

# Federal Motor Carrier Safety Regulations Affecting Commercial Vehicle Operation

When investigating a crash involving a commercial vehicle, experts evaluate a Motor Carrier's level of compliance with applicable regulations. The trucking industry often uses the vernacular "DOT Regulations," when in fact they are referring to the Federal Motor Carrier Safety Administration (FMCSA) regulations.

In their totality, FMCSA regulations make up over 1,000 printed pages, but only a handful of sections contain the bulk of citations used in forensic casework. The sections highlighted below contain the foundational elements upon which Motor Carriers should build their Safety Programs.



## **Preservation of Records: Section 379**

A Motor Carrier will have documents that can help determine if a truck driver is falsifying their logbooks. Payroll records will show what a driver has been paid, and from that data, a determination can be made on how many hours the driver was working.

## **Special Training Requirements: Section 380**

A "longer combination vehicle" (LCV) means a tractor that is pulling either two of three trailers on the interstates with a gross vehicle weight greater than 80,000 pounds. These trucks are usually referred to as "doubles" or "triples." Drivers who operate these oversized units must receive specific classroom and in-truck training.

## **Controlled Substances and Alcohol Use and Testing: Section 382**

Motor Carriers must have a drug and alcohol testing program for all of their commercial drivers. Motor Carriers must perform pre-employment testing, they must have a random drug/alcohol test program, and they must conduct post-crash drug/alcohol testing (depending on the circumstances of the crash).

## **CDL License Standards: Section 383**

Commercial drivers must have a CDL license and can only possess one license. Motor Carriers cannot allow a CDL driver to operate with a suspended license. This section also outlines what violations or crimes would trigger a CDL license revocation or suspension.

## **Safety Fitness Procedures: Section 385**

This section explains how the FMCSA determines a Motor Carrier's Safety Rating, and the penalties for non-compliance with the regulations. This section also outlines the protocols for a "Compliance Review," often referred to in the industry as a DOT Audit. If a Motor Carrier does poorly in an audit, they may be given an Unsatisfactory Rating and may be forced to shut down until they improve their safety program.

## **FMCSA Regulations; General: Section 390**

This broadly written section covers a wide range of topics. The critical safety related issues are that: Motor Carriers are required to ensure their drivers are in full compliance with the applicable regulation(s); Motor Carriers must also comply with applicable state regulations; a Motor Carrier must maintain certain business records. Additionally, Section 390 addresses who is responsible for the maintenance and repair of intermodal equipment (shipping containers and chassis).

## **CDL Driver Qualifications: Section 391**

The CDL driver is the most important aspect in commercial vehicle safety. Unsafe actions or inactions of the driver are the leading causes of commercial vehicle crashes. This section provides specific protocols for screening and vetting CDL drivers before allowing them to operate a Motor Carrier's equipment. The protocols include investigations into a driver's employment history, drug and alcohol testing history, crash history, a review of a driver's MVR, and minimum physical exam requirements.

## **Driving and Safe Operation of a Commercial Vehicle: Sections 392 & 393**

These sections address safely driving a commercial vehicle: fatigue, driver fitness, drug and alcohol prohibitions, dispatch scheduling, cargo securement, and required emergency equipment. They also address the requirement that all equipment and components (brakes, lights, tires, etc.) be maintained in good working condition.

## **Hours of Service of Drivers Logbooks: Section 395**

This critical section outlines how many hours a CDL driver can drive in a shift, and how many hours they can work in a rolling seven or eight day week. The purpose of this section is to keep tired and fatigued drivers off the road and to ensure Motor Carriers do not force or allow drivers to work and drive more hours than the law allows.

## **Inspection, Repair, and Maintenance: Section 396**

All commercial equipment operated on the public roadways must be inspected, repaired, and maintained in a safe and proper fashion. Persons who perform the required Annual Inspection must be certified inspectors. Records pertaining to inspection, maintenance, and repair must be kept.

## **Hazardous Materials; Driving and Parking Rules: Section 397**

Not every Motor Carrier can transport hazardous materials. Motor Carriers that do must apply for, and be granted, special operating authority. HazMat drivers are prohibited from certain routes and highways. They have specific guidelines regarding where they can park. HazMat cargo must be properly labeled and packaged, and special placards must be placed on the trailer to identify the HazMat being hauled and the potential dangers of the cargo.