



Still Time to Take ICSA Survey! Enter our \$500 Gift Card Drawing

Members who complete the new ICSA Survey and include their contact information by May 1 will be entered into our drawing for a \$500 gift card.

Annual Membership Meeting, Reports Available Now

A hearty thanks to all the members who Zoomed in to ICSA's 2023 Annual Membership Meeting on April 20th! We apologize for the "technical difficulties" that made our screen freeze on some of the visuals.

If you missed anything, we recorded the meeting for those who couldn't attend or for those who want to listen to it again, and will have the recording available in a few days. Meanwhile, there are reports for on Upcoming Regulations by Guest Speaker Warren Hoemann; Membership Report by ICSA Executive Director Karen Rasmussen; and Safety Report by Lead Safety Consultant Mike Hitchcock.

Member Alert: 2023 Road Check Set for May 16-18!

In just three weeks, thousands of commercial enforcement personnel will be out in force for Road Check 2023. Officers will set up to do truck and driver inspections at regular weigh stations or scale facilities, rest areas and even some truck stops.

According to the Commercial Vehicle Safety Alliance (CVSA), brakes will get special emphasis again this year as officers focus on anti-lock braking systems (ABS). Although ABS violations are not out of service (OOS) violations, ABS reduces the risk of a crash by preventing wheels from locking up or skidding, allowing a driver to maintain control of the vehicle while braking. During Road Check 2022, two of the top three OOS violations were brake-related, with brake systems accounting for more than one-fourth of violations and defective service brakes at 12.7%.

Here's a general Road Check trip from ICSA's Executive Director Karen Rasmussen: "It's important that drivers not try to evade these inspections. I've worked alongside highway patrol officers at numerous Road Check events. Almost always, the agencies post 'chase cars' down the road to pursue and pull over any truck that attempts to evade," she said. "Then, in addition to potential inspection violations, the driver is also cited for failure to obey a traffic control device. In many states, this violation is good for three points on the CDL," Rasmussen added. ICSA's advice is to be ready for Road Check and follow the signs to the inspection site.

What should ICSA members do to be ready for this intensive 72-hour inspection and enforcement event?

Ensure your cargo is properly secured. In addition to brakes, officers will also be focusing on cargo or load securement. Improper cargo securement poses a serious risk to drivers and other motorists by adversely affect-

ing vehicle maneuverability, or worse, causing unsecured loads to fall, resulting in traffic hazards and vehicle collisions. Cargo securement was the No. 5 OOS violation in last year's enforcement blitz, making up more than 10% of all OOS violations. Ensure your cargo is properly secured.

In addition to these two areas of focus, ICSA members should be prepared for full inspections in which officers may review operating credentials, hours-of-service/ELDs, the driver's status in the drug and alcohol clearinghouse, seat belt usage, and for alcohol and/or drug impairment. Complying with each of these potential inspection targets is a no-brainer!

Vehicles that successfully pass a Level I or Level V Inspection without any critical vehicle inspection item violations may receive a CVSA decal, which is valid for three months. If an inspector does find critical violations, as outlined in the North American Standard Out-of-Service Criteria, the vehicle will be restricted from operating until the identified out-of-service conditions have been corrected. Inspectors may also restrict the driver from operating if the driver is found to have driver out-of-service violations, such as not possessing a valid or necessary operating license or exhibiting signs of impairment.

FMCSA Proposes Changes to Crash Preventability Program

If you've been in trucking for a few years, you may have filed one or more DataQ requests to submit crashes to FMCSA for evaluating whether these incidents were preventable or not. FMCSA implemented a permanent Crash Preventability Determination Program (CPDP) in May 2020, in which crashes deemed not preventable would be removed from use in a carrier's Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) percentile ranking in the current system FMCSA uses to determine a carrier's safety rating.

According to FMCSA, between May 1, 2020, and December 30, 2022, nearly 40,000 such requests were submitted to the agency. Of that number, approximately 96% of the eligible crashes were found to have been not preventable. FMCSA is now proposing to change some of the 16 existing crash types and add four new types to expand the program so that even more crashes would be reviewed each year for preventability. Be watching for ICSA's May Regulatory Roundup detailing the proposed changes, the additional crash types that may be added and the impact on ICSA's members.



Cont. page 2

Why You Should Have an LLC

Without One, You Could Lose All Your Assets

We at ICSA are always surprised and concerned that too few members are protected by LLCs, or Limited Liability Companies. LLCs are an essential part of how a single-truck operator or small fleet can protect not only their livelihood but also their personal assets. While no one is required to have an LLC, obtaining one can make all the difference in limiting financial distress as a result of any accident, injury, or emergency that occurs on the job. Whether you are a single-truck operator or own a small fleet, you are operating your own business and are responsible for all liabilities.

