



# мotive

This issue of the Landing Gear is sponsored by Motive, ICSA's newest safety partner. Check out the ICSA store, behind the login, to get more information on the Motive products available to you!

Through this partnership, ICSA members have access to:

- Exclusive Motive offerings and pricing
- Improved fleet safety through real-time accident detection and driver coaching
- Customized risk management plans using your fleets' telematics



Be sure to follow ICSA on <u>Facebook</u> and <u>LinkedIn</u> for upto-the-minute news and operating tips.

#### Today's Webinar Postponed to Thursday, Jan. 25

The illness of one of our presenters made it necessary to postpone the webinar "How Your Company's Safety Score Affects Your Insurance Costs" until 11 AM on January 25. We apologize for any inconvenience. Click here to register.



# When is "Off-Duty" Really "On-Duty"? Court Rules Some Sleeper Time Must be Paid



When team drivers for CRST complained they were spending too much time in the sleeper berth and not getting paid for it, the First Circuit Court of Appeals listened. The Court ruled that a team driver who is on duty for 24 hours or more must be compensated for any time above eight hours spent in the sleeper berth.

The scenario arose as CRST, using a unique model, utilized team drivers. This model meant that when one team member was driving, the other team member would pass the time in the sleeper berth of the truck during his required ten hours of "off-duty" status under the federal hours of service requirements.

As the court pointed out, given how the HOS requirements work, sometimes a driver in off-duty status would spend up to 16 hours in the sleeper berth. While this arrangement allowed the truck to move up to twenty hours a day, because they were paid by the mile, drivers argued that they were not being compensated for some of the time spent idle in the sleeper berth. Because Department of Labor regulations only allow an employer to exclude an eight-hour sleeping period per day, the court agreed that any time spent in the sleeper berth above eight hours must be compensated to the driver.

This ruling, while limited, may have a far-reaching impact. Because the Circuit court held that the Department of Transportation regulations are in place for safety reasons and Department of Labor regulations control wage and compensation questions, there are likely other situations where this question could arise and other conflicts that may need to be solved in favor of paying drivers for time they are not necessarily driving. ICSA will keep you informed on this issue.

## **COACHING CORNER**

# Handling Your Drivers' Inattention

By Mike Hitchcock

Member, ICSA Board of Directors



In reviewing hundreds of videos every day, ICSA's safety consultants are seeing an increase in distracted/inattentive driving. In many, they see the driver talking on the phone, having the radio blaring, while going too fast for conditions. These distractions keep drivers from processing data fast enough to identify and react to sudden changes.

Despite all the safety features and equipment in newer trucks, crashes and fatalities continue to rise. From 2009 to 2019, crash fatalities rose by 48%. As an industry, we must do better. Your safety consulting team at ICSA is here to help you improve highway safety and reduce the chances of being in a serious crash.

How do we do this? First, we respect professional drivers and their skills. Secondly, we give you tips to create an open communication relationship with them that incorporates mutual trust and respect. Every experienced driver will tell you that once they learn the skills of operating their equipment, the next challenge is avoiding complacency. How can we help them?

Example: You just got a video of your driver (or your-self) running a stop sign. You think to yourself "Well it [a crash] hasn't happened before. He is a safe driver. No need to worry about it." Is that really the professional way to handle the safety violation or are WE being complacent?

Following up on inattention events is critically important and is the real solution to reducing crashes. We have to identify and understand the cause before we can find a solution. We must view it as much more serious than just running a stop sign. It is actually a crash that didn't happen and a serious miscue by an otherwise professional driver. Identify the "why" and help the driver understand what to do next time.

- Discuss what really happened
- Work to identify the cause. Ask why this happened
   3 or 4 times and dig down to the root cause.
- Identify the expectation and a solution. What is the smart thing to do next time this situation arises?
- Commit to using this knowledge to eliminate a reoccurrence in the future.

If you aren't able to convince yourself that the risk is eliminated, don't settle. Reach out to your safety consultant. We are always available to help you. Our consultants are well-trained in ways to help you coach your

drivers into better safety behavior. We love talking to members about strategies that help drivers improve while maintaining respect and professionalism.

#### **Truck Parking Getting Renewed Attention**

At the Transportation Research Board Annual Meeting in Washington, D.C. this month, planners advanced several proposals to address the truck parking shortage. It was refreshing to hear that at least one entity—the American Transportation Research Institute (ATRI)—is working on mechanisms that will help states make more useful parking investments by considering where additional spots are needed and where they aren't.

