



▶ **MJS SAFETY TRAINING ANNOUNCEMENT**

OSHA / CONSTRUCTION

MJS SAFETY LLC is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the MEA EnergyU system as well as Veriforce. [call to schedule](#) [read more...](#)

▶ **Schedule of classes Nov 2016:** • *TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534* • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY

▶ **Recommended Practices for Safety and Health Programs**

Whether you are a **small start-up**, an **established business**, or just **ready to start managing safety** in a responsible way, there are some **simple steps** you can take to **kick off your safety and health program**. [read more...](#)

▶ **OSHA Delays Enforcement of Anti-Retaliation Provisions of Injury and Illness Tracking Rule Until December 1**

OSHA has **agreed to further delay enforcement** of the anti-retaliation provisions in its [injury and illness tracking rule](#) until **Dec. 1, 2016**. [read more...](#)

TRANSPORTATION NEWS SUMMARY

▶ **Now, Not Later: Group Wants FMCSA to Allow Drug Testing of Truckers Via Hair Sample**

Testing drivers via hair sample, instead of a urine sample, yields more positive tests, the Alliance argues. [read more...](#)

▶ **Carriers Can Require Sleep Apnea Screening of Truckers Based on BMI, Court Rules**

A federal court has ruled that **Crete Carrier Corp.** is within its legal boundaries to **require truckers** at the company to be tested for **sleep apnea** if their **body mass index** is greater than **35**. [read more...](#)



▶ **Owner-Ops can Preview Altered CSA Scores Based on FMCSA's Proposed Changes**

The **Federal Motor Carrier Safety Administration** has published a website that **allows fleets and owner-operators** to preview **potential changes** to their **Compliance, Safety, Accountability** scores based on **proposals to reform the program** issued in the **last two years**. [read more...](#)

▶ **WITH THE PROSPECT OF HOLIDAY GATHERINGS DRAWING NEAR — PLEASE PLAN AHEAD TO GET HOME SAFE AND SOUND!**

R-U-Buzzed App

CDOT's **R-U-Buzzed** app is a **BAC calculator** and handy resource to help drinkers gauge their **BAC levels** and get a **safe ride!** [read more...](#)



▶ **Driverless Semi Goes on Epic Colorado Beer Run**



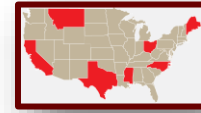
Driverless cars are **still considered** in the testing phases, and make some people **uneasy**. Put a **53-foot trailer** behind a **semi**, with **no driver**, and it sounds **downright crazy**. [read more...](#)

FROM ALL OF US AT MJS SAFETY

~ Wishing you a Happy & Safe Holiday Season ~

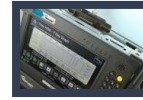
► Top 10 Toughest States for Tire Violations

The map shows seven states ranking in the 2015 top 10 for a high percentage of tire violations, calculated as a share of total violations, and also in the top 10 states for maintenance/equipment-related violations overall. [read more...](#)



► ELD Mandate Survives Court Challenge

A federal mandate requiring nearly all U.S. truck operators to use electronic logging devices to track duty status has been upheld in court, meaning the December 18, 2017 compliance date remains effective. [read more...](#)



MSHA NEWS SUMMARY

► Seasonal Safety Alert: Deadly October

From 1998 through 2015, sixty-one miners died at metal and nonmetal operations during the month of October. That's an average of more than three fatal accidents each October since 1998. [read more...](#)



► Warnings Prior to Starting or Moving Equipment (30 CFR § 56.14200)

Before starting crushers or moving self-propelled mobile equipment, equipment operators shall sound a warning that is audible above the surrounding noise level or use other effective means to warn all persons who could be exposed to a hazard from the equipment. [read more...](#)

MONTHLY SAFETY TIP NEWS SUMMARY

► Snowstorms have always been the source of fun in Colorado!

...but they can often be the source of headaches, serious injury or, sadly, fatalities on the road!



Here are tips for getting your vehicle ready for driving in winter weather [read more...](#)

Also ▪ See [more great info](#) on Snowstorms & Extreme Cold ▪

MJS SAFETY LLC is proud to announce that we are now available to perform Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce. [call to schedule](#)

MJS SAFETY has "Authorized" Performance Evaluators on staff that can perform this service for specific "Covered Tasks."

