

Motor Carrier Safety Rules Technical Conference

Held on: 10-19-2010.

“Informal” Minutes

The video of the webcast was removed by PUCO on 11-03-2010.

This document is found at:

<http://part380.com/assets/minutes10-19-2010puco.pdf>

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PUBLIC UTILITIES COMMISSION OF OHIO

The Public Utilities Commission of Ohio (PUCO) regulates the rates and services of electric, gas, telephone, water, and sewage companies operating in Ohio, excluding municipally owned or operated utilities, cooperatives, and nonprofit entities. The Commission also regulates **certain safety-related aspects** of the railroad, truck, and bus industries.

AUDIO:

Steve Lessing, Commissioner and former regulatory attorney.

The new rules are to promote safety. These safety rules have been passed by the federal government and adopted by Ohio. Ohio is coming into compliance with the federal rules. There is a lot of federal pressure on the state. The **Motor Carrier Safety Assistance Program (MCSAP)** funds the highway patrols.

Ohio will be in conformance with the federal rules.

Rob Marvin is Director of Transportation.
Alan Martin is Deputy Director
Milan Orbovich is the Division Chief.

"Some delivery trucks have no DOT numbers."

Just because DOT numbers are not on the truck, they are still subject to regulations. (Personal use) motor homes or boats are exempt - the vehicle must be in "commerce" to be subject to regulation.

Rep. Cheryl Grossman: Is there a Q & A period at the end?

Yes.

Q. If a vehicle is between 10,001 pounds and 26,000 pounds GVWR it is "CDL exempt." Is that no longer the case?

A. Look at the CDL as being different from safety regulations. It (the new rule) is 10,001 pounds.... unless there are hazmat requiring placards or you are hauling passengers (16 or more including the driver).

Is there something to summarize this?

There is a handout, listed on our website. <http://www.puco.ohio.gov>

We would be glad to come out. Give us a call.

Volunteers of America. Our mission to is bring the disenfranchised back into society and the workforce.

[ALARM: Annual Fire drill]

Our main mission is to bring the disenfranchised back into the mainstream; we do drug testing. I have 40 drivers - 25% to 40% have a felony record. Half probably have had substance abuse problems. Do I have to start over?

A. They have to get medically qualified to drive... at least once every two years. Use of drugs or alcohol will put a driver out of service.

The natural gas industry is under federal oversight. Will there be a layered testing?

A. Only CDL drivers are subject to drug or alcohol testing.

The medical exams will be a major burden.

We have a sheet metal shop of 25 people, everyone will be driving a vehicle. There is not just the cost of medical but their timeperhaps \$200 a person. There are the daily inspections and the log books.

A. First of all, the medical is required only every two years, unless the examiner says otherwise. There are some exemptions for the logbook if under 100 (CDL) or 150 air miles.

Does a 40 minute run require a pre-trip and post-trip inspection?

A. Yes, every time.

It's not a comprehensive inspection - it is just a walk around the vehicle. You want your employees concerned about the vehicle

A 15 second walk around and perhaps a short checklist or check-the-box type **documentation** is needed.

Will there be some consistency? If you ask one trooper his opinion you'll get a different answer from everyone you ask - on the enforcement standards. You can't get a consistent answer from them.

I haul fireworks. I was stopped.... "Your decal had a peel on it" So he wrote it up as a fine to the company. But I told him I had a brand new decal.

They are trying to build stats for themselves. I am getting reports from people I know. There's no consistency.

A. We are with the CVSA. **www.cvsa.org** Our officers are all certified under the **North American Inspection Standard**. Our goal is consistency. There are always instances where interpretations may vary.

For examples there is the DataQs - if there is inconsistency you can file something at **<https://dataqs.fmcsa.dot.gov/login.asp>**

This is not a civil forfeiture program

MCSAP – has made strides in consistency.

There is CSA....

CSA(Compliance, Safety, Accountability – the DOT's new enforcement program), but if you're operating within Ohio I doubt if it will affect you.

Every roadside inspection report you get has a phone number on it. Each agency will work with you.

The bottom line is here (PUCO). One of our jobs is to bring consistency. We upload all the reports to the federal government.

One thing I have seen is that a driver did an inspection, but an hour and half later the bulb goes out. You still get the gig for a light that

goes out. It's overzealousI am consulting for a company. I instruct commercial enforcement. There is rampant overzealousness.

This is an on-going process. We strive for consistency. I won't say we will ever reach it. We try to train to enforce it to make it consistent.

Each inspection report or audit comes to our compliance officer. They will check it.

After that you can plead your case with an informal conference or appeal before the PUCO commission.