Some attendees believe transportation officials can develop and use artificial intelligence and other technological advancements to give truck drivers more real-time information about when and where spaces are available. The increased spotlight on parking comes at a time when the public and private sectors are planning to spend money on increasing capacity, and Congress is looking at a \$700 million funding package.

The issue of truck staging is finally getting the attention it deserves. Much of the demand for additional truck parking is not on major freight routes but is offsite parking for trucks waiting to load and/or unload. A pilot program conducted by Virginia DOT concluded that at least some parking must be tailored to key urban pickup and delivery locations where trucks can wait off-site.

Officials with the Texas A&M Transportation Institute (TTI) reported on the early stages of their project using crowd-sourced data, predictive analysis and other tools to measure daily highly traveled freight traffic routes. By monitoring the number of trucks on a highway or road, researching how long they have been traveling and determining when they would need to stop, TTI believes they can establish patterns and determine when spaces need to be available.

Missouri Department of Transportation (DOT) and research firm Cambridge Systematics reported on their project to identify and rank 18 potential truck parking spots in the state. The study will estimate the benefits of these projects over 30 years in terms of safety, environmental impacts, trucking costs, congestion, noise and infrastructure damage.

University of California-Davis researchers looked at factors that influence truck idling and parking issues in communities designated as Environmental Justice Areas, in which 20% or more of the community is classified as living below the poverty line and 30% or more of the population is a minority.

ICSA will keep you informed on this matter.

Cont. Page 3

#### Cargo Theft Ramping Up in 2024

Thieves Target Small Truckers

Cargo thefts were up over 1,200% in the second half of 2023, with food ranked as the top stolen cargo. Now CargoNet has reported that just one day after the new year began, thieves engaged in a rash of cargo thefts in Memphis. In one example, on Tuesday, Jan. 2, three armed men approached the driver of a FedEx delivery truck and stole numerous packages before fleeing.

The same day, three men broke into a parked UPS delivery truck and exited with packages. Then, less than an hour later, three suspects waited for a UPS driver to leave the truck before entering it and making off with several packages. In a report on a local TV station, the reporter spoke to an over-the-road driver who had more than 30 boxes stolen from the trailer he was hauling when he stopped at a gas station in Memphis. Memphis is not unique; thefts like these were happening all over the country.

Insurers say that, while the traditional method is straight cargo theft, where crooks physically go out and steal the load where it sits, strategic theft has seen the largest increase. This is often tied to organized crime operations, some located in other countries.

Organized cargo theft rings are highly sophisticated and use the same systems that the supply chain has put in place to make itself more effective, more efficient and faster. Instead of targeting one truck sitting in a particular location, organized rings use the internet to target a dozen loads from one company, electronically redirect the loads and steal all dozen in one operation.

These cargo theft organizations usually target small companies with 10 or fewer trucks. Why? Thieves can almost always talk directly to a driver and not have to go through whatever security measures a fleet may have in place. Small fleets beware — and take steps to protect your cargo from being stolen. Here are some helpful hints:

- 1. Before accepting a load, verify that the people you're doing business with the people who are asking you to tender a load are who they say.
- 2. Make drivers aware of these trends in cargo theft and urge them to be on guard for potential thieves.
- 3. Whenever possible, park loaded trucks in well-lit, busy locations.
- 4. Invest in devices that make trucks and cargo harder to steal, such as high-security door locks on trailers, air cuff locks and landing gear locks.
- 5. Have photos of all your trucks as well as any paperwork, including bills of lading.
- 6. Have a plan of what to do if your company becomes the victim of a theft and make sure your drivers understand and follow the plan.

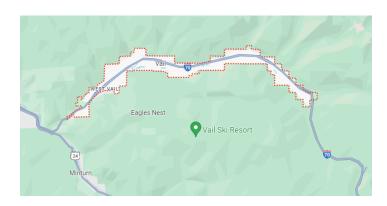
### Vail, Colorado Outlaws Delivery Trucks

The Town of Vail has passed an ordinance aimed at ridding its Vail Village and Lionshead neighborhoods of all delivery trucks. Vail officials say trucks create environmental and safety concerns. To replace trucks, Vail hired a local business to do deliveries using electric carts instead.

We are not making this up! Truckers were given two choices -- park outside the village limits and carry in their merchandise (maybe in a wheel barrow???) or pay thousands of dollars to have an electric cart deliver the goods for them.

