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Personal Conveyance: Limits?

At the Mid America Truck Show FMCSA's director of enforcement and compliance, Joe Delorenzo, had this to say about determining whether a driver can be on personal conveyance time:

"Am I off duty? Am I doing any work at the request of the motor carrier, rather than for myself? Is the major purpose of why the motor vehicle is being moved personal? Is it for a nonbusiness-related purpose?"

Delorenzo cited travelling to lodging, restaurants or entertainment venues as common uses for personal conveyance. However, what about a situation where the driver is at a customer, loading or unloading has been completed, but the driver has run out of hours and remaining at the customer is not an option?

"It doesn't matter what you're hauling or whether you're loaded or unloaded or hooked up to a trailer or not," DeLorenzo said. "You can move the vehicle to the nearest safe location on personal conveyance time to get rest, and you don't have to go backwards. This is one of those times where it's OK to continue on the progress of the load as long as you are stopping at the nearest reasonable, safe location. We deliberately don't define that because that's a judgment call on the part of the driver."

Although FMCSA didn't set limits for the duration or distance of personal conveyance, CVSA has asked that FMCSA reconsider that decision. Their concern is that without limits personal conveyance could actually contribute to fatigued driving.

Should you consider a company policy setting limits on the use of personal conveyance? Although this is not a requirement, it might be considered a good business practice and a way to ensure that the overused of personal conveyance doesn't lead to the unintended result of increasing fatigue. You can set your company standard to a mileage limit, time limit, or even impose a geographic

limit using GPS to enforce the limit.

The most important issue is that if a driver is using personal conveyance, you should be verifying that they've used it correctly. Given the high rate of post accident litigation, you don't want to increase exposure through the incorrect or over use of personal conveyance. Having said that, how could a plaintiff's attorney claim over use if there are no regulatory limits? They may use it to illustrate that the motor carrier has failed to put in place guidelines to limit the effects of fatigue.

Speed Linked to Highway Deaths

States have been setting maximum speed limits for over 100 years. In 1901 Connecticut imposed a maximum limit of a breathtaking 12 miles per hour. Over the years speed limits have risen as both roads and motor vehicles have improved. With the exception of World War II and the 1970's oil crisis, the federal government has stayed out of the process of imposing limits.

Today the maximum limit ranges from 65 mph to 80 mph with Texas the only state to raise their limit to 85 mph. A recently released study by the Insurance Institute for Highway Safety reveals that over the past 25 years (1993 – 2017) over 36,000 traffic deaths are the result of increasing highway speed limits. This number was calculated by using a statistical model to predict annual fatality counts if the states held their speed limits at the 1993 level.

65 70 75  8.5%

The study found that each 5 mph increase in the limit increased the fatality by 8.5% on interstate highways and by 2.8% on other roads. It's interesting to note that they found a decrease in traffic deaths when unemployment was high. The study also notes: "There were a number of relevant state-specific factors not accounted for in these analyses due to the lack of consistently available data. Among the safety-related factors that may have differed by state are roadway improvements, public safety campaigns, and driving regulations. Changes in these factors over the period of study may have obscured some of the effects of the speed limit increases."

"All else being equal, increased speed increases the distance needed to stop or slow the vehicle in an emergency, and increased speed increases the energy of a collision. On the other hand, increased speed reduces the time it takes to complete a trip, which can positively affect both economic well-being and quality of life."

In our discussion about personal conveyance, we talked about companies imposing a limit where none existed. In the case of speed, limits do exist, but the question centers around motor carriers imposing company standards designed to mitigate risk. There is no easy answer to this question, nor is there a one size fits all standard. However, this is certainly an area where motor carriers should give thought to integrating a speed policy into their overall safety and regulatory compliance initiatives.

Roadcheck 2019

This year's Roadcheck, sponsored by CVSA (Commercial Vehicle Safety Alliance), is scheduled for June 4th through the 6th. The focus will be on steering and suspension systems and violations will impact your CSA Vehicle Maintenance score.

"Steering and suspension are safety critical systems for any commercial motor vehicle," said CVSA President Chief Jay Thompson with the Arkansas Highway Police. "Not only do they support the heavy loads carried by trucks and buses, but they also help maintain stability and control under acceleration and braking, keeping the vehicle safely on the road. Furthermore, they keep tires in alignment, reducing chances of uneven tire wear and possible tire failure, and they maximize the contact between the tires and the road to provide steering stability and good handling."

Although CVSA roadside inspections are conducted throughout the year, the annual Roadcheck event increases the number of inspections and also the focus on the quantity of violations discovered and the number of trucks placed out of service. It can certainly be said that quality driver pre and post trip inspections go a long way toward eliminating roadside violations.

However, there are some defects which are beyond the normal driver inspection. Simply relying on the annual DOT inspection cycle to spot and correct problems doesn't provide an adequate inspection frequency. We should ensure that our fleet inspection and maintenance standards are designed so that no special preparations need to be made for a CVSA event.

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