MJS SAFETY is also available to assist with the Knowledge Based Training for these tasks. Knowledge-based training is designed to help personnel successfully pass the OQ Performance Evaluations.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal regulations, mandates that individuals who perform "Covered Tasks" on pipeline facilities be qualified through the Operator Qualification Process.

The intent of the OQ rule is to ensure protection of both pipeline personnel and the public at large. Providing individuals with the necessary knowledge and skills is an essential element of any Operator and Contractor OQ plan.

Acceptable requirements for qualification are determined by the operator. The quality and validity of data related to OQ training, testing, and performance is critical to meet these requirements.

Make MJS Safety your "GO TO" Resource in 2016

Check here each month for a current class schedule!

Schedule training at our Training Center in Johnstown...or On-Site at your facility

Just Some of the Courses Offered Include:

- ~PEC SafelandUSA Basic Orientation
- ~OSHA 10 Hour General Industry
- ~OSHA 30 Hour General Industry
- ~NUCA Confined Space
- ~Hydrogen Sulfide [H₂S] - Awareness
- ~Respirator: Medical Evaluation & Fit Testing
- ~Hazard Communication – GHS Training
- ~Teens & Trucks Safety
- ~1st Aid/CPR Course- Medic 1st Aid
- ~HAZWOPER 8, 24 & 40 Hour
- ~PEC'S Intro to Pipeline
- ~Confined Space Rescuer Training
- ~PEC Core Compliance
- ~OSHA 10 Hour Construction
- ~OSHA 30 Hour Construction
- ~NUCA Competent Person for Excavation & Trenching
- ~Hands-on Fire Extinguisher training
- ~DOT Hazmat Training
- ~MSHA Sand & Gravel Training [Part 46 only]
- ~Fall Protection for the Competent Person
- ~Defensive Driving Safety for large and small vehicles
- ~Instructor Development for Medic 1st Aid/CPR
- ~Bloodborne Pathogens Compliance Training
- ~Respiratory Protection Training

► *MJS SAFETY offers these courses as well as custom classes to fit the needs of your company* ◀

Schedule of classes Nov 2016: • TRAINING CENTER – 246 BASHER DRIVE #1, JOHNSTOWN, CO 80534 •

- PEC Safeland Basic Orientation: Nov 8, 18, 30
- First Aid/CPR/AED / BLOODBORNE PATHOGENS: Nov 9, 16, 8 a.m.
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- TEEK H2S Operator Training - Awareness: Nov 9, 16, 8 a.m.

► **NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjsafety.com TO SCHEDULE TODAY** ◀

Go To mjsafety.com FOR UP-TO-DATE CLASS LISTINGS
 To sign up for one of these classes, or inquire about scheduling a different class
 Call Carrie at 720-203-4948 or Jeremy at 720-203-6325 or Mike at 303-881-2409

— FEATURED TRAINING PROGRAMS —

- Safeland Basic Orientation
- Hydrogen Sulfide Awareness
- First Aid/CPR
- OSHA 10 Hour for General Industry or Construction
- Confined Space for Construction

— ALSO OFFERING —

- PEC Basic 10 — 2 days that cover both Safeland and OSHA 10 for General Industry in 1 class

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MANDATED, REQUIRED or HIGHLY RECOMMENDED
training in today's industry

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- PEC/Premier
- PICS
- BROWZ

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Otto
CDOT
ready.gov
Denver7
Westword



OSHA / CONSTRUCTION

Recommended Practices for Safety and Health Programs

Whether you are a **small start-up**, an **established business**, or just **ready** to start **managing safety** in a **responsible way**, there are some **simple steps** you can take to **kick off** your **safety and health program**.

OSHA's Recommended Practices for Safety and Health Programs provide you with a **straightforward**, stepwise **approach** to **setting up** your **safety and health program**. The approach is **based** around **seven core elements**, each of which are **implemented** by completing **several action items**.

You do **not need** to have **every detail** planned before **getting started**. Take your time **deciding** how to **best complete** each **action item** in a way that **makes sense** for your **organization**. You also do **not need** to **proceed** in a strictly **sequential manner**. Although there is **some logic** to the **order** they are **presented** in the **recommended practices**, there are some **action items** that can be **completed** at **any time**.

One of the **first steps** your **organization** can take is to review the **10 Easy Things to Get Your Program Started** — a list of **very basic items** to start your **workplace** on the path towards **responsible safety and health management**.

