

DISPATCHER

MARVIN
JOHNSON
& ASSOCIATES, INC.

Specializing in Trucking Insurance

NOVEMBER, 2008

National WATS (800) 457-5255
(812) 372-0841 • FAX (812) 372-2687
Visit our WEBSITE. www.mjai.com
Columbus, Indiana



Happy Holidays

*In these times of uncertainty, you can depend on us
to be here to help you in every way we can.
Enjoy the Holiday Season and we look forward to
working with you in the New Year.*

HOLIDAY HOURS:

December 24th – 8:00 a.m. til noon
December 25th – Closed
December 26th – 8:00 a.m. til 5:00 p.m.
December 27th – 8:00 a.m. til noon
December 31st – 8:00 a.m. til noon
January 1st – Closed
January 2nd – 8:00 a.m. til 5:00 p.m.
January 3rd – 8:00 a.m. til noon

FMCSA Hours of Service Remain Unchanged

In the November 19 Federal Register, the Federal Motor Carrier Safety Administration published a final rule on the hours of service regulations.

This final rule will hopefully end the speculation that has been going around about whether the rule would change or stay the same. The “truck stop attorneys” have been busy with this one ever since the rules were struck down last year.

Everyone can take a deep breath and relax for now because the final rule leaves the hours of service regulations **UNCHANGED!**

But read the article to the right before getting too happy!

It is important to note that a challenge can, and most likely will be filed by the same groups who have sued in the past.

Challenges can be filed for up to 30 days, and they have 60 days to file a petition for review with a U.S. Court of Appeals.

Statements from the “safety advocate” groups have already been issued stating that they are not satisfied with the final rule.



FMCSA Changes Policy on Electronic Data

Another notice was also published in the Federal Register on Nov. 19th that did not receive much attention. This notice will have a huge impact on how FMCSA compliance reviews are conducted on most motor carriers. This “notice of policy change” rescinds the 1997 policy on Advanced Information Technology. The 1997 policy basically stated that electronic data from technologies such as Qualcomm, People Net, etc. were not to be used during a compliance review unless there were not sufficient other forms of supporting documents to substantiate the hours of service. Under this policy the inspector could request the documents if approval was given by his/her superiors, but there were very few cases where the information was actually requested.

By rescinding this policy it now means that all electronic records will be fair game during the compliance review. Effective date for this policy change is December 19, 2008.

If you are using any of these types of technology it would be very wise to begin checking these records against your logs for falsification.

Past statistics have indicated when normal paper supporting documents are checked against logs that the average violation rate is around 9%, but when Qualcomm was used to check, the violation rate was about 65%. This means that everyone has a lot of work to do to get ready for this new challenge. It is vital that you begin educating your company officials and office staff, revise policies and procedures, and retrain your drivers on this issue immediately.

When our office checked with the Indianapolis office of the Federal Motor Carrier Safety Administration, their response was that we understood correctly, all records including electronic records will be used to assess compliance. They also stressed that electronic records are a part of supporting documents and need to be retained for six months.

Accident Preventability will be Considered for HazMat Safety Permits

The FMCSA has published an interpretation indicating that it will consider “preventability” of a crash when a motor carrier contests the denial of a Hazardous Materials Safety Permit (HMSP) based on the crash rate disqualification. Motor carriers are disqualified from obtaining the HMSP (required to transport certain explosives, radioactive materials and liquefied natural gas) if they have a crash rate in the top 30 percent of the national average. To appeal the denial of the HMSP, a motor carrier must present compelling evidence that one or more of the crashes listed in the Motor Carrier Management Information System were not preventable.

Preventability is determined by the following standard: If a driver who exercises normal judgment and foresight could have foreseen the possibility of the accident that in fact occurred, and avoided it by taking steps within his/her control that would not have risked causing another kind of mishap, the accident was preventable.

