

# Traffic Safety



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## FMCSA issues final rule prohibiting 'coercion' of truck, bus drivers

Commercial truck and bus drivers who feel pressured to violate safety regulations to keep their jobs now have added protections from the government.

The Federal Motor Carrier Safety Administration published a final rule in the Nov. 30 *Federal Register* that allows the agency to take enforcement action against employers that coerce drivers into breaking safety rules to meet tight schedules. The final rule applies to motor carriers as well as shippers, receivers, freight-forwarders, brokers and other intermediaries.

As FMCSA formulated the final rule, agency officials heard from CMV drivers who reported feeling forced into ignoring safety laws. Drivers said they were threatened with a number of possible consequences for not meeting production demands, including:

- Implicit or explicit threats of job loss
- Denial of future trips or loads
- Pay cuts
- Forfeiture of preferred work hours or transportation jobs

"Our nation relies on millions of commercial vehicle drivers to move people and freight, and we must do everything we can to ensure that they are able to operate safely," Secretary of Transportation Anthony Foxx said in a press release. "This rule enables us to take enforcement action against anyone in the transportation chain who knowingly and recklessly jeopardizes the safety of the driver and of the motoring public."

At press time, the final rule was scheduled to go into effect Jan. 29. It will allow FMCSA to levy fines of up to \$16,000 against violators. Agency officials claim the final rule will improve safety and health for drivers who otherwise might have been coerced into breaking hours-of-service regulations.

Recent history suggests the rule is needed. During a four-year period from 2009 through 2012, OSHA found that 253 whistleblower complaints submitted by CMV drivers had merit. FMCSA confirmed an additional 20 allegations of coercion. That increased the overall number of coercive acts to 273, or 68.25 per year, and many more instances might have gone unreported.

The final rule yielded 94 public comments, including many from longtime CMV drivers.

"I believe that coercion is a significant issue that drivers are faced with," driver Miles Verhoef wrote in 2014 after



FMCSA issued its proposed rule. "As a driver for 16 years and an owner/operator for 14 years, coercion has always been a problem. Whether it be from company dispatchers or brokers, the sugges-

tive implications or sometimes blatant instructions to disregard the hours of service to 'get the load there ASAP' has been an issue for years."

As part of the final rule, drivers will be required to file complaints within 90 days of the alleged coercion attempt. Drivers are asked to include supporting evidence such as text messages or email exchanges that show the coercion attempt, or the names of others who witnessed the attempt.

Drivers may file a complaint with FMCSA through the National Consumer Complaint Database, which is available at <http://nccdb.fmcsa.dot.gov>.

# NEWS BRIEFS

## FMCSA pulls carrier safety data from public website

WASHINGTON – The Federal Motor Carrier Safety Administration no longer will publicly display most information involving motor carriers’ safety performances. FMCSA announced the changes – effective immediately – on Dec. 4.

The new policy was required by Congress as part of the long-term transportation funding bill dubbed the FAST Act of 2015.

Although the new law allows FMCSA to continue to display some safety performance data, the agency has decided to pull all information while “appropriate changes are made,” according to a press release.

Safety data will continue to be made available to motor carriers and enforcement users who submit proper login information. Any qualified parties who need a personal identification number may submit a request at [www.fmcsa.dot.gov/registration/request-pin-number](http://www.fmcsa.dot.gov/registration/request-pin-number).

Although the decision to pull safety information from public view was not made by FMCSA, transportation officials say the funding bill is important.



Foxx

“After hundreds of Congressional meetings, two bus tours, visits to 43 states, and so much uncertainty – and 36 short-term extensions – it has been a long and bumpy ride to a long-term transportation bill,” Secretary of Transportation Anthony Foxx said in a press release. “It’s not perfect, and there is still more left to do, but it reflects

a bipartisan compromise I always knew was possible.”

The safety data will be available at <https://tinyurl.com/go9armp>.

## Senators oppose nationwide mandate for longer trucks

WASHINGTON – A majority of senators are opposed to a proposed federal mandate that would permit longer, heavier trucks to operate in every state.

The Senate voted 56-31 on a motion to oppose the mandate for 33-foot double trailers, which initially had been proposed as part of the omnibus funding bill. The five-year spending package was approved Dec. 4 and did not include the mandate. The motion calls for continued research into the safety ramifications of allowing longer double trailers, which may increase full truck lengths to as much as 91 feet (including the cab).