If you **need help**, consider **contacting OSHA's On-Site Consultation Program**. **Consultants** from the **program** provide **free assistance** to **small businesses** that includes **establishing and improving safety and health programs**.

10 Easy Things to Get Your Program Started

If these **recommended practices** appear **challenging**, here are some **simple steps** you can take to **get started**. Completing these steps **will give you** a **solid base** from which to **take on** some of the more **structured actions** presented in the **recommended practices**.

- 1. Always set safety and health as the top priority.** *Tell your workers that making sure they finish the day and go home safely is the way you do business. Assure them that you will work with them to find and fix any hazards that could injure them or make them sick.*
- 2. Lead by example.** *Practice safe behaviors yourself and make safety part of your daily conversations with workers.*
- 3. Implement a reporting system.** *Develop and communicate a simple procedure for workers to report any injuries, illnesses, incidents (including near misses/close calls), hazards, or safety and health concerns, without fear of retaliation. Include an option for reporting hazards or concerns anonymously.*
- 4. Provide training.** *Train workers on how to identify and control hazards in the workplace—using, for example, OSHA's [Hazard Identification Training Tool](#).*
- 5. Conduct inspections.** *Inspect the workplace with workers and ask them to identify any activity, piece of equipment, or material that concerns them. Use checklists, such as those included in OSHA's [Small Business Handbook \(pdf\)](#), to help identify problems.*
- 6. Collect hazard control ideas.** *Ask workers for ideas on improvements and follow up on their suggestions. Provide them time during work hours, if necessary, to research solutions.*
- 7. Implement hazard controls.** *Assign workers the task of choosing, implementing, and evaluating the solutions they come up with.*
- 8. Address emergencies.** *Identify foreseeable emergency scenarios and develop instructions on what to do in each case. Meet to discuss these procedures and post them in a visible location in the workplace.*
- 9. Seek input on workplace changes.** *Before making significant changes to the workplace, work organization, equipment, or materials, consult with workers to identify potential safety or health issues.*
- 10. Make improvements.** *Set aside a regular time to discuss safety and health issues, with the goal of identifying ways to improve the program.*

Core Elements

[Management Leadership](#)

[Worker Participation](#)

[Hazard Identification and Assessment](#)

[Hazard Prevention and Control](#)

[Education and Training](#)

[Program Evaluation and Improvement](#)

[Communication and Coordination for Host Employers, Contractors, and Staffing Agencies](#)

Explore Tools

Safety and Health Program Voluntary Standards Crosswalk

The [Correspondence Among Existing SHP Standards, Guidelines, and Recommendations Tool \(pdf\)](#) compares the core elements and action items from OSHA's Recommended Practices for Safety and Health Programs to other safety and health program standards and guidelines. Users may find this helpful if they are trying to decide which framework is best suited for them. [Read more...](#)

Case Studies

To help start or improve your organization's safety and health program, see the case studies listed below for lessons learned and best practices. [Read more...](#)

Additional Resources by Core Element

Safety and health program resources and tools are listed alphabetically within each core element area below.

[Management Leadership](#)

[Worker Participation](#)

[Hazard Identification and Assessment](#)

[Hazard Prevention and Control](#)

[Education and Training](#)

[Program Evaluation and Improvement](#)

[Communication and Coordination for Host Employers, Contractors, and Staffing Agencies](#)

Additional Resources by Topic

Safety and health program resources and tools are listed alphabetically by topic below.

[Program Implementation](#)

[Policy and Leadership](#)

[Model Programs](#)

[Goals and Metrics](#)

[Reporting](#)

[Incident Investigation](#)

[Emergency Planning and Response](#)

[Case Studies](#)

[Program Certification, Registration and Recognition](#)

[Safety Certifications](#)

[Safety Handbooks](#)

[Voluntary Standards](#)

If you or your company needs help establishing and/or improving your company's written

Safety & Health Program,

please contact **MJS Safety** for assistance:

- Carrie – 720-203-4948
- Jeremy – 720-203-6325
- Mike – 303-881-2409

Download the Recommended Practices

[Recommended Practices for Safety and Health Programs](#)

OSHA Delays Enforcement of Anti-Retaliation Provisions of Injury and Illness Tracking Rule Until December 1

OSHA has agreed to further delay enforcement of the anti-retaliation provisions in its [injury and illness tracking rule](#) until Dec. 1, 2016. The U.S. District Court for the Northern District of Texas requested the delay to allow additional time to consider a motion challenging the new provisions.

