

**Section: 25: Fleet Safety Program**

This section will review some of the regulations established by the Federal Motor Carrier Safety Administration (FMCSA) for Commercial Motor Vehicles (CMV); including the drivers. It is not practical to list all of the requirements mandated by the various governmental agencies, therefore, a copy of the Regulations (including State regulations that are not addressed by the Federal Regulation, such as, vehicle registration) should be available at each office and the appropriate Sections reviewed as they apply to specific situations or conditions.

Pages 11 and 12 will outline additional minimum requirements established by the company for drivers of company owned or leased vehicles.

**Code of Federal Regulations: Title 49
Department of Transportation: Federal Highway
Subchapter B – Federal Motor Carrier Safety Regulations (FMCSR)**

Part 40 - Procedure for Transportation Workplace Drug and Alcohol Testing Programs*

Part 382 - Controlled Substance and Alcohol Use and Testing*

Part 383 - Commercial Driver's License Standards; Requirements and Penalties

Part 390 – General

Part 391 – Qualifications of Drivers

Part 392 – Driving of Commercial Motor Vehicles

Part 395 - Hours of Service of Drivers

Part 396 – Inspection, Repair, and Maintenance

* These Parts are included in “Section 17: Substance Abuse and Alcohol Misuse Policy” and will not be covered in this Section.

FMCSR Definition Highlights:

1. Commercial Motor Vehicle (General: 390.5)
 - a. any self-propelled or towed vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle has a gross vehicle weight (GVWR) or gross combination weight rating (GCWR) over 10,000 pounds,
 - b. is designed or used to transport more than 8 passengers (including the driver) for compensation,



- c. is designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation,
 - d. is of any size and used in transporting hazardous materials that requires placarding.
2. Commercial Motor Vehicle (Controlled Substances and Alcohol Use and Testing (382.107) Commercial Driver's License 383.5))
- a. a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle has a GCWR over 26,000 pounds inclusive of a towed unit with a GVWR of more than 10,000 pounds,
 - b. has a GVWR over 26,000 pounds,
 - c. is designed to transport 16 or more passengers, including the driver,
 - d. is of any size and used in transporting hazardous materials that requires placarding.
3. Interstate Commerce
- a. Trade, traffic, or transportation between a State and a place outside of such State or,
 - b. between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State.
4. Motor Carrier
- a. A for-hire CMV carrier, or
 - b. a private CMV carrier.
5. Highway
- a. Any road, street, or way; whether on public or private property, open to public travel.
6. Accident
- a. Fatality
 - b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - c. One or more motor vehicles are disabled as a result of the accident and are towed or transported away from the scene.

Part 383 – Commercial Driver's License Standards; Requirements and Penalties

Section 383.91 – Commercial motor vehicle (CMV) groups. (Operators of commercial motor vehicles as defined below must possess a Commercial Driver's License (CDL)).

Class "A" – Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more provided the gross vehicle weight rating (GVWR) of the vehicle being towed is in excess of 10,000 pounds.

Class "B" – Any single vehicle with a GVWR of 26,001 pounds, or more or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.



Class “C” – Any single vehicle, or combination of vehicles, that does not meet the definitions of “A” or “B”, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Section 383.93 – Endorsements.

An operator must obtain State-issued endorsements to his/her CDL to operate CMVs which are:

1. Doubles / Triple Trailers (T)
2. Passenger (P)
3. Tank vehicle (N)
4. Hazardous Materials (X)

(Additional endorsements may be required by the State, such as, “H” or “X” for hazardous materials in amounts required to be placarded).

Section 383.95 – Air brake restrictions.

Each State shall indicate on the CDL if the person is restricted from operating a CMV equipped with air brakes.

Section 383.51 – Disqualifications and Penalties

Major offenses in any type of vehicle that would disqualify a driver include:

- * Being under the influence of alcohol or controlled substances;
- * Refusing to take a required alcohol test;
- * Leaving the scene of an accident;
- * Using a vehicle to commit a felony; or
- * Using a vehicle in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance.

The period of disqualification ranges from one year to life depending on the type of violation and number of times a driver has been convicted of a certain violation.

