

Tow Operations

Fleet Safety Guide



Purpose

Fleet safety and compliance is a critical element of a successful safety program. Companies that utilize a uniform process to screen, train and monitor drivers have a greater potential to reduce risk and hazardous exposures. This reduction will help mitigate losses in regards to driver injuries from auto collisions, liability losses due to damage and injuries inflicted on third parties, and physical damages caused to company owned equipment. In addition, fleet safety programs should also address regulatory requirements and guidelines to help ensure that the company is operating within the guidelines of applicable state and federal regulations such as the DOT.

Tow truck operations are no exception and at times introduce unique elements into the traditional driving aspects of an operation. Drivers must have a current commercial license, a clean driving record and knowledge of vehicle maintenance and repair. Some employers also require certification from a reputable organization, such as a college, technical school or the Towing and Recovery Association of America.

Organizations have the ultimate responsibility to ensure that they and their drivers are operating safely and compliantly. It is imperative that organizations take a proactive approach to help accomplish this task. Losses from being involved in a vehicle crash have the potential to be financially and emotionally devastating to both the employer and the employee. Whenever an individual has a role in your organization that will require them to drive a vehicle, you should consider providing a formalized orientation session that provides both training and guidelines for anyone operating a vehicle in your company.

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Tow Operation Guide

An important aspect to remember is that tow truck operators, at many times are part of the first responder team at automobile accident scenes, joining police officers and ambulance crews. As a result, it is vitally important that they are properly trained and equipped with the necessary tools to perform their duties. Any time a driver responds to an accident scene or to remove a disabled vehicle, they must use the proper tow vehicle, tow equipment (straps, chains), tow procedures and proper personal protective equipment (PPE).



Personal Protection Equipment

The Federal Highway Administration requires that all roadway and emergency workers on or near a federal highway wear a green, orange or yellow fluorescent safety vest that meets American National Standards Institute standards. Three classes of vests are available, with Class 3 offering the most visibility. In addition to vests, tow truck drivers should also wear proper work boots, gloves and other equipment that the operation sees fit.

Safety on the Scene

A driver should monitor any activity around their tow truck as he/she approaches a disabled vehicle. The driver should arrive with their emergency lights on, and before exiting the truck, must check for oncoming traffic approaching the accident or disabled vehicle. As the tow truck driver exits and enters the truck, they should check that they place their feet on the running boards of the truck and use its handrails to keep from falling. The same is true as the driver climbs into the tow truck's bed. Drivers should also be using three point contact when exiting and entering the vehicle.

Equipment

Keep all tow trucks well maintained. Schedule regular preventative maintenance and repair or replace parts when necessary.

Ensure that drivers are familiar with all trucks they operate along with their capacities. Drivers should conduct a proper pre/post trip inspection of the vehicles they operate.

Drivers should make sure the truck is free of broken bolts, cracked seams and stress fractures and check the chains to make sure they are free of cracks and rust. Each driver should also be aware of tow capacity and never to exceed it.

A tow truck driver is licensed to haul a certain weight of cargo. The gross vehicle weight rating, or GVWR, for light-duty trucks is 10,000 pounds or less. Medium-duty trucks can haul as much as 26,000 pounds, and heavy-duty haulers can move vehicles with a GVWR in excess of 26,000 pounds. The weight ratings also indicate the types of winches and towing cables that can be used on a particular tow truck. The tow truck driver should inspect the cables and winches regularly to ensure that they are in good working order. It is also important that the driver regularly inspect all splices and connectors that fasten the tow wire to the truck and to its hitching devices.

Proper Loading

A tow truck driver must observe proper procedures as they load a disabled vehicle onto the tow truck. The driver should work within a designated safety zone to stay out of the way of traffic. The vehicle must be centered on the bed of the tow truck. Once it is in place, the vehicle must be tied down and have its wheels chocked and blocked. If the tow trucks are equipped with a remote control for the lift, boom or winch, have your

drivers lock and secure it inside the truck until they are ready to use it isn't accidentally activated. Once the vehicle is lifted, drivers should not be working underneath it.

Keep a Safe Distance

Remember that your drivers are carrying extra weight when towing a vehicle, so drivers should be driving defensively. Drivers should be obeying all speed limits and proper following distance. Distance between the vehicle in front should be adjusted as needed especially in adverse weather conditions. It is important for drivers to leave themselves an out.

Below are some additional basic steps that drivers should be taking...

- Get information about the vehicle your tow truck driver will be servicing from the dispatcher via radio or phone. This information usually includes the vehicle make and model, color, location, the reason for towing and the driver's name.
- Speak with the customers to learn the details of the vehicle's problem. Then, have the tow truck driver explain the solution in simple language. The driver must be able to remain helpful and polite when dealing with customers who may be anxious, angry or otherwise upset.
- If permissible by both company policy and the customer, the tow driver can make simple repairs such as replacing flat tires or spark plugs, jumping batteries and fixing disconnected or broken wires. If the problem is an empty fuel tank, you may choose to provide a few gallons to get the customer to a safe place. This may remove the need for the driver to actually tow the vehicle.
- Never exceed the gross vehicle weight rating or the safe towing capacity of the tow truck. Don't expect your tow truck to tow loads equal to the tow rating. Tow ratings apply to loads imposed during recovery with the tow truck properly stabilized.