The anti-retaliation provisions were originally scheduled to begin Aug. 10, 2016, but were previously delayed until Nov. 10 to allow time for outreach to the regulated community. Under the rule, employers are required to inform workers of their right to report work-related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and incorporate the existing statutory prohibition on retaliating against workers for reporting injuries and illnesses.

Now, Not Later: Group Wants FMCSA to Allow Drug Testing of Truckers Via Hair Sample

Testing drivers via hair sample, instead of a urine sample, yields more positive tests, the Alliance argues. The group has asked FMCSA to allow testing now, rather than waiting on the Department of Health and Human Services.

A coalition of major carriers has petitioned the **Federal Motor Carrier Safety Administration** to immediately allow hair sample tests to satisfy federal rules requiring trucking companies to drug test truck drivers, pre-employment. Currently, the agency only recognizes urine sample tests.

The **Trucking Alliance**, a carrier advocacy group that includes fleets like **Maverick Transportation**, **Knight Transportation**, **J.B. Hunt** and **Dupre Logistics**, submitted the petition.

The **FAST Act** highway bill passed last year opens the door for the agency to recognize hair tests in lieu of urine samples, but not until the **Department of Health and Human Services** creates guidelines for hair sample testing. The **FAST Act** requires **HHS** to finalize guidelines within a year of the law's enactment, which would be **Dec. 5, 2016** of this year.

The guidelines have not yet been finalized, however, and the **Alliance** says **HHS** likely will request more time to do so, further delaying carriers' ability to test driver via hair sample, the **Alliance** argues.

"On this issue, the private sector is already far ahead of the public sector in utilizing the latest methods to detect drug users," said **Lane Kidd**, managing director of the **Trucking Alliance**. "While we wait on **HHS** and **FMCSA**, we can possibly save lives with this exemption by keeping many hard drug users out of our trucks and off our highways."

Some carriers like **J.B. Hunt** already test drivers via hair sample, but such carriers must still spend the money to test drivers via urine sample too, a practice that could be ended if the agency accepted drug screening via hair analysis, the **Alliance** members argue.

Carriers Can Require Sleep Apnea Screening of Truckers Based on BMI, Court Rules



A federal court has ruled that **Crete Carrier Corp.** is within its legal boundaries to require truckers at the company to be tested for sleep apnea if their body mass index is greater than 35.

The **Eighth Circuit Court of Appeals** issued its decision Oct. 12, calling **Crete's 2010-instituted policy** "legitimate and non-discriminatory." The **Eighth Circuit Court** is outranked only by the **U.S. Supreme Court**, meaning the verdict is likely to stand, at least until **FMCSA** issues a formal rule regarding sleep apnea screening requirements, which could be years away.

The **Eighth Circuit decision** likely sets a precedent for other courts who could hear similar cases involving other carriers' required testing programs for sleep apnea.

The court ruled that **Crete** did not violate the **Americans with Disabilities Act**, as was argued by the driver plaintiff in the case. The three judge panel also ruled **Crete's required-testing program** is legal per prior court rulings. Judges on the panel included **Circuit Judges James B. Loken**, **Raymond W. Gruender** and **Duane Benton**.

The **Crete case** before the **Eighth Circuit** involved **Crete driver Robert Parker**, who refused a sleep study in 2013 as part of **Crete's program**. The program requires drivers with a **BMI of 35 or greater** to have an in-lab sleep study. The carrier also requires drivers whose medical examiners recommend apnea screening to be seen for an in-lab test.

Following a visit to his doctor, who wrote a note to **Crete** saying he didn't think a sleep study was necessary, **Parker** refused to comply with **Crete's order** to be tested for sleep apnea.

Crete then suspended **Parker** and never reinstated him as a driver. **Parker** subsequently sued for wrongful termination.

The three-judge panel on the **Eighth Circuit bench** cited prior court precedent in upholding **Crete's policy** and, specifically, its order for **Parker** to be tested. The judges said prior court rulings have found employers can require medical exams to identify whether employees "can perform job-related duties when the employer can identify legitimate, nondiscriminatory reasons to doubt the employee's capacity to perform his or her duties," according to court documents.