The Future of Carrier Safety Fitness Ratings

By 2010, the way the safety fitness of motor carriers is assessed will be undergoing a major change. The website you might want to routinely review is www.fmcsa.dot.gov/csa2010.

CSA 2010 stands for **Comprehensive Safety Analysis 2010** and has been in the testing stages since early 2008 in the states of Colorado, Georgia, Missouri and New Jersey.

Currently the SafeStat system ranks motor carriers to assess the need for on-site compliance reviews. Using CSA 2010's measurement system the safety performance data of motor carriers and drivers would be grouped into seven categories called BASICS—**Behavioral Analysis Safety Improvement Categories**.

The seven BASICS are:

- Unsafe Driving
- Fatigued Driving
- Driver Fitness
- Drugs/Alcohol
- Vehicle Maintenance
- Cargo Securement
- Crash Experience

Based on a carrier's score within each BASIC, the measurement system would trigger when the FMCSA should begin to intervene with a motor carrier and when its performance has reached the "unfit" threshold. The BASIC scores are determined from information obtained during roadside inspections, accidents and tickets issued to drivers.

Interventions would include:

- Warning letter
- Targeted Roadside Inspection
- Off-site investigation
- On-site investigation-focused
- Cooperative Safety Plan
- Notice of Violation
- On-Site investigation-comprehensive
- Notice of Claim/Settlement Agreement

Unlike the current system where a motor carrier is issued a safety rating only after a comprehensive on-site investigation, CSA 2010 will result in a monthly safety rating derived from the BASIC scores of the motor carrier. Rather than the "satisfactory", "conditional" or "unsatisfactory" ratings that are currently issued, CSA 2010 would result in ratings of "continue to operate", "marginal" or "unfit".

*Watch for the
2009 Yellow Van Tour
information coming out
after the first of the year.*


*We anticipate having
CSA 2010
as a major topic.*



"Safe & Warm"


Winter Safe Driving Campaign



This newsletter finds us mid-way into the "Safe and Warm" Winter Safe Driving campaign that has been sponsored annually by Marvin Johnson & Associates (MJAI) since 2004. The focus of this campaign is to create a little extra incentive for your drivers to get through the winter months accident free. We'll be giving away 4 gift cards from Pilot Travel Centers worth \$250 each. The names of the drivers who have signed up will be placed in a random drawing pool and winners of the gift cards will be announced April 20, 2009 at the MJAI office in Columbus, IN. Winners will be able to use the gift cards to purchase items of their choice at any Pilot Travel Center. The drivers do not need to be present to win.

To be eligible to win, your drivers must: 

- 1) Sign and return to you their pledge committing to Winter Driving Safety
- 2) Be a current client or be employed by or leased to a current MJAI client on April 20, 2009 
- 3) Be accident free from November 1, 2008 through March 31, 2009 

Marvin Johnson & Associates Safety and Loss Prevention Department has additional information and videos to borrow on Winter Driving Safety. If you need more information for a driver meeting, or if you did not receive the "Safe and Warm" Winter Safe Driving campaign information, please contact Michelle Fouch at 800-457-5255 or mfouch@mjai.com 

Mid-West Truckers Association Show

February 6 & 7, 2009

Booth 405-406

Peoria, Illinois

*at the
Peoria Civic Center*

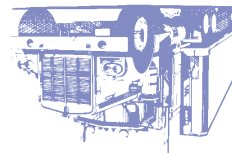
*Contact your Agent or CSR at Marvin Johnson for
free admission tickets!*

Visit our WEBSITE. www.mjai.com

Includes: Company Information, Personnel Biographies, Pictures, Upcoming Events, Newsletter

Specializing in Trucking Insurance

MARVIN JOHNSON DISPATCHER
Marvin Johnson & Associates, Inc.
P.O. Box 1849
Columbus, Indiana 47202



PRESORT STD
U.S. POSTAGE
PAID
COLUMBUS, IN
PERMIT NO. 19