- Never exceed the working load limits (WLL) of the tow truck or its accessories.
- Don't use damaged cables on your tow truck. Become familiar with the various types of cable damage. Carefully inspect all cables being used in a recovery operation for damage before starting to pull.
- Be aware of and avoid electrical lines when raising your boom.
- Don't tow a vehicle on its front wheels unless the steering wheel is secured with the front wheels straight ahead. Always check manufacturer specifications before towing on drive wheels.
- After rigging cables, never begin pulling without rechecking connections. Make sure that all cables and snatch blocks are securely attached and cannot accidentally pull loose.
- Don't permit bystanders in the area while performing recovery work.
- Don't unlock outboard legs or rear jack extension legs unless the area under them is clear. Pay particular attention to keeping your feet clear of this area.
- Don't use a tow truck that has not been properly maintained. Be sure wrecker mounting bolts are tight, cable is in good condition and all moving parts are properly lubricated.
- After you have hooked-up a vehicle for towing, don't start the tow until you have double-checked the hook-up, installed safety chains/straps (some product require straps and other product are designed to be strapless - however all require safety chains), secured the steering wheel, released the parking brakes of the towed vehicle and installed tow lights.
- Don't tow a vehicle at night without proper towing lights on the towed vehicle and the tow truck.
- Don't substitute alloy chains for the original factory towing chains unless they are EXACTLY the same size as the original chains. Even slightly smaller chains will NOT properly fit the tow bar grab hooks. Grab hooks are made for a single chain size only.
- Don't get under a raised vehicle or load unless it has adequate safety blocks in place.
- Don't continue to wind in winch cable after the hook is against the boom end.
- Don't tow a vehicle on its drive wheels unless steps have been taken to protect its transmission and differential. Follow the recommendations of the vehicle manufacturer. As an alternative, use a towing dolly or car carrier.
- Don't move your tow truck while either outboard legs or rear jacks are extended.
- Don't exceed ratings of booms, cables, snatch blocks or winches. Stay within nameplate ratings. Note that boom ratings decrease significantly as a boom is extended.
- When using a towing dolly, don't exceed the safe operating speed recommended for the dolly.
- Don't use flashing lights except under conditions permitted by law.
- Don't rely on anti-theft steering locks or safety belts to secure the steering wheel. Use a special steering wheel clamping device. Rope is occasionally used to secure steering wheels, but rope is not as reliable as devices designed for this purpose.
- Be sure that all pins or plungers on the L-arm receivers are engaged.

Resources

- New York State Department of Motor Vehicles, Supplement to Driver's Manual for Tow Truck Endorsement
- *Tow Truck Driver Safety*, Denise Brown, Demand Media, <http://work.chron.com/tow-truck-driver-safety-14770.html>
 - International Safety Equipment Association: American National Standard for High-Visibility Safety Apparel and Headwear
 - State Compensation Insurance Fund: Tow Truck Operations
 - Utah Division of Administrative Rules: Utah Administrative Code
 - Washington State Legislature: Minimum Tow Truck Equipment Standards
- *Responsibilities of a Tow Truck Driver*, Lauren Treadwell, Demand Media, <http://work.chron.com/responsibilities-tow-truck-worker-15505.html>
 - Texas Department of Licensing and Regulation: Responsibilities of Towing Operator
 - Towing and Recovery Association of America: National Driver Certification Program
 - Contra Costa County Department of Conservation and Development: Tow Operator Job Description

Regulatory Compliance

The Federal Motor Carrier Safety Regulations (FMCSR) can be cumbersome and confusing, especially for operations that are not entirely motor truck based. Typically, motor carriers that haul freight, as their primary business, are well aware of the requirements needed to operate safely and compliantly. However, many companies operate vehicles as a secondary aspect of their business and can overlook many of the Federal Motor Carrier Safety Administration's (FMCSA's) compliance requirements. Some examples of these types of operations are: tow truck operators, utility companies, construction companies and companies that transport passengers



When is Operating Authority required?

In order to operate commercial motor vehicles, organizations should confirm that they have the appropriate operating authority and/or a USDOT number. Operating authority Motor Carrier (MC) numbers are required if a company transports cargo for a customer or passengers in interstate commerce for compensation. Organizations that only transport their own cargo for themselves do not require an MC number. According to the FMCSA, organizations are required to obtain a USDOT number if they have a vehicle that³:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is used in transporting material found by the Secretary of Transportation to be hazardous and transported in a quantity requiring placarding.

AND is involved in **interstate** commerce:

- Trade, traffic, or transportation in the United States
- Between a place in a state and a place outside of such state (including a place outside of the United States);
- Between two places in a state through another state or a place outside of the United States; or
- Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

However, please note that some states require commercial motor vehicle registrants to obtain a USDOT Number even if they only operate intrastate. A list of these states is available from the FMCSA and can be found here:

<http://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>⁴

When do drivers need a CDL?

