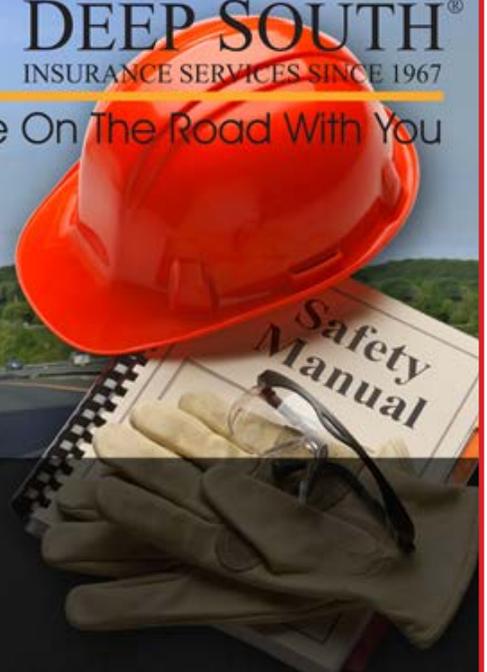


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We're On The Road With You

March 2016

Electronic Logging Devices - What You Need To Know

On December 10, 2015, the Federal Motor Carrier Safety Administration (FMCSA) announced the adoption of a final rule that will improve roadway safety by employing technology to strengthen commercial truck and bus drivers' compliance with hours-of-service regulations that prevent fatigue. An ELD automatically records driving time. It monitors engine hours, vehicle movement, miles driven, and location information.

The four main elements of the ELD Final Rule include:

1. Requiring commercial truck and bus drivers who currently use paper log books to maintain hours-of-service records to adopt ELDs within two years. It is anticipated that approximately three million drivers will be impacted.
2. Strictly prohibiting commercial driver harassment. The Final Rule provides both procedural and technical provisions designed to protect commercial truck and bus drivers from harassment resulting from information generated by ELDs. [A separate FMCSA rulemaking further safeguards commercial drivers from being coerced to violate federal safety regulations and provides the agency with the authority to take enforcement actions not only against motor carriers, but also against shippers, receivers, and transportation intermediaries.]
3. Setting technology specifications detailing performance and design requirements for ELDs so that manufacturers are able to produce compliant devices and systems – and purchasers are enabled to make informed decisions.
4. Establishing new hours-of-service supporting document (shipping documents, fuel purchase receipts, etc.) requirements that will result in additional paperwork reductions. In most cases, a motor carrier would not be required to retain supporting documents verifying on-duty driving time.



The ELD Final Rule permits the use of smart phones and other wireless devices as ELDs, so long as they satisfy technical specifications, are certified, and are listed on an FMCSA website. Canadian and Mexican-domiciled drivers will also be required to use ELDs when operating on U.S. roadways.

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Motor carriers who have previously installed compliant Automatic On-Board Recording Devices may continue to use the devices for an additional two years beyond the compliance date.

A copy of the ELD Final Rule is available at: <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices-and-hours-service-supporting-documents>.

On an annual average basis, the ELD Final Rule is estimated to save 26 lives and prevent 562 injuries resulting from crashes involving large commercial motor vehicles. The FMCSA estimates that the implementation of electronic logging devices (ELD) will result in an annual net benefit of more than \$1 billion – largely by reducing the amount of required industry paperwork. It will also increase the efficiency of roadside law enforcement personnel in reviewing driver records. The FMCSA noted strict protections are included to protect commercial drivers from harassment.

Hiring and Retaining The Right Driver Is Critical To The Success Of A Company

In an increasingly tight labor market, hiring and retaining the right driver is a challenge for any company that operates fleets of vehicles. Hiring the right driver is essential to the ability of any company to be productive and operate in a safe manner. Conversely, hiring the wrong driver can immediately cause catastrophic results.

As an example, a small trucking firm in Kentucky hired a new driver to replace another driver. Just three days after starting work, the new driver caused a horrific accident outside of Chattanooga, Tennessee. Eight of nine vehicles involved in the crash were stopped in the road because of construction when the driver of the truck approaching from behind did not brake. The truck and trailer plowed into a number of vehicles going more than the length of a football field before coming to a stop. Eighteen people were involved in the wreck. Six people were killed with many others injured. The driver had prior substance abuse issues and other red flags that should have presented red flags to the trucking company had the company exercised due diligence. The case underscores how quickly the wrong hiring decision can have disastrous consequences.



