



Get TAT Trained, Get a Hat, and More!

January is National Human Trafficking Awareness month. ICSA members who get trained and certified by Truckers Against Trafficking (TAT) by the end of January will receive a spiffy new ICSA hat and be entered into a drawing for a \$500 gift card.



Go to ICSA's website at www.safecarriers.org, click on the link in the TAT banner to go to ICSA's page on the TAT website and take the 30-minute online training and quiz to get certified. When TAT notifies us that you are trained, we will send you your hat and enter you into the \$500 drawing.

Human trafficking is everywhere truckers go – on the road, in truck stops and rest areas, in restaurants, even near delivery locations. While more than a million trucking personnel have taken the TAT training, we can't have too many eyes out there looking for this modern-day slavery.

You could be the one person who saves a victim from a lifetime of being held hostage and trafficked. Take 30 minutes and get TAT-trained! Click the link below to read about how professional truck driver Adrian Taylor helped a young woman escape being trafficked and get back home.

<https://www.safecarriers.org/industry-information-posts/get-tat-trained-get-a-hat-and-more/>

DRIVERS BEWARE: You May Be Criminally Liable in a Crash

By Karen Rasmussen
ICSA Executive Director



If you've been in trucking for a few years, you are probably well aware that prosecutors and juries are becoming more punitive and imposing lengthy prison sentences on drivers convicted of negligent homicide in crashes. In some cases, judges want to make the guilty driver an example. In other cases, states' mandatory sentencing leave them no choice. The highly publicized case of Rogel Aguilera-Mederos is one example.

Cont. Page 2

Aguilera-Mederos, driving a flatbed loaded with lumber supplies, was eastbound on Interstate 70 in the Colorado Rockies on April 25, 2019, when his brakes failed. Investigators said he had not pulled over to check his brakes before starting down the steep, winding road. He also ignored several runaway truck ramps where he could have stopped his truck.

Instead, Aguilera-Mederos kept on driving, coasting in neutral until he plowed into a backup of vehicles already stopped for another traffic incident near the town of Lakewood, Colorado, a Denver suburb. The momentum of the speeding truck started a chain-reaction wreck that caused other vehicles to burst into flames, killing four motorists and injuring six others.

At his October 2021 trial, Aguilera-Mederos was convicted of 27 counts, including six counts of vehicular homicide, six counts of first-degree assault, 10 counts of attempted first-degree assault, six counts of careless driving, and one count of reckless driving. Jurors acquitted him of 15 additional accounts of attempted first-degree assault. The judge, in sentencing him to 110 years in prison, asserted that he was bound by Colorado's mandatory sentencing laws to this considerable sentence.

Click the link below to read the rest of this story and learn some ways to protect yourself or your drivers.

<https://www.safecarriers.org/industry-information-posts/drivers-beware-you-may-be-criminally-liable-in-a-crash/>

Inspectors Now Enforcing UCR

Effective January 1, roadside enforcement personnel began checking for compliance with the federal Unified Carrier Registration, or UCR. UCR applies to all motor carriers involved in interstate commerce, along with other businesses such as freight brokers.

UCR is a fee established in 2005 to provide supplemental funding for state highway motor carrier registration and safety programs. Failure to register and pay UCR fees can subject you to fines ranging from \$100 to \$5,000 for first time offenders, depending upon your base state.

The fee is based on the size of the fleet you operate as shown in your USDOT profile. If you're not sure how many power units are showing in your profile, go to <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>. To pay your 2022 UCR, go to www.ucr.gov and follow the prompts.

How Can Filing a DataQ Benefit You?

By Scot Montgomery
Member, ICSA Board of Directors
Wyoming Highway Patrol Capt. (ret.)



“Driver, park in the lot and an inspector will be right out.” So begins the random North American Safety (NAS) Inspection process. An hour or so later the inspection is complete and then what? If a violation is found, the driver and the carrier have options. If a carrier wants to contest a violation, it is important to understand the benefits and perils of the DataQ process, or Request for Data Review (RDR), for challenging violations.

In my prior career as the Wyoming Highway Patrol captain overseeing commercial vehicle enforcement, I would see carriers approach the filing of a DataQ as “I have nothing to lose; the worst they can do is deny the request.” This is not a prudent use of the carrier’s time or the time of the state official who would be performing the DataQ. Understanding the process is key to using it effectively and getting the results you want. This is the first in a series of installments covering the DataQ process and how it can benefit ICSA members.

When a motor carrier reviews an inspection report and decides to file a DataQ, it is important to be thorough in both understanding the situation and facts surrounding the inspection as well as the correct application of the regulation. Photographs of equipment condition, as they relate to a violation listed on the inspection, can be priceless. However, any inspection is a snapshot of the vehicle’s condition at the time of inspection and any evidence supporting the carrier’s request must be relevant to that time frame.

Once the vehicle leaves the inspection site and any time has elapsed, the “snapshot” window has closed. As such, drivers should be instructed to take photographs at the scene of the inspection, particularly if violations are found. It is also imperative for the driver and carrier to be honest about the violation, both with each other and with the reviewing agency.

The DataQ system was established in 2004 and is used by motor carriers, drivers, and State and Federal Enforcement personnel, as well as the public and other stakeholders in the transportation business. Motor carriers and/or drivers may file an RDR when they have a concern about their data maintained in FMCSA’s Motor Carrier Management Information System (MCMIS). This data is typically generated as the result of a roadside inspection or crash. Factual evidence supporting the carrier’s request should be uploaded when making a request. This factual evidence can include

but not be limited to court abstracts, photo or video evidence, any applicable exceptions, etc. Once the RDR is filed, the system will acknowledge the receipt of the request.