Serious traffic violations in any type of vehicle that would disqualify a driver include second, third and subsequent convictions for:

- * Speeding 15 mph or more above the posted speed limit;
- * Driving recklessly;
- * Making improper or erratic lane changes;
- * Following the vehicle ahead too closely; or
- * Violating state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident.



The period of disqualification ranges from 60 days to 120 days depending on the type of violation and the number of times a driver has been convicted of a certain violation.

Note: The requirements of Part 383 are for CMVs (and drivers of these vehicles) over 26,000 pounds only. The following Parts apply to CMVs (and drivers of these vehicles) over 10,000 pounds.

Part 390 – General

Section 390.3 – Knowledge of and compliance with the regulations.

Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter which are applicable to that motor carrier’s operations.

Section 390.15 – Assistance in investigations and special studies. (Accident Register)

Motor carriers shall maintain for a period of one year after an accident occurs, an accident register containing at least the following information:

1. Date of accident,
2. Nearest city or town where the accident occurred and the State,
3. Driver name,
4. Number of injuries,
5. Number of fatalities, and
6. Whether hazardous materials, other than fuel spilled from the fuel tanks, were released.
7. Copies of all accident reports required by the State or other governmental agencies or insurers.

Section 390.19 – Motor carrier identification report.

Each motor carrier that conducts operations in interstate commerce must file a Motor Carrier Identification Report, Form MCS-150, at the following times:

1. before it begins operations, and
2. every 24 months according to the following schedule:

<u>US DOT Number ending in:</u>	<u>I</u>	<u>Must file by last day of:</u>
1		January
2		February
3		March
4		April
5		May
6		June
7		July
8		August
9		September
0		October



3. If the next to last digit of its USDOT number is odd, update filing is required in odd-numbered calendar years; even numbers require update filing in even-numbered calendar years.

Section 390.21 – Marking of CMV.

Every self-propelled CMV must be marked with the following information:

1. The legal name or single trade name of the motor carrier operating the self-propelled CMV, and
2. The motor carrier identification number issued by FMCSA, preceded by the letters “USDOT”.

Rented CMV must display the operating company’s information if the rental agreement is for more than 30 days.

Section 390.29 – Location of records or documents.

All records and documents may be maintained at its principal place of business and must be made available for inspection by a special agent or authorized representative of the FMCSA within 48 hours.

Part 391 – Qualifications of Drivers**Section 391.11 – General qualifications of drivers.**

A person shall not drive a CMV unless he/she is qualified to drive a CMV. A person is qualified if he/she:

1. Is at least 21 years old,
2. Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records,
3. Can, by experience, training, or both, safely operate the type of CMV he/she drives,
4. Is physically qualified to drive a CMV in accordance with Subpart E (Physical Qualifications and Examinations) of this part,
5. Has a currently valid operator’s license issued only by one State,
6. Has prepared and furnished the motor carrier that employs him/her with the list of violations or the certificate as required in this Section,
7. Is not disqualified to drive a CMV under the rules of this Section,
8. Has successfully completed a driver’s road test and has been issued a certificate of driver’s road test in accordance with this Section *or* has a valid CDL.

Section 391.51 – General requirements for driver qualification files (DQF).

Each motor carrier shall maintain a DQF for each driver it employs. The qualification file for a driver must include:



1. The driver's application for employment. The application must include:
 - a. the motor carrier's name and address,
 - b. the applicant's name, address, date of birth, and social security number,
 - c. the addresses at which the applicant has resided during the past 3 years,
 - d. the date on which the application is submitted,
 - e. the issuing State, number, and expiration date of the CMV license or permit issued to the applicant,
 - f. the nature and extent of the applicant's experience in the operation of motor vehicles,
 - g. a list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries,
 - h. a list of all violations of motor vehicle laws or ordinances (other than parking violations) in the past 3 years,
 - i. a statement detailing the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle or a statement that no such denial, revocation, or suspension has occurred,
 - j. a list of the names and addresses of the applicant's employers during the preceding 3 years and the reasons for leaving the employ of each,
 - k. for applicants applying to operate a CDL-required motor vehicle, a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3 years required above for which the applicant was an operator of a CMV and the reasons for leaving such employment.
 - l. The applicant must date and sign the application acknowledging that the information provided is true and complete to the best of their knowledge.
2. A written record with respect to each past employer who was contacted and a copy of the response by each State agency involving investigation and inquiries (MVR).
3. The certificate of driver's road test issued or a copy of their CDL.
4. The response of each State agency to the annual driver record inquiry (MVR).
5. A note relating to the annual review of the driver's driving record.
6. A list or certificate relating to violations of motor vehicle laws and ordinances furnished by the driver.
7. The medical examiner's certificate of his/her physical qualification to drive a CMV.
8. As necessary, a letter from the Field Administrator, Division Administrator, or State Director granting a waiver of a physical disqualification.