To help companies select and retain the right drivers we have assembled some helpful information to assist companies operating fleets of vehicles.

Ten Attributes Of A Safe And Successful Driver

A Sense of Responsibility: A truck driver should have a good sense of responsibility and adhere to safety requirements when driving, be courteous to clients, and treat goods with care.

Alertness: A truck driver must be alert at all times and able to be responsive to the road and driving conditions. They must ensure they are well-rested and able to handle the task at hand.

An Ability to Work Independently: A truck driver often spends long stretches of time driving alone and therefore must be able to handle being alone and having sole responsibility for the truck and the goods it transports.

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An Impeccable Driving Record: A truck driver must have an excellent driving record to provide the trucking company assurances of safety for all drivers, vehicles, and freight.

Customer Service Skills: A truck driver must have excellent customer service skills when dealing with clients who are either shipping or receiving freight carried in the truck.

Knowledge of Truck Mechanics: A truck driver should have basic knowledge of how a truck operates and be able to perform minor repairs as necessary.

Maintenance Skills: A truck driver should be able to perform simple maintenance tasks that help ensure the truck meets compliance and other safety standards.

Physical Condition: A truck driver should be in good physical condition, have passed medical examinations from certified medical providers, and have the physical stamina consistent with the demands of the job.

Stress Management Skills: A truck driver should be able to easily manage stress, as the occupation is one that can be highly stressful at times. Anger has no place in the cab.

Planning and Timeliness: A truck driver should make plans to allow enough time to ensure he or she can make all pick-ups and deliveries on-time while always placing an emphasis on safety.

How To Retain Skilled Drivers

In order to retain and attract the best candidates, create an environment where drivers feel respected and valued. Build a retention program to ensure truckers know what is expected of them, show them that their opinions are valued, and prove that management is willing to do what it takes to retain good employees. The most successful fleet owners will use these components to attract and retain the best talent.

Good pay and benefits- Check industry standards to see what competitors are offering, and make sure your salaries are in line. Also, consider adding health and wellness benefits.

Create a better work/life balance- Spending days away from home causes stress for truckers and their families. Consider altering schedules to allow drivers to return home more often.

Make the job easier with new technology- Automated logs make record keeping less taxing. Rear-facing cameras help truckers navigate blind spots. Automatic transmissions can make trucks easier to drive.

Seek driver input about equipment features- What would they like to see onboard and consider investing in technology to improve job satisfaction.

Create a career path- Truckers don't just want jobs — they want meaningful careers. If you can provide carriers with opportunities for advancement, transitioning from on-the-road to behind-the-desk, you may see favorable results relative to driver turnover.

Conduct employee surveys- The best way to know what employees want is to ask them. Distribute surveys to ask employees if they are satisfied with their jobs, and find out what you can do to make the work experience better.

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Law Firms In Pursuit Of Trucking Accidents

Television airwaves, phone books and roadside billboards across the nation are often filled with advertisements by law firms specifically focused on individuals who have been in truck related accidents. These law firms trumpet the large settlements they have negotiated for their clients often citing specific cases followed by a large aggregate number they have won for all clients.

Why are law firms aggressively targeting trucking accidents? In recent years, tort reform, arbitration, quick settlements and other factors have impacted traditional revenue streams for some law firms. Consequently, certain law firms have started looking for areas of opportunity where they can produce positive outcomes and more income. Unfortunately, transportation related accidents provide a fertile environment for law firms to pursue legal action and find success. The reason law firms aggressively pursue such cases is because there is opportunity and means. Trucking related accidents present the opportunity while the companies involved and their insurance company partners provide the means to fund legal fees and settlements.

Clearly, the best remedy to this situation is building a culture of safety, maintaining an active safety program and ensuring strong employee engagement relative to the prevention of accidents in the first place. Simply put, safety and prevention is the best and most powerful defense. In the unfortunate event your company is involved in an accident what do law firms look at right from the start? See the information below to gain this insight. One key point to consider is that each item listed is focused on the driver and how the truck was being operated at the time of the accident.