In turn, the DataQ system notifies the appropriate agency of the request which allows the agency to review the request and provide a response/resolution. While every agency processes these requests according to their internal policies and practices, the entity filing the request should receive a somewhat detailed explanation of the outcome. Agencies should respond, if for nothing more than acknowledgement of the request, within 10 days of receiving the RDR.

Depending on the depth of the investigation it may take an agency more than 10 days to complete their response. Other factors such as inspector availability, court schedules, and, unfortunately, workloads make a difference in this turnaround time. If the RDR requester is unsatisfied with the resolution provided they can request the agency reconsider the request. Generally, this action will cause the RDR to be viewed by other (higher ranking) officials within the subject agency. In some, more extreme, cases the FMCSA may become involved in an advisory role. However, the FMCSA will not change a State’s decision without the State’s approval.

Responses can reflect a wide variety of outcomes which range from there being no action taken by the agency up to complete removal of the inspection from the carrier’s record. Carriers are urged to remember it may take several weeks for the results of the RDR to be reflected in their safety score. Whether MCMIS, SAFER, CSA, or ISS, safety scores are like golf scores (the lower the better) and lower (good) scores are solid evidence of a safe and professional driver/carrier.

In future installments we will boil the process down further and provide additional insight to DataQs from the perspective of the inspector and those who complete the RDRs within the agencies. We will share further benefits of good scores, and how a bad score can affect the bottom line, plus information from FMCSA regarding DataQ statistics and enhancements. Until then, and moving forward, I encourage you to use the links below to learn more about DataQs:

<https://dataqs.fmcsa.dot.gov/>



https://dataqs.fmcsa.dot.gov/Data/Guide/DataQs_Users_Guide_and_Best_Practices_Manual.pdf

Cont. Page 3



Coaching Corner

Set Your Own SmartDrive Alerts!

By Mike Hitchcock
ICSA Senior Safety Advisor



Until now when a safety issue happened, it was first offloaded to the SmartDrive response center team for review. SmartDrive evaluated the video and, if applicable, assigned points to the alert before sending it to your board where you could see it. Often, unless you went into the program and looked, you wouldn't know what alerts you have or what your score was.

Effective immediately, all SmartDrive accounts will have an initial default alert preset to come to your email immediately or on a timing schedule you choose. From the email there is a link to take you directly into the video once you log in. You can edit this default alert if you wish and/or add other alerts. The new default alert will instantly email you when there is a crash, unsafe turning, speeding more than 15 mph over the limit, collisions with another vehicles, pedestrian, parked vehicle, train, run off the road or a roll over etc.

The default alert will be sent to the email you designated in your order (log in), but this too is something you can edit as explained above. We are very excited to roll out this new feature and hope you find it informative and effective in making your safety program the safest on the road. Thanks for all you do to improve highway safety every day!

Instructions for Customizing your SmartDrive Alerts

Log into SmartDrive (<https://secure.smartdrive.net/Login>) and click on "my account" in the upper righthand corner. From that screen, select the "add alert" button and select what type of incident(s) you want to be alerted on. You can also decide if you want your alerts to come immediately or all at one specific time. Things like crashes you want asap! If you are a larger fleet you may want to see, for example, which drivers roll through stop signs all at once at 10 a.m. every day. The point is that you can customize SmartDrive alerts to suit your data needs.

Feel free to email me at mike.hitchcock@safecarriers.org if you have any questions about setting alerts.

Are You Ready for Rain?

While many areas of our country are experiencing record cold and snow, rain is a bigger problem not just now but year-round. Rain is a contributing factor to thousands of crashes every year. Many of these crashes

are preventable when drivers remember that driving in foul weather requires a different approach.

When the road is wet, the film of water on the asphalt causes tires to lose traction. While the most common tip is to slow down in the rain, click on the link below for other tips that will help keep you, and those who share the road with you, from becoming a statistic.

Tips for Driving in the Rain:



1. **Take Precautionary Measures before the storm.** Stay on top of your truck's condition. Its brakes, tire pressures, tire tread depth, wiper blades, and defroster operation should all be checked regularly.
2. **Don't use cruise control. Increase following distance! Slower speed and more room = more time to react to danger (including other drivers)! Brake earlier and with less force** than you would normally. Not only does this reduce the chances of a skid, but it also lets the driver behind you know that you're slowing down. Take turns and curves at a lower speed than you would in dry conditions, especially if you are deadheading or bobtailing.
3. **Don't attempt to drive through large puddles or running water.** If you see a large puddle up ahead, **drive around it or choose a different route.** It could be that it's covering a huge gaping hole clear to China! Well, maybe not, but water splashing up into your truck's engine compartment could damage its internal electrical systems. If you must cross a puddle, **tap on your brake pedal lightly** to dry off some of the water on your brake drums.
4. **If you start to hydroplane, don't brake suddenly, or turn the wheel.** Release the gas pedal slowly and steer straight until the truck regains traction. If you must apply your brakes, just tap them. Keep your steer tires pointed straight down the road.
5. **Keep your 5th wheel greased!** A properly lubricated 5th wheel will make steering easier in rainy conditions.