Jennifer - I represent landscapers and nursery businesses.

If snowplow operators start at 4AM – to 8 AM and then go back to work, would they have to quit at 8PM? What are the rules???

There are a series of questions...

Many people use their trucks as personal vehicles - on their off-duty hours Are they still subject to the hours of service?

Let's look at Hours of Service - we don't want fatigued drivers. A driver can't drive over the 14 hour limit and has to have to have ten hours off.

You might be able to work with that - I wish I had the list of Hours of Service conditions with me. It's in my office.

If using the vehicle for personal use, then you are not subject to these rules. Let us know they are on personal use....

So they just say they are using the vehicle for personal use?

Yes, but he's going to have a hard case to make with a full load, perhaps?

The rule is **IF THEY ARE “UNDER THE DIRECTION” OF THE MOTOR CARRIER THEN THEY ARE SUBJECT TO THE RULES.**

Is that the same for family members who are using the vehicles?

A.Yes.

Who does the annual inspection under 49 CFR part 396?

Yes, an annual inspection is required. The mechanic – must have 12 months experience and training, brake training, follow “Appendix G” and fill out an inspection form.

It seems subjective to me. If there is pin-hole in muffler, etc. We could put a lot of money in a vehicle and still not comply. One guy can be harder another easier....

Mechanics have to follow Appendix G with exact standards. It is objective.

Do companies outsource?

I am not sure. I would say 50/50.

A company our size with 15 vehicles, it will be costly.

Could this inspection be done when doing an oil change?

This will be done on an annual basis. One thing I must say,
DOCUMENTATION (OF AN ANNUAL INSPECTION) MUST BE ON THE VEHICLE.

I represent ARA - American Rental Association We have contractors with F150s with their names on the truck but without DOT numbers.

A customer was stopped and they grounded (placed Out of Service) the trailer and the customer. How do you go around this?

Do we have to tell them that we can't rent to them unless they have a DOT. How will we do this?

This rule is for intrastate vehicles that are private.

Always – INTERstate vehicles have required a DOT. This is still the same.

What's changed is that INTRAstate vehicles are being subjected to the same rules.

Do they need the safety regulations?

The Ford 150 is a 1/2 ton pickup... They grounded his truck and the trencher and trailer. He had to go pay a fee to get the equipment.

We are over 10,000 pounds. How will we do this with the rental yards? It's going to hurt our business.

Like rental trucks - the violations go to the motor carrier, who is operating the vehicle at the time. They don't go to you (the lessor).

I have to pay the storage and towing and everything else.

I have to be honest with you... I am kind of wondering who conducted the actual inspection This could be a local law enforcement agency. It wasn't us. We have no provision for impoundments.

The rental yards out there are telling me this... about the consistency.

I would like to know if you could get us some more information... I would like to have the details of this. You bring up a really tough example. This is a good example of what we need to look at in our rules. We need a lot of education out there not just business owners but the people doing the rentals. If you would help us, we would like to work with this.

What are the federal requirements for the funding?

I'll ask the staff to go over the rules. We are consistent because we are adopting the federal rules. This is not about the money. I will see Representative Grossman. If the federal government tells us we will lose the money, perhaps she can help...

We are concerned in the long-term because we do have to be consistent. I am not going to stand here and say this is not about the money, this is about safety.

What section are you in?

Part 351 C - There are certain exemptions that might be available.

Part 341 - B -- that's one of them that drive this. Some states go beyond that; some are less. There's a mix.

To get the federal money you have to be consistent. The goal is consistency, not to be more onerous.

All 50 states must be consistent. There are a number of Ag exemptions that a lot of state's have. Pennsylvania is in one heck of a fight about the Ag exemption.

Ohio has been identified by the feds as not being in conformance with the regulations.

VIA) We have 22 vehicles within 150 miles of our base. Do we need a PUCO or DOT number?

A. No, you don't.

We do PMs on trucks every 5k miles and we're conducting an inspection. We are concerned about this.

My understanding that on Jan 1 2011 this is in effect.

The Commission is interested in your comments and concerns. I can't speak for the Commission These are not new rules - but they are new to you.

Not trying to make a situation that is impossible for you to comply. What time would you need?

On January 1st, it is full enforcement of the rules. (Jan. 1, 2012)

We want your feedback. What time span would you need?

Probably 90 days. Sometimes I might want to wait.... like a brand new set of tires. We are a non-profit. Six tires on 22 trucks could be prohibitive.

Q. As a small landscaper – we need 6 months. What about driver road testing?

A. As for the driver road test – you may have any qualified person who knows and can operate the vehicle - that person can test the driver.

We have GPS on all vehicles. Can it be used as proof of operation?