Gross Vehicle Weight Rating (GVWR) is a key item for an organization to review to help ensure that their drivers are qualified to operate equipment. GVWR can be confusing and is one of the main causes of operating illegally. First, an organization must identify their vehicles' GVWR to determine if their drivers need a CDL. It

is important to note that the GVWR for each vehicle is established by the truck and trailer manufacturers, not by the company utilizing it. For licensing purposes, a combined GVWR is determined by adding the manufacturer's GVWR Rating of the truck plus the manufacturer's GVWR of the trailer. According to the FMCSA⁵: There are four environmental conditions that cause cold-related stress:

- **Class A** CDL is required when the Gross **Combined** Vehicle Weight Ratings (GCVWR) of the truck and trailer totals 26,001 or more provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- **Class B** CDL is required for any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
- **Class C** CDL is required for any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to **transport 16 or more passengers**, including the driver, or is placarded for hazardous materials. Please note that bench seats cannot be removed to "lessen" the vehicles occupancy.

A common misunderstanding of the requirements has to do with trailers with a GVWR in excess of 10,000 pounds when the combined GVWR does not exceed 26,000 pounds. Under these circumstances, a CDL is **NOT** required by FMCSA regulations provided that the vehicle is not placarded for hazardous materials.

Please note that individual states may impose additional or varied requirement that drivers in their states must have a CDL or other special licensing in specific situations, so please check the requirements in each state where your organization operates. It is also important to note that individual state CDL licensing requirements **CANNOT** be applied to drivers from other states.

Organizations that have drivers requiring a CDL and operate interstate must adhere to all federal regulations which include but are not limited to: maintaining a Driver Qualification file, Medical Cards, annual motor vehicle record (MVR) review and Drug & Alcohol Testing. Many states have adopted the federal regulations and require that intrastate drivers operating equipment over 26,001 are also required to adhere to the same criteria⁵.

Non-CDL Commercial Motor Vehicle Requirements

Companies that operate equipment in interstate commerce with vehicle weights **between 10,001 and 26,001** and are not hauling hazardous materials, may not need their drivers to have CDL's but may be required to maintain a Driver Qualification file on each driver and each driver should have a Medical Card.⁶ Additionally, such companies become subject to many of the federal regulations including vehicle inspection and maintenance, hours of service and requirements for vehicle parts and accessories.

Please note that organizations operating in intrastate commerce will need to inquire with each state specifically, as some states do not use the same 10,001 pound criterion found in the FMCR's.

Implementing a DOT-regulated program

The FMCSA website offers a step-by-step list to help organizations properly register for operating authority.⁷ Please see the below link to get started.

<http://www.fmcsa.dot.gov/registration/getting-started>

A next step is making a list of all of the employees who may drive a commercial motor vehicle for your company and determining what size and types of vehicles they may operate. This can help you to identify whether special licensing may be required or additional FMCSA regulations may apply.

Consequences for violating the regulations

Many companies, unknowingly, operate without proper authority and allow drivers to operate regulated Commercial Motor Vehicles (CMVs) without the proper credentials. Often this practice goes unnoticed by the regulatory authorities. However, should your organization be caught operating without proper authority or allowing a driver to operate a regulated vehicle without a Commercial Driver's License (CDL), the driver and/or vehicle may be put out of service.¹ If your vehicles and drivers are prohibited from operating on the road, your business may be essentially shut down and unable to satisfy your customer's needs.

The FMCSA can also issue civil penalties to the company for these violations. A fine for transporting goods without proper Operating Authority is now a mandatory minimum fine of \$10,000 for property carriers and \$25,000 for passenger carriers.

The federal penalty to a driver who violates the CDL requirements is a civil penalty of up to \$2,500 or, in aggravated cases, criminal penalties of up to \$5,000 in fines and/or up to 90 days in prison. An employer is also subject to a penalty of up to \$10,000, if he or she knowingly uses a driver to operate a CMV without a valid CDL.²

In addition, an organization's Compliance Safety Accountability (CSA) system scores can be adversely affected by driver and vehicle violations. For example, drivers receiving violations for not having a CDL will automatically be entered into the CSA data base for a roadside inspection violation. The violation points may increase a motor carrier's likelihood of an intervention.

It is vital that companies are able to identify which FMCSA requirements apply to their operations. Once identified, a comprehensive program should be put into place to help ensure compliance.

