



Biden & Buttigieg: Impact on Trucking

Since the 2020 election, we've seen considerable speculation from knowledgeable industry folks on this topic. As expected, immediately upon taking office, President Biden terminated what's known in Washington as "midnight regulations" put in place by the previous president late in his term. Among those affecting trucking are pilot programs permitting CDL drivers under 21 to drive in interstate commerce and another testing various options for time in sleeper berths.



During his Senate confirmation hearing, new DOT secretary Pete Buttigieg responded to a number of questions about trucking, but didn't reveal anything dramatic in his testimony. So what are we expecting to see from a Democratic administration?

Throughout the 40+ years your ICSA team has been advocating for truckers, we can point to at least two key factors that may impact how the trucking industry will be treated under the Biden administration:

1. In our experience, Democratic administrations have traditionally proposed more stringent safety regulations on trucking.

2. The Democratic Party has long favored strong environmental and labor regulations, although the Clean Air Act was passed under President Richard Nixon. President Biden has already restored some air quality regulations repealed or softened by President Trump, and may also push for limits on the use of independent contractors in favor of company employees.

In addition to these factors is the very real chance of increases in the fuel tax and other taxes, along with resuming the public display of carriers' CSA scores. Stick with ICSA to help maintain scores you'll be proud of!

Truck Drivers Exempt from Mask Mandate

The nationwide mask mandate imposed by the Centers for Disease Control and Prevention (CDC) on January 29 does not apply to truck drivers while driving so long as they do not have a passenger.

If they do have a passenger or team driver, both must wear a mask when they are in the truck together. Of course, many pick-up and delivery locations require masks, so drivers need to be aware of and comply in those situations.

FMCSA Announces New Fines

U.S. DOT has published its annual rulemaking adjusting fines for inflation for violations of federal trucking regulations. DOT also implemented new authority to assess fines for violations of Drug and Alcohol Clearinghouse regulations. A sample of new fines include:

Out of Service Order—\$19,277

Failure to Cease Operations following Out of Service Order—\$27,813

Knowingly falsifying records—\$12,919

Violations of HazMat Regs and Safety Permitting Regs—\$83,439

HazMat—failure to conduct regular driver training—\$502 minimum.

ICSA's safety training and education can help you avoid violations that can bring these whopper fines!



ATTENTION!

ICSA Annual Membership Meeting
10 AM Thursday, March 25, 2021
7500 W. Madison Ave., Tolleson, AZ
(HQ of AZ Trucking Association)

Watch your email for the official notice and agenda.

Coaching Corner

By Mike Hitchcock
ICSA Safety Consultant



Part 2 - The value of dashcams: Protection in Staged Accidents

Carriers who have doubted the value of dashcams in their trucks may not have considered their value in proving fault in staged accidents. According to one FBI estimate, staged accidents cost the insurance industry and their clients an estimated \$20 billion dollars every year, and are increasing annually.

You may have read of recent cases in the New Orleans area, involving a team of spotters, slammers, and crooked lawyers. The spotter would follow closely behind a slammer as they initiated a crash by side-swiping an 18-wheeler. The spotter would temporarily leave the scene while the slammer accused the trucker of sideswiping them. The spotter would then return as a witness, blaming the truck driver in reports to police at the scene.

The crooked lawyer then began the fake injury process, filing suits and referring staged-accident “victims” to medical providers for surgery, chiropractic, and pain management to increase their payouts. In some cases, medical providers also falsified reports and overcharged for services.

Investigators saw a pattern of staged crashes emerging, all within a 40-mile radius of New Orleans, and delved deeper to find the staged-crash crooks. Authorities utilized dashcam footage from affected carriers to document that the targeted truckers were not at fault. Result: spotters and slammers are serving jail terms, while a New Orleans law firm has been hit with a federal racketeering (RICO) lawsuit for accidents that were staged to rip off insurance companies through bogus medical claims and fraudulent lawsuits.

While accidents can cause insurance rates to rise, fraudulent claims associated with accidents play a big role in the cost of insurance. We’d never wish a crash on anyone, preventable or not, but video can protect you from costs that you should not have to pay. Proactively, video can make a good driver a better driver and lessen the odds of being involved in a crash in the first place.

Remote Audits Quadrupled in 2020

Are you ready for an offsite audit?

COVID-19 cases weren’t the only thing that surged in 2020. FMCSA and its state enforcement partners, which had been testing the value of remote safety audits of truckers, expanded the use of this option during the pandemic. As a result, while the total number of carrier audits was down, more than half of those conducted during the year—10,999 of them—were done via email and phone rather than by inspectors in person, a surge of 400+%.

A key difference between in-person and remote audits is that you will likely have less time to prepare for the remote audit. Carriers tell of having to produce requested documents and files within 48 hours after being contacted for an offsite audit.



You’ll be asked for much the same paperwork as before, including company information, background files, driver (DQ) files, records of both pre-employment and post-accident drug testing records, vehicle maintenance files, accident records, HOS records and DVIRs, along with proof of corrections for any defects.

What hasn’t changed is that inspectors are still using CSA scores to determine which motor carriers to audit. It is a good reminder for everyone to pay close attention to violations in all the BASICS categories. Those are the violations that inspectors will focus on if you are selected for an audit. At the same time, it’s also a good idea to document corrective actions to stop trends from developing.

We would not be surprised to see FMCSA continue to use offsite audits on a regular basis even after COVID is behind us. Make it a priority to get your paperwork organized and keep it current. Being prepared for an audit should be a standard procedure - and besides – it is just smart business!

Call ICSA’s Mike Hitchcock at 602-606-6565 if you have questions or need advice about preparation for an audit or maintaining your files. Mike has had a lot of experience doing mock audits and may be able to assist you.

(Portions of this report excerpted from Commercial Carrier Journal)