The DQF shall be retained for as long as a driver is employed and for 3 years thereafter.

Part 392 – Driving of Commercial Motor Vehicles (CMV)

Section 392.1 – Scope of the rules in this part.

Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of CMV, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

Section 392.3 – Ill or fatigued operator.

Pride in Everything We Do®



No driver shall operate a CMV, and a motor carrier shall not require or permit a driver to operate a CMV, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, so as to make it unsafe for him/her to begin or continue to operate the CMV.

Part 395 – Hours of Service of Drivers

Section 395.1 (e) – 100 air-mile radius driver.

The driver is exempt from the requirements of Section 395.8 (daily log book) if:

1. The driver operates within a 100 air-mile radius of the normal work reporting location,
2. The driver returns to the work reporting location and is released from work within 12 consecutive hours,
3. At least 10 consecutive hours off duty separate each 12 hours on duty,
4. The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty, and
5. The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records (time sheet) showing:
 - a. the time the driver reports for duty each day,
 - b. the total number of hours the driver is on duty each day,
 - c. the time the driver is released each day, and
 - d. the total time for the preceding 7 days when a driver is used for the first time or intermittently.

Section 395.3 – Maximum driving time.

No motor carrier shall permit or require any driver to drive and no driver shall drive:

1. more than 11 hours following 10 consecutive hours off duty, or
2. for any period after having been on duty 14 hours following 10 consecutive hours off duty, or
3. after having been on duty 60 hours in any 7 consecutive days if the motor carrier does not operate CMV every day of the week, or
4. after having been on duty 70 hours in any 8 consecutive days if the motor carrier does operate CMV every day of the week.

Section 395.8 – Driver's record of duty status (daily log book).

Every motor carrier shall require every driver used to record his/her duty status for each 24 hour period unless they meet the requirements of the 100 air-mile radius driver.



Each driver who operates a CMV shall record his/her duty status, in duplicate, for each 24 hour period on a specified grid; (driver's daily log).

All driving records shall be maintained for 6 months.

Part 396 – Inspection, Repair, and Maintenance

Section 396.1 – Scope.

Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles shall comply and be conversant with the rules of this part.

Section 396.3 – Inspection, repair and maintenance.

Every motor carrier shall systematically inspect, repair, and maintain all motor vehicles in its control.

Parts and accessories shall be in safe and proper operating condition at all times.

Required Records:

For vehicles controlled for 30 consecutive days or more the motor carrier shall maintain, or cause to be maintained, the following record for each vehicle:

1. An identification of the vehicle including company number, make, serial number, year, and tire size. If the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle,
2. A means to indicate the nature and due date of the various inspection and maintenance operations to be performed,
3. A record of inspection, repairs and maintenance indicating their date and nature.

These records must be retained where the vehicle is either housed or maintained for a period of 1 year and 6 months after the vehicle leaves the motor carrier's control.

Section 396.5 – Lubrication.

Every motor carrier shall ensure that each motor vehicle subject to its control is properly lubricated and free of oil and grease leaks.

Section 396.7 – Unsafe operations forbidden.

1. A motor vehicle shall not be operated in such a condition as to likely cause an accident or a breakdown of the vehicle. Any motor discovered to be in an unsafe condition while being operated on the highway may continue operation only to the nearest repair facility only if it less hazardous to the public than to permit the vehicle to remain on the highway.



2. The driver of any motor vehicle receiving an inspection report from a roadside DOT-type inspection shall deliver it to the motor carrier within 24 hours or send it to the motor carrier if scheduled return is not expected within 24 hours.

