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Happy New Year!

Want to sign yourself or someone else up to receive this newsletter? Send an email to lnugen@mjai.com and Les will get you added to our list

Websites of Interest:

www.dot.gov/ost/dapc
Office of Drug & Alcohol Policy & Compliance has launched a new page on its website. The "Employer Page" is designed to be a resource page for employers subject to DOT drug and alcohol testing regulations..

www.mid-westtruckers.com
Web page for Mid-West Truckers Association.

www.imtaonline.net
Website for the Indiana Motor Truck Association.

<https://dataqs.fmcsa.dot.gov>
DataQ is used to challenge inaccurate data on your Safestat reports. Register to use the system and login here.

MJAI Yellow Van Tour 2009

Sunday	Tuesday	Wednesday	Thursday	Friday
	2	3	4	5
9	10	11	12	
16	17	18	19	
23	24	25	26	

In 2009 the MJAI safety department will continue to spread the word about safety and compliance by conducting several seminars at locations around the Midwest. We have listed below the dates and locations for our 2009 Yellow Van Tour seminars. 2009 is shaping up to be a very busy year for DOT regulatory actions, so it is very important to keep up on the various changes. Mark these dates on your calendar! The Yellow Van Tour topics are still being decided on so if you have suggestions on topics that you would like to have included please email them to Les Nugen at lnugen@mjai.com as soon as possible.

In addition to the Yellow Van Tour (YVT) we will also conduct several DOT Compliance seminars for the state trucking associations in Indiana, Illinois, Kentucky, and Ohio. We currently have three of these DOT seminars scheduled for April. April 7 and 8 we will be conducting seminars in IL for the Mid-West Truckers Association (locations to be announced), and April 16th in Indianapolis for the IMTA. Registration and fees to attend are handled by the associations. (Websites provided for both to the left.)

Registration materials will be going out for the YVT seminars in February. We have changed some locations (either city or hotel), so please review the materials carefully if you have attended in the past. We do not want someone going to the wrong location by mistake.



Plymouth, IN – April 15, 2009
Wadsworth, OH – April 29, 2009
Columbus, IN – May 5, 2009
Ft. Wayne, IN – June 3, 2009
Perrysburg, OH – July 15, 2009
Sharonville, OH – July 16, 2009

More on FMCSA Policy on Electronic Data



Thanks to the greatest communications pipeline known to man, a.k.a. "the trucking grape vine", we recently obtained a copy of an FMCSA memorandum giving updated directions to their enforcement personnel on the recent policy change dealing with electronic data. The memorandum basically confirms everything that we thought was going to happen.

Contact Us:

National WATS
(800)457-5255

LOCAL (812)372-0841

FAX (812)372-2687

MJAI Homepage

<http://www.mjai.com>

Diana Mayer, CDS
Director, Client
Services
dmayer@mjai.com

Les Nugen, CDS
Manager, Loss
Prevention
lnugen@mjai.com

Jerry Ogle
Loss Prevention Rep.
jogle@mjai.com

Greg Varn
Loss Prevention Rep.
for Ohio
gvarn@mjai.com

Michelle Fouch
Claims, Safety CSR
mfouch@mjai.com

The memo stated the following, "The Agency is now exercising its full statutory authority under 49 USC 504(c) to inspect and copy records of a motor carrier. As a result, the Division Administrator's concurrence prior to requesting access to any GPS or other advanced technology record for purposes of assessing the carrier's compliance is no longer needed." It goes on to say, "...The FMCSA considers GPS records as supporting documents, as they record time, date and location of vehicles and drivers. Per 49 CFR 395.8 each motor carrier must retain RODS, and all supporting documents for each driver it employs for 6 months. This now includes records for GPS and other advanced information technology systems." If a motor carrier maintains GPS records and refuses to allow access when requested by the investigator it will be considered "denial of access."

FMCSA Targeting Drivers in 2009?



We have seen several cases recently that lead us to believe that the FMCSA is taking a tougher enforcement stance than in the past. Of course there is the recent policy change on advanced technology that we have written about, and this will go hand in hand with whatever on-board recorder (a.k.a. black boxes) rules that are issued. But we have also recently seen cases where the motor carrier received a satisfactory safety rating from their audit and had no actions taken against it, but the inspector chose to pursue civil penalties against some of the drivers who had patterns of hours of service violations. At this time we have not seen how much money the drivers were penalized. But were told this will happen more often going forward.

In addition to drivers being penalized, carriers that have negotiated reductions in fines after an audit have usually had conditions placed on the settlement. The conditions typically have been that the carrier must pass any additional audit over the next 2-3 years or they will have to repay the amount of the fine reduction plus the full amount of any new fines.

If the FMCSA came calling today would you be ready? Do you regularly audit your driver logs against supporting documents to check for falsification? Have you conducted an internal audit of your compliance program to make sure that everything is being done correctly? Are you taking advantage of all of the experience, services, training, and supplies that Marvin Johnson has to offer?

Our safety and loss prevention specialists are here to help you succeed. If you have new staff or are new to your position yourself we can provide the training and support you need to get your program ready to pass inspection. Even if you are an old pro it never hurts to have an outside, unbiased set of eyes to take a look at things. We can do a "mock audit" to see how well you would do without the risk of any penalties being issued. Get your programs on track for 2009 by contacting us today and we can work with you to setup a service plan to keep you on track for success.

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