Twelve states already permit longer trucks. However, 38 states do not, and a federal mandate would have taken precedence over state laws. In June, Department of Transportation officials said more time was necessary to measure the safety effects of longer trucks.

Sens. Roger Wicker (R-MS) and Dianne Feinstein (D-CA) led the motion.

“Thirty-eight states say these longer trucks are not safe, and they tell us that they don’t want them on the highways and byways,” Wicker said in a press release. “I think we should respect their decision. Today’s vote against this

federal government mandate sends a strong signal that we stand with the overwhelming majority of Americans who do not want to contend with these longer double trucks on their roads.”

## DOT offers reminder on electronic submission of drug testing forms

WASHINGTON – The Department of Transportation wants to remind urine test collectors about what constitutes the acceptable use of electronic forms instead of paper forms.

DOT issued a reminder to collectors Nov. 19 about rules pertaining to the electronic Federal Drug Testing Custody and Control Form, also known as an “eCCF.” The reminder comes more than six months after a final rule was published in the *Federal Register* that allowed for electronic submissions in certain circumstances.

According to DOT, collectors may submit electronic forms if two requirements are met:

- The employer’s laboratory has been approved by the Department of Health and Human Services National Laboratory Certification Program
- The employer has decided on the use of eCCFs

Although paperwork rules have changed, the collection process is the same, DOT said. Likewise, the need to establish effective confidentiality measures remains the same to make sure confidential employee records are not seen by unauthorized individuals.

To read DOT’s question-and-answer document about the final rule, visit <http://tinyurl.com/z4k73f2>.

# STATISTICS

## Traffic deaths in September 2015 up 10 percent

By Kevin T. Fearn

**M**otor vehicle deaths in September 2015 totaled 3,300, up 10 percent from the September 2014 total.

Medically consulted motor vehicle injuries for the first nine months of 2015 are estimated to be about 3.4 million, an increase of 23 percent from 2014. Medically consulted injuries are not comparable to previous disabling injury estimates.

The estimated cost of motor vehicle collisions through September is estimated to be about \$230 billion, a 17 percent increase from 2014. The costs include wage and productivity losses, medical expenses, administrative expenses, employer costs, and vehicle damage.

The estimated annual population death rate is 12.0 deaths per 100,000 population, an 8 percent increase from the preliminary 2014 rate of 11.1. The estimated annual mileage death rate is 1.2 deaths per 100 million vehicle miles traveled, unchanged from the preliminary 2014 rate.

### Notes to table

Deaths are reported by state traffic authorities. All figures are preliminary. To ensure proper comparisons, 2013 and 2014 figures cover the same reporting period as those for 2015.

States shown in color had fewer deaths in 2015 than they did in 2014 for the same reporting period.