References

1. Federal Motor Carrier Safety Administration. *Federal Motor Carrier Safety Regulations (FMCSR) – Part 392.1(a)*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/content/3929a> >.
2. Maine Motor Truck Transport Association. *Congress Raises Fines for Operation Without Authority*. Web 3 November 2014. < <http://www.mmta.com/articles/77-221/congress-raises-fines-for-operating/5> >.
3. Federal Motor Carrier Safety Administration. *What is Operating Authority (MC number) and who needs it?*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/faq/what-operating-authority-mc-number-and-who-needs-it> >.
4. Federal Motor Carrier Safety Administration. *Do I Need a USDOT Number?*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/registration/do-i-need-usdot-number> >.
5. Federal Motor Carrier Safety Administration. *Commercial Driver's License Standards; Requirements and Penalties (Guidance)*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/regulations/title49/section/383.91?guidance> >.
6. JJ Keller. *Driver Qualification FAQs (Provided by Fleetmentor)*. Web 3 November 2014. http://www.jjkeller.com/shop/content____bi-driver-qualification-hiring-faq__
7. Federal Motor Carrier Safety Administration. *Getting Started with Registration*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/registration/getting-started> >.
8. National Safety Council. *Motor Fleet Safety Manual (5th edition), Chapter 2, Elements of a Fleet Safety Program*. Web 3 November 2014. < http://www.nsc.org/safety_work/resources/documents/motorfleet_5thed_cover_ch2.pdf >.

Driver Selection

When employees are hired, or contracted, whether driving will be their primary or secondary job responsibility, they already come with some degree of driving experience — good or bad. Driving is a personal experience influenced by a variety of factors.



Only one person can be behind the wheel at any given time, and that individual must have the skills and training to react properly in many situations, such as:

- City, suburban, or rural driving
- Different vehicle types
- Heavy or light traffic patterns
- Interstate or highway driving
- Distractions, both inside and outside the vehicle
- Changing weather conditions

Because people do have such different driving behaviors, habits, and abilities, employers are challenged with the very difficult and important task of selecting good drivers. Effective fleet management begins with good drivers.

The quality of job performance affects the success of the entire fleet operation and directly influences fleet safety performance. Every effort must be made to select the most qualified person for the job.

Temporary, occasional and full-time drivers should be selected in the same manner because they all represent the same type of risk by operating a motor vehicle on behalf of your organization.

Establish Driver Qualifications

Management's first step in selecting drivers is to establish a meaningful and realistic driver qualification program.

Well defined job standards should be based on objective criteria and reflect the necessary prerequisites and skills for satisfactory job performance. Consideration must also be given to the applicable parts and sections of the Federal Motor Carrier Safety Regulations (FMCSRs), if the job may include operation of a commercial motor vehicle, as defined under the regulations.

At minimum, the following should be included:

Job Description and Duties

Fully describe the specific nature of the position in order to recognize the best applicant. Determine exactly what the employee must do, how it must be accomplished, and include both driving and non-driving aspects of the job. Written job descriptions should be developed or reviewed at each location to determine which jobs require use of an owned or non-owned vehicles on company business.

From this information, the essential job functions of each position, as well as the experience, skill level and other qualifications need to be summarized. Apply these standards equally for all job candidates to assure fair hiring practices.

Physical Qualifications

Once the nature of the position is established, describe the minimum physical attributes required to perform the job, i.e., vision, hearing, health history, and substance abuse. When establishing these qualifications, determine if the driver is subject to the FMCSRs and/or State regulations, and apply any minimum qualifications where required.

Background Requirements

Describe the experience prerequisites the applicant should possess for the job, such as level of education, amount of past training, previous driving experience, and degree of driving skill. If the job requires the driver to maintain a Commercial Driver's License (CDL), additional training/experience may be required under the FMCSRs, and should be addressed in the experience requirements. Examples of such may include, but are not limited to, entry level driver training, longer combination vehicle (LCV) driver training, etc. The candidate's past driving record should also be included in these requirements.

General Liability Exposures

General Abilities and Aptitudes

To round out the driver qualifications, some less specific requirements might also be included. A “good driver profile” described by the National Safety Council includes the driver’s ability to:

- Avoid accidents
- Follow traffic regulations
- Care for the vehicle
- Meet schedules
- Get along with others
- Adapt to existing conditions

Although these may seem basic, they can be an important factor in successfully hiring good qualified drivers.

Driver Selection Procedures

Drivers who meet well established criteria will usually have the desired qualifications not only to perform their jobs but to do so safely. A variety of informational resources and techniques is available to assist management in the driver selection process, such as the *ANSI Z15.1-2012 Safe Practices for Motor Vehicle Operations*, which is an industry best practices standard. Additional resources are also available from the FMCSA / DOT,

along with national and local trucking association affiliates.

Recruiting

Attracting well-qualified applicants is the first step in the selection process. Advertisements should target qualified applicants only. Minimum requirements for the position should be highlighted in the ad to help streamline the selection process. Applicants can be selected from a wide variety of sources, including promoting present associates, referrals from present associates, industry contacts, walk-ins, web-based and newspaper advertisements, trade associations, or driver training schools.

Application Form

The employment application is the first source of information about prospective employees. It is a valuable tool for narrowing down the field of applicants to those best qualified for the position. The form should contain only questions pertaining to the applicant’s ability to perform the job. Essential information should include personal data, such as name, address, telephone number, previous employers, past position descriptions, period of employment, salary, and immediate supervisors. Examine the application prior to the interview and inquire about any gaps in employment.