"**Crete established** sleep apnea tends to impair driving skills, increasing their risk of motor vehicle accidents by 1.2 to 4.9 fold. A sleep study is the only way to confirm or rule out an obstructive sleep apnea diagnosis," the judges wrote. "The sleep study requirement is job-related because it deals with a condition that impairs drivers' abilities to operate their vehicles. It is consistent with business necessity."

The **Federal Motor Carrier Safety Administration's Medical Review Board** recommended just this year that the agency institute a rule to require truckers who meet certain requirements — such as an elevated BMI — to be required to undergo apnea screening.

The **MRB's recommendations** were only recommendations, but **FMCSA** will likely use them in any potential rule it develops regarding apnea screening and treatment for the trucking industry.

No rule is formally in the works, yet.

A study issued earlier this year showed truckers referred to sleep apnea screening incur the bulk of the testing costs, which can run into the thousands of dollars, especially for uninsured drivers.

Owner-Ops can Preview Altered CSA Scores Based on FMCSA's Proposed Changes

The **Federal Motor Carrier Safety Administration** has published a website that allows fleets and owner-operators to preview potential changes to their **Compliance, Safety, Accountability** scores based on proposals to reform the program issued in the last two years.

Motor carriers can [preview](#) their altered scores, starting Oct. 4, should any changes be reflected from the 2015 and 2016 proposed reforms.

The key changes proposed to **CSA** and its **Safety Measurement System** percentile rankings (now available for preview) include lowering intervention thresholds in some SMS categories/BASICs, raising the threshold in one BASIC and making the **Hazmat BASIC** public and splitting it into two segments. Once intervention thresholds are crossed in an SMS BASIC, the agency then targets the carrier for an on-site compliance review.

Other proposed changes available for preview include increasing the minimum number of crashes needed before a carrier receives a score in the **Crash Indicator BASIC** and shortening the time period for which violations lead to BASIC percentile ratings.

The methodology changes to **CSA's SMS** will better tie carriers' safety to their rankings within the system, **FMCSA** says, and allow it to better target at-risk carriers, the agency argues.

Due to stipulations within 2015's **FAST Act** highway bill, percentile rankings within the **SMS BASICs** are no longer available for public view. Only carriers and enforcers can see the ratings, even though the underlying data used to formulate the BASIC is still publicly available within the **SMS** portal.

The proposed changes to the **BASIC** intervention thresholds — now available for preview — include:

1. Lowering the intervention threshold of the **Vehicle Maintenance BASIC** to 75 percent from the current 80 percent for general property carriers, thus targeting more carriers for intervention.
2. Raising the intervention threshold for the **Controlled Substances/Alcohol BASIC** from 80 percent to 90 percent, thus targeting fewer carriers for intervention.
3. Raising the intervention threshold for the **Driver Fitness BASIC** from 80 to 90 percent, thus targeting fewer carriers.

FMCSA plans to maintain the 65 percent intervention threshold for the **BASICs** with the highest correlation to crash risk: **Unsafe Driving, Crash Indicator** and **Hours-of-Service Compliance**.

In addition to proposing to go public with the **Hazmat Compliance BASIC** (which has now been effectively barred by the **FAST Act** provisions), the agency has proposed splitting the **BASIC** into two segments — one for cargo tank carriers and one for non-cargo tank carriers. These proposed changes will also be available for preview for hazmat haulers on the agency's **SMS** preview site.

Also available for preview are the proposal to reclassify violation of an out-of-service order to the **Unsafe Driving BASIC** (instead of whichever BASIC the original violation that caused the OOS order is in) and upping the maximum vehicle miles traveled figure used in **CSA's** so-called "utilization factor" to better account for carriers who run in high-mileage operations.

FMCSA-proposed changes issued this year are also available for preview on the agency's new site. Those changes include raising the score threshold for the **Crash Indicator BASIC** from two crashes to three crashes and removing carriers with no violations in the past year in several **BASICs** from its intervention prioritization.

The **Crash Indicator BASIC** changes mean carriers only involved in two crashes will no longer register a ranking within the **Crash Indicator BASIC**. Carriers must now be involved in three crashes before registering a score.

The other change has a similar purpose. Instead of carriers — especially smaller carriers with fewer inspections — being assigned **BASIC** percentile rankings based on violations from their most recent inspection within the previous 24 months, the agency will now only assign **BASIC** ratings for carriers who have had an inspection violation within the past year. The change applies to four **BASICs**: **HOS Compliance, Vehicle Maintenance, Hazmat Compliance** and **Driver Fitness**.