## STATE MOTOR VEHICLE DEATHS, CHANGES AND RATES UNITED STATES, NINE MONTHS, 2013-2015

STATE	NO. OF MONTHS	DEATHS IDENTICAL PERIODS			PERCENT CHANGES	
		2015	2014	2013	2014 TO 2015	2013 TO 2015
TOTAL U.S.	9	28,190	25,730	26,298	10%	7%
Alabama	9	615	610	600	1%	3%
Alaska	9	47	49	39	-4%	21%
Arizona	9	672	556	642	21%	5%
Arkansas	9	388	342	357	13%	9%
California	9	2,422	2,272	2,218	7%	9%
Colorado	9	417	358	361	16%	16%
Connecticut	8	161	169	181	-5%	-11%
Delaware	9	86	93	70	-8%	23%
District of Columbia	9	17	23	23	-26%	-26%
Florida	9	2,144	1,665	1,674	29%	28%
Georgia	9	1,031	844	855	22%	21%
Hawaii	9	75	75	80	0%	-6%
Idaho	9	164	155	147	6%	12%
Illinois	9	751	670	753	12%	-*%
Indiana	9	595	515	562	16%	6%
Iowa	9	247	231	232	7%	6%
Kansas	9	258	287	251	-10%	3%
Kentucky	9	531	473	485	12%	9%
Louisiana	9	485	481	462	1%	5%
Maine	9	121	97	107	25%	13%
Maryland	9	369	307	338	20%	9%
Massachusetts	9	238	240	223	-1%	7%
Michigan	9	724	676	697	7%	4%
Minnesota	9	291	264	286	10%	2%
Mississippi	9	470	445	416	6%	13%
Missouri	9	615	556	552	11%	11%
Montana	9	173	149	170	16%	2%
Nebraska	9	171	172	165	-1%	4%
Nevada	8	192	185	178	4%	8%
New Hampshire	9	78	67	94	16%	-17%
New Jersey	9	392	415	395	-6%	-1%
New Mexico	9	214	257	233	-17%	-8%
New York	9	763	-	-	-	-
North Carolina	9	1,030	884	916	17%	12%
North Dakota	9	102	87	101	17%	1%
Ohio	9	830	721	739	15%	12%
Oklahoma	6	303	319	263	-5%	15%
Oregon	9	335	237	236	41%	42%
Pennsylvania	9	889	878	913	1%	-3%
Rhode Island	9	32	35	43	-9%	-26%
South Carolina	9	683	561	556	22%	23%
South Dakota	9	100	109	102	-8%	-2%
Tennessee	9	696	718	762	-3%	-9%
Texas	9	2,549	2,520	2,529	1%	1%
Utah	9	210	190	156	11%	35%
Vermont	9	41	32	52	28%	-21%
Virginia	9	551	526	521	5%	6%
Washington	9	430	352	317	22%	36%
West Virginia	9	199	173	241	15%	-17%
Wisconsin	9	427	365	396	17%	8%
Wyoming	9	113	118	67	-4%	69%

\*Less than 0.5%.

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Bryan O'Donnell, [bryan.o'donnell@nsc.org](mailto:bryan.o'donnell@nsc.org)

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Jennifer Yario, [jennifer.yario@nsc.org](mailto:jennifer.yario@nsc.org)

### Assistant Editor

Tracy Haas, [tracy.haas@nsc.org](mailto:tracy.haas@nsc.org)

### Senior Associate Editor

Kyle W. Morrison, [kyle.morrison@nsc.org](mailto:kyle.morrison@nsc.org)

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### Subscriptions/Circulation

[subscriptions@nsc.org](mailto:subscriptions@nsc.org)

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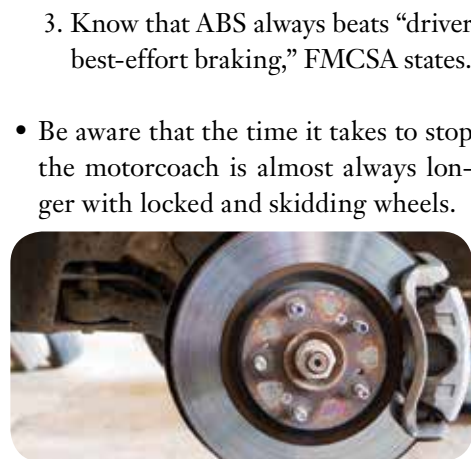
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## DRIVING TIP

# Understanding motorcoach anti-lock braking systems

The Federal Motor Carrier Safety Administration states that since 1998, new motorcoaches have been required to have an anti-lock braking system, which monitors the wheels for “skidding during brake application and momentarily releases some or all of the brake action until the skid stops.” It is important that motorcoach drivers understand ABS. FMCSA states that motorcoach drivers should:

- Know whether or not their motorcoach is equipped with ABS or a traction control system, and when these systems are turned on.
- Learn all you can about your motorcoach's ABS system and how it operates.
- Know what to do in the event the ABS starts to cycle on a slippery road:
  1. Keep your foot on the brake but do not pump the brake.
  2. Stop or slow down the motorcoach to a safe speed before releasing the foot brake.
  3. Know that ABS always beats “driver best-effort braking,” FMCSA states.



- Be aware that the time it takes to stop the motorcoach is almost always longer with locked and skidding wheels.
- Take the ABS warning light seriously. If it is on, the ABS is malfunctioning. Be extra vigilant to avoid locking the wheels when braking. Some motorcoach carriers prohibit their drivers from using cruise control. However, if your carrier does not prohibit its use, FMCSA recommends drivers use cruise control sparingly. Never use it when roads are wet, icy or slick; during heavy traffic; or during nighttime driving.