Application forms can be internal company forms or can be obtained from regulatory agencies such as the FMCSA, from general office supply stores, or from industry vendors. Remember, the FMCSRs require that additional information be included on applications for commercial drivers, so it is important to ensure the correct format is utilized. Regardless of where the form is obtained, it is important that it be administered according to fair hiring laws and Equal Employment Opportunity (EEO) guidelines.

Interviewing

Hold interviews in a relaxed atmosphere. Remember that the interview is a “conversation with a purpose” designed to obtain more information about the applicant. Verify or expand on information in the application form by encouraging applicants to talk about past employment, training, and other qualifications. This process helps the interviewer form an opinion about the applicant’s employment attitude, work ethics, driving ability, and safety attitude. In addition, the applicant should gain a clear understanding of what the job involves and what the company can offer.

Check the applicant’s driver’s license for expiration date, identification number, and vehicle classification. The license should be current, valid, and of the correct type for the position being filled. Consideration should also be given as to the applicant’s accidents and violations listed for the past three years, along with comparing such to the motor vehicle record (MVR). Any discrepancies should be explained by the candidate.

Reference and Background Checks

Check references to verify information given on the application and during the interview. Research indicates that past performance may be an indicator of future behavior, and it is one of the better resources available. One negative reference report should not be the single deciding factor in not hiring a candidate; however, if a trend emerges

that indicates questionable behavior, further investigation is warranted. Request information pertinent to the applicant’s past employment to help determine suitability for the job. For example, employment dates, type of work, equipment operated, accidents, and traffic violations, along with any disciplinary issues being verified as well.

The two most practical ways to conduct past employment reference checks is in writing or by telephone. Written reference checks are valuable as a permanent record and should be kept with the prospective associate’s application and interview notes. Telephone reference checks are faster and often produce more candid information. A checklist will help ensure getting all the information needed and provides a simple written record for the files.

The application form should request the applicant’s signature to authorize the checking of work references and MVR. Additional authorization forms may be required, if not incorporated into the application, where operations may include DOT regulated vehicles, and/or requires the driver to maintain a CDL. Due to the strictness of today’s fair hiring laws, many past employers are reluctant to divulge more than past employment verification information, i.e., dates of employment and salary. However, the FMCSRs require prospective employers to investigate specific background information if the applicant’s previous employment involved the operation of a commercial motor vehicle, and/or if the job position was designated as a “safety sensitive” function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements. Additionally, such responses of the previous employer to these inquiries may be a requirement under the regulations, and may subject the previous employer to penalties for non-compliance.

Motor Vehicle Record (MVR) Checks

An important reference to check is the accident and conviction records kept by state motor vehicle authorities. Drivers with a history of accidents and moving traffic violations are likely to repeat that pattern. This review can give insight into the applicant's attitude toward traffic rules and regulations. The procedures for obtaining these records vary from state to state, as does the accuracy of the information. It is also important to check the records in other states where the applicant has held a driver's license. MVR information should be obtained prior to an associate operating a vehicle for company benefit, regardless of whether or not the vehicle is owned or non-owned.

Physical Examinations

A physical examination is a legal requirement for drivers subject to FMCSA regulations, and is a good business practice for any fleet operation. Properly administered, the examination provides reasonable assurance that the applicant is physically capable of performing the job. Consultation with your Human Resource Department regarding the Americans with Disabilities Act and the physical exam process is strongly encouraged. The examination should be

performed by a physician experienced with FMCSA medical qualification guidelines (if applicable) or occupational specifics. When selecting a physician, discuss the purpose of the exam and make your selection based on a physician who is willing to learn and understand your company's needs. A local hospital, medical or trucking association may be able to offer suggestions for selecting a physician.

Written Tests

Written tests on traffic regulations and general driving knowledge can be a valuable tool in driver selection. Although above average test results don't guarantee the applicant will be a good driver, they can certainly indicate a level of driver knowledge. For the applicant with no experience, these tests can be a good predictor of future performance. Tests must be geared to the actual job requirements. Be particularly conscious of the equal employment laws governing testing. Competency-based tests and assessments for commercial and noncommercial motor vehicle drivers are available from industry vendors, and address safe vehicle operations along with regulatory requirements, where applicable.



Road Tests / Skills Evaluations

Organizations today should have a written policy, and convey to candidates during the interview process, that a road test and skills evaluation will be administered to anyone who would be expected to drive, even if they are to drive only occasionally. Conduct the test in a vehicle similar to the one the applicant will drive. Where possible, the individual may be required to perform a few maneuvers in a parking lot before going on the road. Once on the road, follow a route similar to the one the applicant will drive if hired, and/or a pre-determined route of sufficient length and duration to yield an adequate skill assessment. The road test route should be a formal document that is discussed with the candidate prior to departure, which also serves to provide insight into the individual's capability to follow directions. Always use a standard scoring system to rate the driver to ensure consistency among all candidates.