While the town cited safety as the main reason for the truck ban, the Colorado Motor Carriers Association (CMCA) says the town never conducted a safety study and couldn't point to a single trucking accident in the area for years. If safety were the issue, said CMCA's president Greg Fulton, Vail could have limited the size or weight of vehicles. Instead, it only limited who can operate delivery vehicles and gave a no-bid contract for the e-delivery program to a local company - called 106 West - that had just opened, didn't have adequate insurance and only recently underwent a safety audit. In effect, Vail created a monopoly while shutting out proven motor carriers.

Fulton, the association suing Vail, says trucking companies wanting to use 106 West's electric carts must pay up to \$30,000 a year - costs that will get passed to consumers. CMCA's lawsuit charges that the ordinance violates both state and federal law. In its response to the suit, Vail says interstate commerce laws allow local jurisdictions to restrict travel based on safety concerns. The judge has not made a final ruling, but last month she issued a preliminary injunction exempting high volume delivery services like UPS, FedEx, and the U.S. Postal Service from the ordinance for now. ICSA will keep you posted on developments in the Vail truck ban as well as other localities' attempts to ban trucks.



Cont. Page 4

#### **Train to Fight Human Trafficking**



January is National Human Trafficking Awareness month and ICSA is supporting the efforts of Truckers Against Traffic (TAT) to train additional truck drivers. ICSA members are in a unique position as they travel to see potential victims and are often in places that law enforcement may not be. Join the fight in making a difference! Click here to go to the specially created ICSA member page on the TAT website and complete the free online training today. It only takes 30 minutes of your time and ICSA members who take the training before the end of January get a nifty ICSA cap!

## **Telematics and Camera Invoicing**

**REMINDER** - SmartDrive camera subscriptions that were paid through ICSA members' monthly insurance premiums will be billed by ICSA separately to each member each month this month. The monthly ICSA invoice will also include a Telematics Surcharge to support enhancements to the safety assistance our members receive from ICSA. Those that do not maintain their monthly payments through the invoices being sent out will lose access to the SmartDrive system and no longer be eligible for platinum member benefits.

Please note that having an in-cab camera system and utilizing the system to its fullest is one of the best ways that you can show a prospective insurer that your company takes its safety seriously Keep your camera subscription current to let insurers know you are a better risk because you are using this primary safety tool!

#### **Congress Targets Truck Insurance Limits**

A bill introduced in the U.S. House of Representatives just before the holidays proposes to increase the minimum liability insurance requirements for interstate motor carriers from the current minimum of \$750,000 to \$5 million. Citing the medical debt and other burdens of truck-involved crash victims, Rep. Jesus "Chuy" Garcia (D-Illinois) and Rep. Hank Johnson(D-Georgia) titled their legislation the "Fair Compensation for Truck Crash Victims Act." Garcia authored a prior bill raising the insurance limits, but that legislation did not advance in the House.

As with prior proposals to increase insurance minimums for carriers, the legislation also ties the mini-

mums to inflation to keep pace "with the rising cost of healthcare and other expenses," a press release from Garcia said. The bill would require the Secretary of Transportation, in consultation with the Bureau of Labor Statistics, to adjust the liability insurance minimum every five years for inflation relating to medical care. ICSA will keep you informed on this bill.

#### **ICSA Announces Q4 Safety Award Winners:**

The awards are based on safety scores, compliance with all ICSA membership requirements, and other criteria. CONGRATULATIONS to the following carriers who won the Q4 safety awards:

#### **Single-Truck Operator:**

Rank	Company	Safety Score	City, State
1 <sup>st</sup> Place	ROAD LINE INC	5	Patterson, CA
2 <sup>nd</sup> Place	KM LOGISTICS & CO LLC	5	Santa Clarita, CA
3 <sup>rd</sup> Place	KREAM TRANSPORT INC	8	Fresno, CA

#### **Small Fleet Operators:**

Rank	Company	Safety Score	City, State
1 <sup>st</sup> Place	LOGITEX TRANSPORTATION LLC	3	Edinburg, TX
2 <sup>nd</sup> Place	LARAS TRUCKING LLC	5	Houston, TX
3 <sup>rd</sup> Place	LUNA LOGISTICS INC	6	West Hills, CA

# **Annual Safety Awards**

A Texas-based small fleet and a Georgia-based single truck operator won ICSA's 2023 overall annual safety awards. First-place winners of all 2023 quarterly awards competed for the annual awards. AT Cargo LLC (Nicolas Harran), based in Houston, TX, won the small fleet award. DNC Solutions LTD Co (Dwayne Campbell), based in Atlanta, GA, won the single-truck operator award. These annual winners each received \$1,000 cash and a cool trophy they'll be proud to display in their home or office. Congratulations!