What A Law Firm Looks For In A Truck Related Accident

Distracted driving. A distracted driver is usually texting, talking on a cell phone, eating, reaching for something, reading or simply daydreaming. Cell phone records are one key area of evidence.

Failed to stop for a stop sign or light. When this occurs the truck often broadsides another vehicle. Such accidents are often severe and result in significant injury or death.

Merged improperly into traffic. There have been many cases where a truck improperly merged into another lane of traffic crushing smaller cars and their occupants.

Did not slow down in a construction zone. These cases usually involve rear-end accidents with severe consequences.

Speeding. Speeding is a contributory factor in many accidents and a significant liability in such cases. Excessive speed kills and gives law firms an instant issue to drive settlement.

Drove too close to another vehicle. If a commercial truck tailgates and has to stop fast, people in the car ahead are going to get hurt or killed. There have also been situations where big rigs are driving so close and so fast that they literally run over a car.

Turned in an unsafe manner. Before a truck driver turns, they are supposed to look for pedestrians, bicycles, cars and other vehicles. Many of these cases involve situations where the commercial truck driver failed to give another driver the right of way.

Driving drunk or on drugs. Truck drivers violate state and federal laws when they driver under the influence of alcohol or medication that impairs their ability to drive safely. Such cases are extremely difficult to defend in any circumstance due to the egregious nature of the offense.

Clearly, the best defense is a strong emphasis on hiring the right drivers and providing them with persistent and consistent safety education, setting clear safety expectations and holding drivers accountable relative to those expectations.

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Deep South Analysis of BASIC & CAB Reports Assists Clients

Deep South loss control professionals are highly proficient at analyzing and interpreting BASIC and CAB reports to assist organizations in identifying areas of potential difficulty relative to Federal Motor Carrier Safety Administration (FMCSA) compliance and overall safety related trends.

The analytical and interpretive services Deep South loss control professionals provide has helped a number of clients make substantial changes and improvements to mitigate their exposure to FMCSA enforcement actions and improve safety results.

These services add substantial value to the overall product Deep South delivers to clients. Deep South loss control professionals are a key element in the success many clients have experienced in improving their results and containing their total cost of risk.



Loss Control Spotlight: Meet Tracy Price

Deep South's loss control consultants deliver substantial value to clients helping them to improve safety programs, improve compliance, reduce exposure to loss and contain the total cost of risk. Our support staff is no different. In this issue of Safety First, meet Tracy Price, Administrative Assistant to the Loss Control department. She works out of our Shreveport office.

Tracy has been with Deep South since August 2007 and has worked in the areas of Premium Audit, Underwriting Support, and has specialized in Loss Control since 2009. She has a diverse background including insurance, teaching, radiology and pharmacology. Her diverse background gives her valuable skills and tools that she leverages relative to the safety and loss control arena. Her background in science gives her the analytical skills to be successful, while her former teaching position gives her the ability to educate, communicate and relate information. In her current role, she works directly with the Manager of Loss Control and the Loss Control Consultants.

She is responsible for the administration of loss control processes and procedures and manages our online resources of Technical Service Bulletins, Risk Watch/Lessons Learned and other documents. Tracy also manages the CLMI video library that makes this powerful video training resource available to clients at their desktops, conference rooms or on the road for viewing during stops.

Tracy earned the Certified Insurance Service Representative professional designation in 2012 and is currently working towards earning her Bachelor's Degree in Business Administration and Management. Her technical skills leveraging the full capabilities of Microsoft Office are a great asset to the department. One of her great strengths is her attention to detail and commitment to quality. As a result, she and the loss control staff are able to work efficiently and proficiently at reaching the goal of providing a high level of value-added service to clients.

When Tracy is not at work or at school, she enjoys spending time with her husband, two teenagers and her extended family and friends. Tracy is active in church related activities and enjoys photography as a hobby.



Here are some of the things that you will now find at www.deep-south.com/services/losscontrol:

Ask An Expert - 24/7/365 access to loss control staff to get answers to questions

Risk Watch - Comprehensive reviews of safety topics (Client Only)

Tool Box Safety Talks - Resource materials to guide safety meetings (Client Only)