In addition to evaluating driving skills, observe the applicant's attitude toward other vehicles encountered on the road. Also, check to see if the individual automatically puts on the seat belt, and makes any equipment adjustments prior to moving the vehicle. Remember, the applicant is most likely nervous and will probably drive with extra caution. However, these tests can give a good indication of the person's driving capabilities.

Probationary Period

A probationary period should be a condition of employment that is stated in writing when a conditional offer of employment is conveyed to the applicant. The time frame should be long enough to obtain information from the motor vehicle authorities on traffic accident and conviction records, along with information requested through any previous employer inquiries. It must also permit enough time to conduct a detailed observation and appraisal of the associate's performance as compared with the job standards. A minimum of 30 days probation should be used unless labor agreements call for more or less time. It is also important to be reminded that certain requirements of the FMCSRs may have a specific time period in which to be met, or the driver must be removed from any vehicle-related "safety-sensitive" functions.

References

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4. Federal Motor Carrier Safety Regulations Medical Advisory Criteria, Guidance to Physicians, under Title 49 CFR, Part 391.41.
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6. American National Standards Institute (ANSI) / American Society of Safety Engineers (ASSE) Z15.1-2012, Safety Practices for Motor Vehicle Operations, PP 1-48.
7. Guidelines for Employers to Reduce Motor Vehicle Crashes. U.S. Department of Labor, OSHA. http://www.osha.gov/Publications/motor_vehicle_guide.html
8. Network of Employers for Traffic Safety (NETS) and National Safety Council Fleet Safety Benchmarking Program.

Motor Vehicle Report (MVR)

Obtaining and reviewing a current motor vehicle record (MVR) for the driver is one of the best indicators to help determine if they are qualified to operate a motorized vehicle for your organization. This applies to those operating company vehicles, and those operating their personal vehicles for business use.



MVR information is maintained by each state. MVRs can be obtained either directly from the state or from MVR vendor companies.

With all new drivers, MVRs should be ordered for each state in which the applicant has held an operator's license in the previous three years. The check on MVRs should go back at least five years in total and be used as part of the overall driver selection program. MVRs should also be ordered and reviewed at least annually for all drivers. Drivers that have been identified as having poor driving history may be flagged for more frequent MVR reviews.

Studies have shown a direct correlation between past driving performance and future vehicle crash involvement. Drivers who have experienced moving violations and crashes are more likely to be involved in future vehicle crashes. One of the most important functions of any organization is to determine what constitutes an acceptable driving record. Once acceptable driver criteria have been established, all drivers should be informed of the policy, acknowledge their agreement to adhere to it, and management should follow the criteria fairly and consistently.

Best Practice Review Criteria

Acceptable MVR criteria should be established in conjunction with the Department of Transportation or other jurisdictional requirements (applicable state-specific guidance), union agreements, review by legal counsel, and discussions with your insurance agent and underwriter.

While the majority of drivers do not have any violations or crashes on their driving record, to assist your organization in establishing basic MVR criteria, Zurich has developed the following suggested guidelines. The definitions provided here are used in conjunction with the evaluation criteria that follow.

Please note that the definitions of minor, major and serious incidents are provided as examples of some of the more common violations. There are many more violation types that are not included here that an organization will need to consider based on severity.

Reviewing the MVR

Vehicle crashes – How many vehicle crashes / accidents occurred within the past 3 years?

- Vehicle crash – any accident that appears on the MVR; consider both at-fault and not-at-fault crashes

Minor incidents – How many "minor incidents" occurred within the past 3 years? -----.

- Minor incidents include minor moving violations, such as minimal speeding (<15 mph over the speed limit), failure to stop at a stop sign, improper passing, improper backing, failure to pay toll, etc.

Major incidents – How many “major incidents” occurred within the past 3 years? _____.

- Major incidents include major moving violations, such as excessive speeding (between 15 mph to 25 mph over speed limit), improper lane change, failure to yield, running red lights, careless driving, texting while driving, etc.

Serious incidents – How many “serious incidents” occurred within the past 5 years? _____.

- Serious incidents include severe moving violations, such as driving while intoxicated (DUI, DWI), refusing substance abuse testing, homicide or assault with a vehicle, leaving the scene of an accident (hit and run), eluding a police officer, any vehicle-related felony, drag racing, reckless driving, speeding 25 mph or greater over the speed limit, license suspension due to moving violations, driving while license suspended, etc.

Evaluating the MVR - Acceptable Driver Guideline

Depending on the standards adopted by your organization, a driver may be deemed acceptable if:

- 3 or fewer minor incidents and no other violations of any type **OR**
- 1 vehicle crash and no other violations of any type **OR**
- 1 major incident plus 1 minor incident and no other violations of any type

Note: If the driver has any serious violations, their record may be deemed unacceptable. See ‘Action Steps’ section below for suggested actions to address drivers who do not meet the acceptable criteria.



Examples –

Example 1: If a driver had two minor incidents in the past three years, no major incidents in the past three years, no serious incidents in the past five years, and no crashes in the past three years, he/she would be an acceptable driver according to the driver MVR criteria shown above.

