March 13, 2009

FMCSA to Change Compliance review process with CSA 2010 Initiative.

The purpose of the CSA 2010 initiative is to develop more effective and efficient methods for FMCSA, together with industry and state partners, to achieve its mission of reducing commercial motor vehicle (CMV) crashes, fatalities, and injuries.

Key Features of CSA 2010 are to:

- Increase the opportunity to have contact with more carriers and drivers
- Use better data to improve performance measurements for identifying high risk carrier and driver behaviors
- Apply a wide range of interventions to correct these high risk behaviors before they become chronic and habitual.

To view a comparison of the proposed CSA 2010 Initiative and current SafeStat/CR program click on the following link


Teamsters, Public Citizen and others file Third Challenge with the Court of Appeals concerning FMCSA Hours of Service.

The Teamsters, Public Citizen, Advocates for Highway and Auto Safety, and the Truck Safety Coalition have again attacked federal hours of service rules in court.

The safety groups asked an appeals court today to review what they call "a dangerous Bush-era regulation that increased the amount of time truck drivers can spend behind the wheel."

The groups also sent a letter to Transportation Secretary Ray LaHood asking him to begin work on a new regulation that would reduce truck crashes caused by fatigue.

"We have taken this action with the conviction, based on research and scientific data, that longer driving and working hours are unsafe and promote driver fatigue," the letter said.

The rule, which took effect in 2003, has twice before been challenged in court by safety groups. The regulations were modified somewhat following the first challenge, but the revised rule was challenged again in 2005.

In July 2007, the court remanded the hours of service rules to FMCSA, ruling that the agency must provide better explanations of its justifications for adopting the controversial 11-hour drive time and 34-hour restart provisions. Many in the trucking industry interpreted that decision as "procedural," something the agency could fix fairly easily.

In December 2007, FMCSA announced that it was keeping the 11-hour and the 34-hour provisions in an Interim Final Rule. In January 2008, a federal appeals court denied Public Citizen's request to invalidate that interim rule. The final rule was unveiled late last year and went into effect in the final days of the Bush administration.
The ongoing challenge asserts that the hours of service rule "allows truck drivers to drive for 11 hours, one more hour than they were allowed before the 2003 rule. It allows them to drive as many as 77 hours in seven days or 88 hours in eight days, over 25 percent more than previously."

"It is illogical and unacceptable that the prior Administration's solution to truck driver fatigue was longer working and driving hours, said Jackie Gillan, vice president for Advocates for Highway and Auto Safety. "Public health and safety is at stake and there needs to be a new rule."

But in unveiling the Final Rule late last year, FMCSA Administrator John Hill emphasized, "These rules are crafted to match what we know about drivers' circadian rhythms and the real world work environment truckers face every day."

**FMCSA Revises Policy on Use of GPS Records for HOS Compliance**

The FMCSA has reversed its policy regarding the use of Global Positioning Systems and other advanced information technologies for verifying driver record of duty status. A carrier must now maintain their GPS records for each employed driver for six months and present them upon request during inspection.

Back in 1997 the agency had issued a policy that GPS or other advance technology records would not be used by FMCSA enforcement officers to verify hours of service compliance. The reason for this policy was that the agency wanted to encourage motor carriers to adopt these advanced technologies for HOS compliance. Now, however, the FMCSA believes that industry use of the GPS and other systems is so widespread that the policy is no longer necessary.

Under the new policy, effective immediately, if a company uses GPS, the FMCSA has authority to request the records and use them during the normal course of an investigation. The FMCSA considers the records as supporting documents as they record the time, date, and location of vehicles and drivers. All supporting documents, including records from GPS and other advance technology systems, must now be kept for a period of six months under 49 CFR 395.8.

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<td>Mike Rissler</td>
<td>913-621-1988</td>
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<td>Jeff McDermott</td>
<td>901-348-1438</td>
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<td>March 24</td>
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<td>Dale Jordan</td>
<td>217-528-9505</td>
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<tr>
<td>March 25</td>
<td>Milwaukee, WI</td>
<td>Robert Gomez</td>
<td>414-353-4800</td>
</tr>
<tr>
<td>March 26</td>
<td>Minneapolis, MN</td>
<td>Jim Woodison</td>
<td>612-378-1660</td>
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