

# TRANSPORTATION SAFETY NEWSLETTER

SEPT 2019

## SAFETY

### Wheel Chock Regulations

Wheel chock regulations are murky. There are two different federal agencies, governing two different groups with two different requirements.

#### Federal Requirements

The Occupational Safety and Health Administration (OSHA) is a federal agency tasked with keeping US workers safe while on the job. That being said, The Federal Motor Carrier Safety Administration (FMCSA), a subset of the US Department of Transportation (DOT), can override OSHA regulations when it comes to specific rules related to commercial motor vehicles and their drivers.

Each agency has different rules when it comes to the required use of wheel chocks.

#### OSHA Regulations

OSHA is very clear when it comes to wheel chocks— use them.

However, there is a hang-up. OSHA does not have jurisdiction when it comes to regulating commercial motor vehicles (like semis and buses) and their drivers. That's up to the FMCSA. Yet, OSHA cannot be ignored, there are some exceptions.

OSHA has complete jurisdiction over all intrastate motor vehicles, those used in the workplace and on non-public roads. Examples include gravel and sand haulers, logging and agriculture haulers along with concrete mixers. OSHA also says it will enforce its wheel chock requirement on all trailers and trucks that are not classified as commercial motor vehicles.

Put simply, if you are not a commercial motor vehicle, you need to chock.

### FMCSA Regulations

The FMCSA has different rules when it comes to requiring wheel chocks. The law states that air-braked power units (made on or before March of 1975) are enough to keep a commercial motor vehicles from moving during the loading and unloading process. However, the FMCSA does require blocks or chocks for all agricultural commodity trailers, pulpwood trailers and heavy haulers.

Put simply, if you are a commercial motor vehicle you likely do not need to chock, but double check to make sure your vehicle isn't an exception.

### Safety Concerns

A common safety concern involves the movement of trucks or trailers at a dock. Specifically when a forklift is loading and unloading the trailer. It is somewhat common for trailers to creep and become disconnected from the dock lever. When this happens, it endangers the safety of the forklift operator and those working in or around the trailer at the time. Safety officials recommend drivers always set the brakes, chock the wheels and or activate the locking mechanism included on the dock.

Carriers, receivers and distributors can and do set their own policies that go up and above in regards to safety. It's important to be aware of those policies. If a company requires wheel chocks, the policy will be enforced. Federal safety standards are considered the minimum or threshold when it comes to safety.

Wheel chocks are not required for independent CMV drivers, but that doesn't mean it isn't a good idea to have a backup plan should your brakes malfunction. Accidents do happen. Wheel chocks simply ensure that you are looking out for the safety of yourself and those around you.

**Information Provided By:** US Cargo Control

## PAYNEWEST RISK CONTROL CONTACTS

(800) 735-8257 | RiskControl@PayneWest.com

Brodie Loushin  
(406) 533-1038

Pat McCarthy  
(406) 327-6519

Shawn McDevitt  
(406) 533-1016

Brendan Riley  
(406) 457-2114

Bruce Hollcroft  
(509) 363-4017

Sondra Lavoie  
(208) 424-2942

Doug Colley  
(509) 789-7449

## REGULATORY

### TOP DOT VIOLATIONS OF 2019

With widespread use of electronic logging devices (ELDs), 2018 saw a steep decline in hours-of-service violations since the prior year, according to the latest government figures.

Violations for “logs not current,” “log form & manner,” the 14-hour rule, and the 30-minute break requirement were all reduced by more than half. Overall, there were 3.5 million roadside inspections performed on commercial trucks and buses in 2018, with nearly 60 percent resulting in at least one violation.

Being familiar with those violations can help drivers and motor carrier avoid them.

### 2018 CMV Roadside Enforcement by the Numbers:

- 3.5 million roadside inspections
- 5.9 million violations recorded
- 0.7% increase in violations since 2017
- 6 in 10 inspections resulted in a violation
- 3.4 million truck inspections, 1.7 violations/inspection
- 120,000 bus/limo/van inspections, 0.7 violations/inspection

### DRIVERS:

- 3.4 million inspected
- 993,000 violations recorded
- 187,800 Out-of-Service violations

### TOP 10 DRIVER VIOLATIONS

Rank	Code	Description	Violations	OOS	CSA Points
1	392.2S	Speeding	130,720	0.02%	1-10
2	391.41(a)	Driving without a valid medical certificate	85,243	10.9%	1
3	395.8	Log violation: general/form and manner	81,032	0.96%	1
4	392.16	Failing to use seat belt	60,483	0.02%	7
5	392.2C	Failure to obey traffic control device	53,990	0.01%	5
6	383.23(a)(2)	Operating a CMV without a CDL	38,665	98.1%	8
7	395.22(a)	Operating with an electronic log that is not registered with FMCSA	36,488	2.7%	5
8	392.2LV	Lane-restriction violation	35,688	0.03%	3
9	395.8(e)	False log(s)	31,648	77.9%	7
10	395.8(f)(1)	Driver's log not current	30,647	1.1%	5

Information Provided By: FMCSA