Motor carriers shall examine the report. Violations or defects noted shall be corrected. Within 15 days following the date of the inspection the motor carrier shall certify that all violations noted have been corrected by completing the “Signature of Carrier Official, Title, and Date Signed” portions of the form and return the completed form to the issuing agency. A copy must be retained at the motor carrier’s principal place of business or where the vehicle is housed for 12 months from the date of the inspection in the vehicle’s maintenance file.

Section 396.11 – Driver vehicle inspection reports.

Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day on each vehicle operated. The report shall cover at least the following parts and accessories:

- service brakes including trailer brake connections
- parking (hand) brake
- steering mechanism
- lighting devices and reflectors
- tires
- horn
- windshield wipers
- rear vision mirrors
- coupling devices
- wheels and rims
- emergency equipment

The report shall identify the vehicle and list any defect or deficiency discovered that would affect safe operation of the vehicle or result in mechanical breakdown. The driver shall indicate if no defect or deficiency is discovered or reported to the driver. In all instances the driver shall sign and date the report. The motor vehicle cannot be driven until repairs are completed.

Every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report. Every motor carrier or its agent shall certify on the original driver vehicle inspection report that the defect or deficiency has been repaired or that repair is unnecessary before vehicle is operated again.

Every motor carrier shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver’s review for 3 months from the date the written report was prepared. (Actual repair detail must be maintained in the vehicle maintenance file.)

Section 396.13 – Driver inspection.

Before driving a motor vehicle, the driver shall:

Pride in Everything We Do®



1. Be satisfied that the motor vehicle is in safe operating condition,
2. Review the last driver vehicle inspection report, and
3. Sign the report, only if defects or deficiencies were noted by the driver who prepared the report, to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed.

Section 396.17 – Periodic inspection.

An inspection must be completed every 12 months on all CMVs. An inspection report must be prepared with repairs noted and maintained in the vehicle's maintenance file. Documentation (prepared report or decal/sticker) that the vehicle passed an inspection must be kept with the vehicle.

Section 396.19 – Inspector qualifications.

It shall be the motor carrier's responsibility to ensure that the individuals performing an annual inspection is qualified and can identify defective components.

Section 396.21 – Periodic inspection recordkeeping requirements.

The qualified inspector performing the inspection shall prepare a report which:

1. Identifies the individual performing the inspection,
2. Identifies the motor carrier operating the vehicle,
3. Identifies the date of the inspection,
4. Identifies the vehicle inspected,
5. Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards,
6. Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

The original or copy of the inspection report shall be retained by the motor carrier or other entity that is responsible for the inspection for 14 months from the date of the inspection report.

Section 396.25 – Qualifications of brake inspectors.

The motor carrier shall ensure that all inspections, maintenance, repairs or service to the brakes of its CMVs, are performed by certified and qualified mechanics. Brake inspector qualifications must be maintained by the motor carrier or at the location where the brake inspector is employed.

**Company-specific requirements:****1. Vehicle Use Acknowledgement Form**

Drivers of company owned, or leased vehicles must meet or comply with the following requirements:

1. Have authorization from management to operate the vehicle. All drivers must be at least 21 years-old to drive a company vehicle.
2. Have a valid and appropriate type of license, including endorsements, for the vehicle they are driving.
3. Drive in a courteous manner and follow defensive driving techniques. Obey all applicable traffic laws. Drivers are responsible for all moving and parking violations.
4. All occupants must wear a seat belt. No riders in pick-up beds.
5. Mobile phone conversations must be “hands-free” or made with the vehicle safely stopped and parked. Some vehicles have a “blocking device” to prevent communication devices to function during transit; do not tamper with the device.
6. Maintain the vehicle in a safe operating condition by performing and documenting a daily vehicle inspection report. Unsafe vehicles are not to be driven.
7. Vehicles are to be used for company related business only. No unauthorized use.
8. Drivers and occupants of company vehicles must be employees of the company or authorized by management.
9. All accidents, or incidents, must be immediately reported to your supervisor. Post- accident drug and alcohol testing is required. Follow the company’s accident reporting guidelines.
10. Inform management if license has changed, and if cited for a moving violation.
11. Possession or use of alcohol or controlled substances is prohibited. Use of prescribed over the counter medication which causes drowsiness is prohibited. Guns, ammunition, or any dangerous weapon may not be stored or transported in a Company vehicle.
12. Drivers must not tamper with, cover or disable the vehicle monitoring (GPS) or camera system; do not deface, cover up, or remove any company decals including the “*How’s My Driving*”-style decal.
13. Vehicles are not to be altered in any way without written approval from Danella management.
14. Employees will not be permitted to operate a company vehicle if:
 - They have three or more moving violations in the past three years
 - They have two or more chargeable accidents in the past three years
 - They have a combination of two moving violations and one accident in the past three years.
15. Avoid backing accidents - Do not back up without a clear view to the rear. A co-worker must assist the driver by acting as a spotter when available. Choose a parking spot that would make backing up unnecessary, when possible.
16. Do not drive any trucks (larger than a pickup), or trucks with trailers, through a “drive thru” establishment.