Example 2: A driver could have no minors, majors or crashes in the past three years, but if they had one serious event in the past five years, then they would not be in the acceptable driver category according to the acceptable driver MVR criteria shown above.

Additional Considerations

In addition to minor incidents, major incidents, serious incidents and crashes, organizations should consider non-moving violations (e.g., illegal parking, vehicle defects, driving without insurance, unregistered vehicle, administrative suspensions) as a part of its overall driver evaluation criteria. Such violations may indicate a driver's tendency to disobey company policies and rules.

Organizations selecting employees who may drive should also consider other information available beyond the MVR such as interview results, road tests and the Pre-Employment Screening Program abstract (for commercial drivers).

Action Steps

An organization should have written policies to address any identified drivers who do not meet the acceptable criteria. This should include retraining and progressive discipline, up to and including rescinding of driving privileges. A driver who has their driving privileges revoked by an organization may continue to work in a non-driving capacity for that organization if business needs and policies allow for this. Keep in mind that additional training and coaching may be appropriate for drivers who are considered acceptable, but have some violations on their motor vehicle record.

Motor Vehicle Records are an important part of any fleet safety program. The information they provide is a critical component in driver selection and evaluation. Organizations that review and consider the driving record of individuals who will drive on behalf of the

company take a first step towards improved road safety and fleet risk management.

Additionally, for drivers of commercial motor vehicles (CMV), prospective employers should take full advantage of the FMCSA's **Pre-Employment Screening Program (PSP)**. PSP is designed to allow motor carriers the ability to review the roadside inspection and crash history of new applicants / prospective drivers seeking employment as commercial drivers. Information in the PSP summary will come from MCMIS (Motor Carrier Management Information System) and contain five years of state reported DOT crash involvement and three years of roadside inspection history. It is important to remember that conviction information found on state motor vehicle records will not be available in this program, so this is not a replacement for the existing MVR evaluation processes. Learn more about the PSP tool at <http://www.psp.fmcsa.dot.gov>.

Sources to Obtain MVR

Option 1 – State motor vehicle offices – Although the process varies from state to state, all states currently allow companies with drivers to obtain and review motor vehicle records for those drivers. The fee averages about \$15 per record, but state fees differ significantly. To obtain a motor vehicle record from a state's motor vehicle department, you can call the state office for information or may be able to find information online on the state's webpage. Some states also offer online MVR ordering capability, which may streamline the process.

Option 2 – Vendor Services – The second option, which involves the use of a vendor, is actually more common since it eliminates the need to deal with the requirements for multiple states and adds consistency to the process. There are quite a few vendors of motor vehicle records that will accept a request from a customer, obtain the MVR from the state and provide back to the customer in a consistent format. Establishing service with a vendor is generally a simple process and services are tailored to a broad range of individual needs and technical capabilities. Many services will establish accounts that provide nearly instantaneous online MVR retrieval. Vendors often charge a setup fee as well as a service fee in addition to the State MVR fee for each record requested.

References

American Transportation American Transportation Research Institute (ATRI). *Predicting Truck Crash Involvement: Developing a Commercial Driver Behavior-Based Model and Recommended Countermeasures*. Arlington, Virginia: 2011. Web. Web site accessed 5 September 2012. <http://www.atri-online.org/research/results/One-Pager%20CMVE.pdf>

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Driver Training

Setting expectations for drivers through a solid orientation and initial training process is the foundation for fleet safety in your organization.

Losses from being involved in a vehicle crash have the potential to be financially and emotionally devastating to both the employer and the employee. Whenever an individual has a role in your organization that will require them to drive a vehicle, you should consider providing a formalized orientation session that provides both training and guidelines.

By establishing specific training topics and standardizing the process it will ensure that all employees are training consistently on the same topics. This will also allow for expectations to be set for employees so they can be held more accountable.

The safety training program should be clearly defined and formal, with objectives of the class explained to the participants. Topics should include the following items at a minimum:

- Permitted use and users of the vehicle
- Required license type and status
- Acceptable MVR quality
- Prohibited actions
- Defensive driver training
- Cellular phone use and distracted driving policies

- Accident scene procedures
- Vehicle garaging and maintenance responsibilities
- Security procedures, where applicable

All personnel who will have access to a company vehicle or otherwise drive on company business should participate in driver safety training. Providing driver orientation is a wise investment for a company that has any type of vehicle operations.

According to the National Safety Council (NSC), the cornerstone of any company fleet safety program is management. The success of a company's fleet safety program depends largely on top management. The NSC indicates that there are four main elements of a fleet safety program:

- Establish management standards and policies
- Recording fleet safety program results including collisions and injuries
- Selecting, training and supervising employees
- Encouraging and rewarding improved performance through awards, recognition and other interest-sustaining activities.



