehicle for this information), or if you transport 9 or more passengers, you are probably subject to these safety regulations.



Some states which have adopted the Federal Regulations have also made some exemptions, changes in weight requirements or other changes, which might exempt your operations from SOME of the regulations. In those cases, you should become aware of any of those exemptions or changes. Your state will have a "motor carrier enforcement division". Sometimes this enforcement responsibility lies within the State Patrol or your state Department of Transportation or Public Safety. You can usually find this out through the driver license authorities and they normally have a "Motor Carrier Handbook" to explain your state's rules.

We typically find that many operations comply, in practice, with the majority of these safety regulations but many simply do not have the required files and records. For those carriers who are part of our membership programs, the forms and information required for files and records are available on our website, which you already have access to. All of these are free for our members. If you have any questions regarding these regulations, files & records, you are welcome to call us for clarification, at no cost. The real point here is that there is little reason for your operation not to be in full compliance with the regulations. Non-compliance can cost your operation, needlessly, and compliance is relatively easy, when the required paperwork is completed.✿

**Federal Register: 9.22.10**



### Change to FMCSA Policy on Calculating and Publicizing the Driver, Vehicle, and Hazardous Materials OOS Rates and Crash Rates

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of enforcement policy amendment.

**SUMMARY:** Under 49 CFR 385.407 FMCSA may not issue a hazardous materials safety permit (HMSP) to a motor carrier having a crash rate, or driver, vehicle, or hazardous materials (HM) out-of-service (OOS) rate in the top 30 percent of the national average. This document revises the date used to calculate the threshold crash and OOS rates, from calendar year cycles to fiscal year cycles, from October 1 of a given year to September 30 of the following year. This will provide motor carriers and the industry a 3-month preview of the crash and OOS rates FMCSA uses to determine HMSP eligibility, before the motor carrier HMSP registration cycle begins on January 1.

**DATES:** *Effective Date:* This policy amendment is effective **October 1, 2010**.