Since backing accidents are avoidable we have developed a Vehicle Backing Policy.

- 1) All drivers of company-owned or leased vehicles must ask for assistance from a coworker when backing up a vehicle that has an obstructed view to the rear. Example: dump trucks, box trucks, utility body pickups, vans, pole trucks, any size truck with a trailer, etc.
 - 2) Do not back up without an assistant when a coworker is available. If you can't see the assistant, STOP! - don't back up until the assistant is visible and gives clear hand or audible signals. Ensure that all mirrors are properly adjusted and in good condition. When an assistant is unavailable the driver must walk around the vehicle before attempting to back up and ensure the area is clear. Back up slowly.
 - 3) The assistant shall not perform any other tasks while giving instructions to the driver.
 - 4) The driver must ensure that the vehicles' back up alarm and back up lights are functioning properly. If not, they must be repaired ASAP but not longer than one day.
15. Wheel chocks will be required to be placed at the rear wheels on the driver side and/or passenger side of trucks or trailers parked at work sites and any other site where appropriate. Drivers must walk around their vehicle before moving it to check the overall condition of the vehicle, cargo securement and to check the surroundings for any hazards; i.e. "Circle for Safety".

2. Minimum Driving Age

Drivers must be at least 21 years of age to operate any size vehicle.

3. Driver Status (classification)

Drivers must be assigned to one of the following Driver Status categories. A list of employees for each category must be maintained and managed.

- a. No Drive
- b. Non-DOT (for vehicles with a GVWR of 10,000 lbs. or less)
- c. DOT (for vehicles with a GVWR over 10,000 lbs.)
- d. CDL (for vehicles with a GVWR over 26,000 lbs., or GCWR over 26,000 lbs. if trailer has a GVWR over 10,000 lbs.) Drivers' endorsements must also be listed.

4. License Verification (Motor Vehicle Report: MVR)

All drivers' licenses must be reviewed twice a year by contacting the state that issued the license. Drivers with unacceptable records as specified in the Vehicle Use Agreement, Items #2 and #13, will not be authorized to operate a vehicle.

5. Driver Education

All drivers must attend a Defensive Driving Course that includes a "behind-the-wheel" evaluation. The Smith-System® will be our primary source for educational material. Initial training must be conducted before the driver operates a vehicle with ongoing classroom or safety meeting reminders throughout the year. Behind-the-Wheel evaluation must be conducted at least once every three years or if a driver is involved in a near-miss incident or an accident that was determined to be based on poor driving performance.

DANELLA

Safety Reference Manual



Fleet Safety Program

Issue Date: April 2001

Revision: Date: December 2022

Page 13 of 13

6. Vehicle Security

Vehicles are not to be left unattended with the keys in the ignition or in a visible location to the public; exception: if vehicle must run to operate auxiliary or ancillary equipment (beacons, PTO's, etc.). After work hours vehicles must be parked in a location that would minimize the potential for theft or vandalism.

7. Non-DOT Vehicle and Trailer Periodic Inspection

All non-DOT company vehicles (trucks, trailers, SUVs, cars, etc.) must have a periodic inspection completed every 12 months. An inspection report must be prepared with repairs noted and maintained in the vehicle's maintenance file. If required by state law an inspection sticker must be attached to the vehicle or trailer where designated.