Vehicle Inspection

Proper vehicle inspections are a vital part of a comprehensive fleet safety program. Although the FMCSA/DOT requires that CMVs receive pre/post trip inspections it is also important to consider that non-regulated vehicles benefit greatly when formalized inspections occur. Vehicle inspections help prevent unnecessary repairs and breakdowns that can be costly and time consuming. Any organization that utilizes a fleet of vehicles should have a formalized vehicle inspection program.



Organizations should be requiring that all vehicles are inspected on a regular basis. A simple checklist should be utilized for non CMV fleets and formal DVIRs utilized for CMVs regulated under the FMCSA.

Inspection Regulations

PRE-TRIP INSPECTION (FMCSA 396.13)

- A COMPLETE SAFETY CHECK OF THE VEHICLE MUST BE MADE BEFORE LEAVING THE TERMINAL. The driver is completely responsible for making this thorough investigation and for noting any deficiencies; furthermore, all damaged equipment noted as well as repairs made before the trip must be reported on the DVIR (Driver Vehicle Inspection Report).

POST TRIP INSPECTION (FMCSA 396.11)

- Conducted at the end of each trip a DVIR is to be prepared at the completion of each day's work on each piece of equipment operated. The report shall identify the vehicle and list any defects or deficiency discovered by the driver. If no defects or deficiency are discovered the report shall so indicate. In all instances, the driver shall sign the report.

Minimal Inspection Guidance

- On approaching the vehicle, look for oil, water, or fuel leaks. Oil, fuel, and water should be checked and added where necessary.
- Check to see if parking brake has been set before starting engine.

- Check the oil pressure, brake air pressure, and other warning devices.
- Sound the horn and test the steering wheel for excess play. Test washer/wiper and examine windshield for cracks. Heater and defroster fan must be tested during the winter months.
- The windshield and all mirrors should be wiped clean. Properly align the mirrors.
- Lights and reflectors should be clean and in working order. (Broken reflectors are not permissible). Stoplights should be checked with the brakes set. Lights (including spotlights) should be checked again before dark and at every night stop or whenever there is any doubt as to their condition.
- To prevent road failures, check the condition and inflation of all tires. Be sure the spare is in place, properly inflated and secured.
- Make sure fuel tank caps are tightly secured and tanks are not leaking.
- The unit must be placarded properly, if needed, and all required markings must be clean.
- Check the unit to determine that the required safety equipment is present and in good condition.
- Tow equipment such as winches, chains, decks, etc.

Crash Reporting & Loss Investigation

Identifying the root cause of losses is a vital part to a pro-active loss control program. Incorporating a formal loss investigation process will help an organization identify the root cause of losses and will allow for the implementation corrective measures such as; discipline, remedial training, etc.

Resources

- OSHA Guidelines for Employers to Reduce Motor Vehicle Crashes
https://www.osha.gov/Publications/motor_vehicle_guide.pdf

Additional Resources

- Towing and Recovery Association of America (TRAA)
<http://traaonline.com/>
- WreckMaster
<https://www.wreckmaster.com/>
- DOT/FMCSA
<https://www.fmcsa.dot.gov>

All crashes, regardless of severity, should be reported to the employee's supervisor as soon as feasible after the incident. Company fleet safety policies should clearly guide drivers through their responsibilities in a crash situation. All crashes should be reviewed to determine their cause and whether or not the incidents were preventable.

Best Practices

Ensure that all company vehicles are equipped with the following items at a minimum;

- Insurance company ID card
- Valid vehicle registration
- Accident report form
- Road flares or warning triangles
- Brightly colored cloth to tie to the driver-side door
- Disposable camera
- Flashlight with fully charged batteries
- First aid kit
- Basic tool kit
- Pad of paper and pen

Below is a list of information that should be collected in order to conduct a proper crash investigation.

- Employee's Report
- Supervisor's Report
- Police Report
- Witness Statements
- State Report
- Insurance company notified
- Safety manager notified
- Pictures
- Medical Reports (bills, checkups, pharmacy)
- Preventability Determination
- DOT/OSHA log entry made if necessary
- Notification to proper agency if hazardous substance spilled
- Employee disciplinary or commendation letters

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Risk Engineering

The information in this publication was compiled from sources believed to be reliable for informational purposes only. All sample policies and procedures herein should serve as a guideline, which you can use to create your own policies and procedures. We trust that you will customize these samples to reflect your own operations and believe that these samples may serve as a helpful platform for this endeavor. Any and all information contained herein is not intended to constitute advice (particularly not legal advice). Accordingly, persons requiring advice should consult independent advisors when developing programs and policies. We do not guarantee the accuracy of this information or any results and further assume no liability in connection with this publication and sample policies and procedures, including any information, methods or safety suggestions contained herein. We undertake no obligation to publicly update or revise any of this information, whether to reflect new information, future developments, events or circumstances or otherwise. Moreover, Zurich reminds you that this cannot be assumed to contain every acceptable safety and compliance procedure or that additional procedures might not be appropriate under the circumstances. The subject matter of this publication is not tied to any specific insurance product nor will adopting these policies and procedures ensure coverage under any insurance policy. Risk engineering services are provided by The Zurich Services Corporation.

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