Here is an all-too-familiar scenario:

A carrier involved in an accident is sued for damages by other affected parties, who are often being represented by a less than ethical trial lawyer. The trucker loses his or her case in court, and as the result of an unfavorable legal judgment, their personal savings, home, and other financial assets are seized to pay off any legal judgments or debts left over after insurance is paid.

Think this can't happen to **you**? Sadly, the courts are filled with thousands of examples like this, while forming an LLC would have created a separate legal entity that would have helped protect the individual owner and their personal assets.

Forming an LLC is just one service ICSA's partner – U.S. Legal – provides our members. Depending on where your business is based, forming an LLC can cost as little as state filing fees. In Florida, for example, forming an LLC costs \$125 to start, and two annual fees to maintain the LLC (an Annual Report Fee of \$138.75 and a Registered Agent fee that varies from \$0 to \$125). These costs are often tax-deductible, and LLCs as a whole offer tax advantages.



An LLC also offers the benefits of obtaining business licenses and permits, creating better contracts, and opening bank accounts. These features, while similar to what larger corporations offer, are not complicated. An LLC can be comprised of just one individual. In addition to the features mentioned above, an LLC makes it easy to oversee your business operations. Lastly, LLC's ensure exclusivity for your business name in the state where you are based and provide credibility to any growing small business.

Coaching Corner

Avoiding "Sticker Shock" for Extended

Video Recordings

By Mike Hitchcock,

ICSA Safety Consultant



Recently several ICSA members received some substantial bills for ordering extended videos from their SmartDrive system. Members are the owners of their SmartDrive system and data, and certainly have the right to order anything they wish.

Regular alert videos are automatically processed through the system and are included in your monthly subscription fee. Extended recording requests like those mentioned previously cost \$3.00 each. It's very important to pinpoint as closely as possible what time the event you are looking for happened before considering making an order.

- 💰 Check the driver's logs and see if you can determine a close time to search for.
- 💰 Once you pull up the time block in the order, look for event triggers. Sometimes you can see a swerve or shock trigger that was not severe enough to trigger an event but is still there. Just order that event and maybe one minute before will get everything you need.
- 💰 When you are close to knowing what you want to order, I recommend you only order one 30-second event for each minute. This will cut your costs in half and if you miss the exact event you need, you will only need to order the other 30-second video in that minute.
- 💰 Another consideration is the overall cost. If your truck is parked for a two-day weekend and someone scratches your bumper, don't order 48 hours of video. That would cost about \$10,000. Your SmartDrive camera stays alert for 10-12 hours after you shut off the engine. After that, there will be no recording.
- 💰 **THE MOST IMPORTANT LESSON THAT WILL REDUCE COSTS IS TO TRAIN YOUR DRIVERS TO USE THE EMERGENCY BUTTON!** Teach your drivers to push the manual record button anytime they want to flag and record something. These videos offload as alerts and cost you nothing. Even if the driver pushes the button after witnessing an accident, at least we will have a time stamp and know where to look for the prior video.
- 💰 To help keep costs down we suggest that you not even try to order extended recording video. Just contact your regional safety consultant and they can help order for you. We have been working with this system for many years and know how to cut costs for you. Of course, the more help you can be in narrowing down the time will help them help you also.

Michigan is the Safest State for Truckers

According to a new study conducted by transportation services company [Simplex](#), Michigan highways are the safest in the nation for truck drivers. Using data from the National Highway Traffic Safety Administration (NHTSA), the study reviewed the percentage of large trucks involved in fatal crashes last year compared to all fatal vehicle crashes per state to rank states according to the percentage of truck-involved incidents to total vehicle crashes. Michigan was ranked first, with just 4.72% of its fatal crashes involving large trucks. Wyoming was ranked as the least-safe state, with 19% of total crashes involving trucks.

The study ranked Vermont as the second safest state for truck drivers with just 5% of fatal crashes involving large trucks, followed by Hawaii (5.26%); Delaware (5.56%); and Massachusetts (5.74%).

Following closely behind Wyoming was Idaho, which was just slightly safer for trucks with 16.33% of all fatal crashes involving trucks. Nebraska is the third least-safe state for truck drivers, with a 15.92% truck-involved fatal crash rate. Iowa is the fourth most dangerous state for truck drivers, with 14.35% of fatal vehicle crashes involving a truck. Fifth was North Dakota, with 13.24% of fatal vehicle crashes involving a large truck.

A spokesperson from Simplex commented: "This research offers an interesting insight into which states are nearing the goal of making roads safer for truck drivers. It also highlights [those] states that might need to consider implementing more truck-safe road systems for drivers. "According to the NHTSA, there have been 4,842 large trucks involved in fatal crashes in the past year, so this study could alert truck drivers to prepare better when journeying in these particular states."