WITH THE PROSPECT OF HOLIDAY GATHERINGS DRAWING NEAR — PLEASE PLAN AHEAD TO GET HOME SAFE AND SOUND!

R-U-Buzzed App

CDOT's **R-U-Buzzed** app is a BAC calculator and handy resource to help drinkers gauge their BAC levels and get a safe ride!

The "Need a Ride" feature directly connects with popular ride-hailing services. Uber, Lyft, zTrip and Curb are all available through the app.



Download the free app from the App Store or Google Play Store by selecting the corresponding badges for each here.



Visit the [R-U-Buzzed app page](#) to learn more.

Driverless Semi Goes on Epic Colorado Beer Run

Driverless cars are still considered in the testing phases, and make some people uneasy.

Put a 53-foot trailer behind a semi, with no driver, and it sounds downright crazy.

You likely heard on the news a week ago.....a truck went all the way from Fort Collins to Colorado Springs without a driver at the wheel.

The trailer, loaded with 51,744 cans of Budweiser beer (Budweiser created 45,000 specially-designed cans to commemorate the event and put them on sale in local stores) began the trip at a weigh station in Fort Collins, and ran along I-25 through Denver before wrapping up in Colorado Springs.

For the majority of that 120-mile trip, the truck's driver left his seat and observed the road from the comfort of the sleeper berth. An Otto video of the drive shows the slightly disconcerting image of a massive 53-foot trailer filled with 2,000 cases of Bud rumbling down I-25 with no human in the cab.

Anheuser-Busch says it teamed with self-driving truck maker Otto and the state of Colorado for the test. Strategy development lasted months.

The head of the Colorado Department of Transportation was in the overnight convoy early on October 20th, which wasn't publicized ahead of time.

"It was completely flawless," said Shailen Bhatt, CDOT's Executive Director. "It was one of the more exciting and boring things that I've ever done. I was in the 5th vehicle behind the truck and it's just like watching any other semi going down the road, except this one stayed right in the middle of its lane the whole way down."

CDOT emphasizes safety benefits. "And if we can reduce 35,000 deaths a year, which we believe this technology will help us do, then this is the path that we want to be on," said Bhatt.

The trip began shortly before 1 a.m., specifically to minimize risk and because of lessened traffic. Bhatt hopes autonomous vehicle technology will allow companies to shift more freight onto our highways during off-peak overnight hours. "Anybody who has got a fleet is going to be interested in this because of the safety impacts, the fuel consumption impacts," said Bhatt. "This is a big deal."

Bhatt also points to market forces. "Parents like me are like, 'I don't want my daughter driving. I don't want her making the bad decision that I made when I was 16. I'd rather have a computer drive her around,'" he said. "There are Americans that are aging out of the ability to drive, who still want that mobility... autonomous vehicles still provide you with the mobility."

Bhatt said that he knows of no other drivers calling authorities to report a truck without a driver.

Anheuser-Busch says it hopes to see self-driving technology widely deployed.

Otto was recently acquired by Uber.



More about the business side.....

Otto's tech is at present confined to highways, and humans take over in city traffic. Otto and Anheuser-Busch plan additional real-world autonomous truck drives in the months ahead.

"The initial appeal for us was to see how we could meet the needs of a company like Anheuser-Busch," Otto co-founder Lior Ron told USA Today. "But now after this successful test, we're eager to see how it will handle other roads and other weather."

The Otto landmark stands in stark contrast to the ongoing self-driving car tests by Google, Uber and Ford in California, Arizona and other states that require a safety driver to remain at the wheel in case of emergencies.

At present, states offer self-driving tech companies a patchwork of laws that, in time, the National Highway Traffic Safety Administration is hoping to corral into a cohesive autonomous car policy.

In Colorado, the Department of Transportation worked with Otto for a number of months evaluating the company's technology and joining on test runs before agreeing to let an Otto semi roll along without a driver in the cab.

"Safety remained our primary concern, but we believe that in this case the driver is the automated system itself," says Amy Ford, spokeswoman for the Colorado DOT, whose RoadX mission is to partner with innovative companies to help insure that the state leads the way in the coming transportation revolution. "We'd like to help get this tech deployed in the real world."