Yes.

I'm a trailer vendor – with a truck with a 9200 pound GVWR.

Some trailers are manufactured in Indiana. Do we need DOT number and PUCO number?

A. The PUCO number is “for hire” (operations) only.

We have mechanic to road test trailers. Do they have to be qualified?

Yes, mechanics must be qualified.

This is Jim Rock – Rock's Trailer Sales.

If driving with a small utility trailer - do they need a "not-for-hire" sign?

You can do that. A “not-for-hire” is not required as something to do.

Most are of our motor carrier people are State Highway Patrol.

We will communicate with themreach out to the Patrol and express the personal carriage issues.

*The reason for this rule is safety? Is that correct?
Are the municipalities and townships exempt? If government is exempt, then why just the burden on the business community?*

It's a constitutional issue. State government cannot impose fines on other government units.

Megan – we're automotive. We have drivers with 3/4 ton or 1 ton vehicles to haul campers - who use their personal vehicles.

Are they liable for these rules, if hauling campers back from the auction?

A. Yes. They would have to be in compliance.

*Sarah Bruce - Ohio Automobile Dealers Association.
What kind of road test is required for driver to drive F150?*

A. I have to get back on all of the details:
- They have to be in that vehicle that is representative of what they will drive
- They need to be operating the controls
- They need some turns; braking; and slowing, etc.
- They need backing and parking
It's in Part 391.31

*We have 10,001 to 26,000 GVWR vehicles to drive to our dealership?
How do we comply? Are we exempt?*

If you are between 10,001 to 26,000 GVWR, then you need to comply.

How do you comply with a used vehicle?

You need to make sure there has been some sort of review done by the mechanic.

The vehicle and driver have to be in safe working order.

Q. If it is from auction, for example from Ford Motor Credit – do they need to provide something?

A. You are assuming responsibility for that vehicle.

How will they give us an inspection?

If you choose not to have an inspection, you are assuming liability.

What are the ramifications?

We do not do impoundment. **That may be local.** Ohio does not permit impoundment.

What type of citations? Will the driver or business be cited?

Both may be cited.

What is the 150 mile radius?

Are we exempt from 150 mile rule? But employees are on call?

The exemption is from logs, not hours of service rules.

About 25 states have not complied. What is the status of each?

I understand that it may cost \$10,000 annually to be DOT compliant. PUCO needs to proceed with caution. I would like an analysis of each state.

A. That will be provided.

Grady Shader: For an “under CDL truck” - will the drivers be required to have medical cards?

Only if it is used “in commerce.” If it is for “personal use,” then they are not required to have one.

*We are nationwide How do we know each state's requirements?
We have fireworks. Hundreds of seasonal drivers show up.*

Have a qualification file; the driver road test is permanent - it only has to be done once.

For any vehicle? If we have three sizes do we test for all three?

A. Give them just one road test in the largest vehicle.

The rule is in effect now.

Full enforcement is Jan 1st, 2012.

End of session.

Dear Ohio Vehicle Owner,

For any person using a vehicle or combination of vehicles with a GVWR of more than 10,000 lbs., regulations enforcement by Ohio (driver needs to be qualified, record keeping requirements, etc.) is effective January 1, 2012.

To assist you in preparing and to help keep you in charge of PUCO/DOT compliance, we have put together a **Safety Audit Guide**. The **Safety Audit Guide** will walk you through the DOT compliance process with a series of easy-to-understand "Action Items". This guide will aid you in setting up the required Safety Management System (SMS) and to guide you through the process necessary to maintain and understand the correct documentation and steps needed to prepare for compliance.

Not only having the proper paperwork is essential but any DOT forms need to be properly and completely filled out.

Avoid common mistakes and errors, citations, civil fines (up to \$1,000 per omission), criminal penalties or a "bad" safety rating. Start preparing now with the **Safety Audit Guide**.

The **Safety Audit Guide** contains forms (which you may copy or use as a model) - not available from the DOT. As your situation may be special - our guides include DOT Expert support by email or toll free number as well as practical and access to the latest compliance alerts

Go to <http://www.part380.com> to get detailed information about the **Safety Audit Guide**.

Email me at admin@part380.com , or call me toll free, if you have any questions about PUCO/DOT compliance in general.

Sincerely,

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P.S. Why is this important to me?

For hire, not for hire, public or private, does not matter - the rules still apply.

It's called the **Regulatory Compliance Defense**: If a commercial vehicle is involved in a collision, then all of these DOT required documents can end up in court. That's why knowing how to show or document that you are staying within the bounds of the Federal Regulations is important to anyone involved with transportation.



Learn more at www.part380.com