



## 2009 - Rules Review

It has been a challenging year to be a driver to say the least; depending on your paradigm one could easily lose enthusiasm for the profession. Three new pieces of Ontario legislation popped their heads up that have caused more than their fair share of aggravation and intrusion on the drivers of this great industry. Ontario's speed limiters, a provincial smoking law and a hand held device law. Wow, seems like it might not be too long before you won't be able to hook to a load of freight unless you have a cop in the jump seat.

But before you thought it was all over, along comes our US neighbors to get in on the act. Some of you may have heard some rumblings about changes to the way our friends south of the border at FMCSA (Federal Motor Carriers Safety Administration) measure safety. It is called CSA 2010, which stands for Comprehensive Safety Analysis 2010, not to be confused with customs self assessment which is a totally different animal. The suggested implementation date for CSA 2010 is June of next year with full enforcement by the end of 2010, and it will impact every carrier and driver who crosses the border to deliver or pick up freight. The fundamental changes can be found at: [www.fmcsa.dot.gov/csa2010](http://www.fmcsa.dot.gov/csa2010)

Currently, most of the focus of FMCSA safety programs and enforcement has been on motor carriers. In the future, the DSMS (Driver Safety

Management System) will allow FMCSA to identify unsafe drivers for interventions based on their inspection and crash history across all employers (former and current). Given the often transient nature of driver employment, the DSMS will be a valuable tool for FMCSA to address driver-specific problems that cannot be easily handled at the motor carrier level. The DSMS may eventually be a valuable tool for motor carriers to monitor their own drivers and assess prospective hires. These efforts will encourage safe and compliant behavior among CMV (Commercial Motor Vehicle) drivers and compel carriers to consider drivers' safety histories when making hiring decisions. One of the major differences with CSA 2010 versus the old system is that there will be two distinct safety measurement systems: one for individual carriers and one for individual commercial motor vehicle drivers.

When I reflect on what has happened legislatively this past year, from my own perspective I think the speed limiter law should not have happened, but here it is and we have it. From what I see maybe 50% of the trucks in Ontario are compliant at this stage. I would have preferred legislation similar to the EOBR (Electronic On Board Recorder) rules that should be out sometime next year from FMCSA. Their final rule will likely do away with paper logs and will also likely measure speed and distance at the scale.

Just my guess here, but it makes sense to me. When this rule is passed mechanical speed limiters would be redundant to a large degree and we will have to be compliant to the US rules anyway.

Can't smoke in a truck if you're a provincially regulated carrier, give me a break and get out of my truck and go fix something that is broke. What a crock, this one is around the bend, although I have to admit the restriction on smoking in a vehicle with a child under 16 is all right with me. If you're an adult and want to smoke just don't blow it in my face and I'm okay with that, your call, but with all the science that is well known and accepted as fact that none of us should smoke, kids don't have a vote and responsible folks should not lock their kids up in a car that is full of carbon monoxide and nicotine.

A ban on hand held devices while driving, as much as I hate to admit it, is probably a good move. I drove professionally for 10 years and did over a million miles with no accidents. I am proud of that and all the while I was on the CB. Difference was I pressed one button to talk, that's it. Fast forward to today though and I know myself that when I am in my vehicle and I need to make a call, let's just say I have lost track of my vehicle in my lane from time to time....Not good. When I reflect on the situation I consider myself to be a very good driver who, other than a couple of speed issues, obeys the rules of the road. Some of these other space cadets have no idea what they're doing behind the wheel of a vehicle let alone answer or dial a phone while driving. As many of you know, truck drivers have a two to three year exemption for CB radios. Keep your

eyes open for this when the rules effecting CB's comes down the pipe; who knows what this might look like.

Finally CSA 2010. If you go to the website I gave you and read the information provided, it really doesn't look too bad, if they can pull it off as written. If you are a good carrier or a good driver you should be fine with the new process. In fact for those of you who have been prone to suggesting that we need to chase the bottom dwelling scum suckers out of this industry, this could do it. As one who has been through a few safety audits under the old rules, it was very disheartening to get a conditional rating or simply be chastised because paperwork wasn't filled in as precisely as the rules dictate. Fast forward to find out that another carrier who you know had a poor accident rating receives a glowing review because their paperwork stacked up better than yours. That system was broke. Not to tell tales and some water has gone under the bridge since this happened but in my previous life our fleet won the national fleet safety award presented by the Truckload Carriers Association and we had a conditional safety rating from FMCSA. The new system as written is supposed to be predicted on the behavior of the driver and the carrier. You will be flagged for intervention/audit by what happens on the road, what a revelation, I hope they do it right.

Let me take a moment to wish all of you drivers and owner operators a safe and Merry Christmas. I hope 2010 is a better year for all.

Safe trucking,  
Ray J. Haight  
ray@otr.on.ca 