Otto, which was founded early this year by Google Car veterans Ron and Anthony Levandowski, was bought by Uber last August for \$670 million. Uber is boosting its self-driving tech initiative with Levandowski now in charge of leading the ride-hailing giant's charge.

The concept behind Otto is to produce an aftermarket kit comprised of radar and camera sensors that, when harnessed to proprietary software, will allow the nation's 350,000 owner-operator truckers to keep their trucks on the road longer without cutting into their carefully monitored driving time.

Otto's — and Uber's — interest in cornering the trucking market doesn't need much explanation. In 2015, trucking brought in \$726 billion in revenue and accounted for 81% of all freight transport, according to the American Trucking Associations.

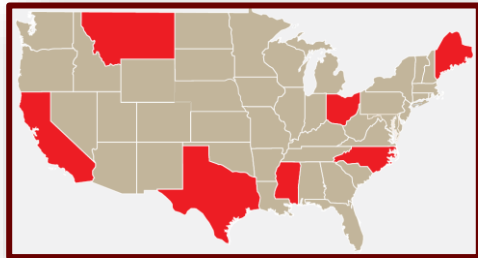
Trucking industry advocates remain concerned about both the technology's ability to decipher every road emergency and the danger of having a driver resting or even sleeping while a truck is at highway speeds.

For Anheuser-Busch Inbev, a global spirits juggernaut valued at \$213 billion, the appeal of the partnership was to "see if we could help pioneer technology that will make the jobs of those shipping product easier and safer," says James Sembrot, senior director of logistics and safety for Anheuser-Busch.

Sembrot says the company's beer travels an estimated 450 million miles a year to its various destinations. Anheuser-Busch doesn't own any trucks, but rather contracts with 300 trucking companies nationwide.

"We liked the prospect of those folks traveling safer in trucks that help improve environmental impact (through increased gas mileage)," he says. "There's no question in our mind that transportation companies will want to make these improvements."

Top 10 Toughest States for Tire Violations



The map shows seven states ranking in the 2015 top 10 for a high percentage of tire violations, calculated as a share of total violations, and also in the top 10 states for maintenance/equipment-related violations overall.

All such violations, accounting for by far the largest share of all violations written by inspectors nationwide, contribute to carrier scoring in the Vehicle Maintenance BASIC in the current categorical structure of the **Federal**

Motor Carrier Safety Administration's Compliance, Safety, Accountability program.

Some states, such as perennially hours-heavy Oregon, show an uncommon focus on tires with a relatively low focus on equipment/maintenance overall, while equipment-violation leaders California, Texas and Mississippi are intensely focused on equipment, clearly.

Top 10 toughest states on tires

Top 10 toughest states on maintenance overall

Oregon	8.9	66.9
Texas	8.9	86.9
North Carolina	8.8	73.2
California	8.7	81.4
Montana	8.2	73.5
Mississippi	7.4	79.7
Alabama	7.0	67.2
Ohio	6.8	70.2
Missouri	6.7	68.3
Maine	6.1	72.0

Percentages represent the violation category's share of total issued violations within the state.

ELD Mandate Survives Court Challenge

A federal mandate requiring nearly all U.S. truck operators to use electronic logging devices to track duty status has been upheld in court, meaning the **December 18, 2017** compliance date remains effective.

The **7th Circuit Court of Appeals**, the federal court overseeing the case, voted unanimously to keep the mandate in place, securing a victory for the **Federal Motor Carrier Safety Administration** and its ELD rule. Its decision was issued **Oct. 31**, following oral arguments made in **Chicago** on **Sept. 13**.

The decision does not change the rule's exemption for pre-2000 year-model trucks, which are allowed to operate without an ELD.

The **Owner-Operator Independent Drivers Association** filed a lawsuit on behalf of two truckers in March in an attempt to have the mandate overturned. But **OOIDA** was unable to convince the court of its arguments that the rule violates truckers' **Fourth Amendment** rights to privacy. **OOIDA** also claimed the rule didn't meet standards set by Congress for an ELD mandate — an argument the court also rejected.



The rule "is not arbitrary or capricious, nor does it violate the **Fourth Amendment**," the **7th circuit judges** wrote in their decision. The decision was issued by circuit judges William Bauer, Michael Kanne and David Hamilton.

The **7th Circuit Court of Appeals** is the same court that tossed out **FMCSA's** 2010-published ELD mandate on the grounds that the rule didn't do enough to protect truckers from harassment by carriers via the devices.

The court, in its **Oct. 31** decision, said the agency fixed those issues in its 2015-issued rule.

Readers can download the text of the court's decision at this link.

The **7th Circuit Court of Appeals** is the highest court in the country next to the **Supreme Court**. **OOIDA** still has the option to appeal the ruling to the **Supreme Court**.

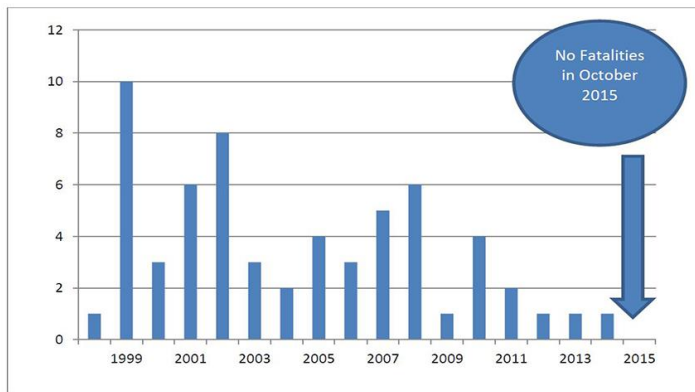
The ELD mandate rule, published **December 2015**, requires most truckers currently required to use paper logs to transition to an ELD by **December 18, 2017**.

Seasonal Safety Alert: Deadly October

From 1998 through 2015, sixty-one miners died at metal and nonmetal operations during the month of **October**. That's an **average** of more than **three fatal accidents** each **October** since 1998. Ten miners died in **October 1999**; eight miners died in **October 2002**; **no one** died in **October 2015**. In all **other years** in the **time period**, between **one** and **six miners** died in "Deadly October". The bar graph illustrates the number of **fatalities** in each year since 1998.



October Fatalities at Metal Nonmetal Operations 1998-2015



The **graph** shows that in the **seven years** from **2009** through **2015**, the **mining community** and **MSHA** worked **together** to **significantly reduce** the number of **fatalities** that **occurred** in **October** months.

MSHA conducted "walk and talks" in **October 2016** to **focus** on **fatality prevention** at **MNM operations**. The **goal** is **ZERO FATALITIES IN OCTOBER 2016** to **carry forward** until the **end** of this **year** and **longer!**

[Seasonal Safety Alert](#)

Best Practices

- *Plan and discuss the work before starting the job, and ask for questions to be certain that all miners understand how to operate safely.*
- *Wear personal protective equipment, including hard hat, safety shoes, glasses and gloves at a minimum. If working at height, use a fall protection harness and lanyard attached to a secure anchorage.*
- *For infrequent jobs that are common this time of year due to seasonal work, task training completed in the past may need to be reviewed again with miners before beginning the task. Conduct safety meetings as needed. Multiple meetings during the week may be necessary.*
- *If contractors are working on the job, a contractor training plan is required, and miner training must be complete and current. Contractors must comply with MSHA's regulations, and they must work safely.*

During the review period, the most **common types** of accidents were "powered haulage" followed by "fall of person". These two **accident classes** accounted for **46%** of the total. **Metal and nonmetal operators**, contractors and miners can **reduce** the risk of **experiencing** a **fatal injury** associated with falling or operating powered haulage equipment by **complying** with these "**Rules To Live By**" priority and other **standards**, and following these **best practices**:

Mandatory Standards

- §56/57.9300 Berms and guardrails
- §56/57.9101 Operating speeds and control of equipment;
- §56/57.14100(b) Safety defects; examination, correction and records;
- §56/57.14101(a) Brake performance;
- §56/57.14130(g) Seat belts shall be worn by equipment operators;
- §56/57.14131(a) Seat belts shall be provided and worn in haul trucks;
- §56/57.14205 Machinery, equipment and tools;
- §56/57.14207 Parking procedures for unattended equipment;
- §56/57.15005 Safety belts and lines;
- §56/57.15020 Life jackets and belts;
- §56/57.16002(c) Bins, hoppers, silos, tanks, and surge piles;
- §56/57.18002 Examination of working places.

Warnings Prior to Starting or Moving Equipment (30 CFR § 56.14200)

Before starting crushers or moving self-propelled mobile equipment, equipment operators shall sound a warning that is audible above the surrounding noise level or use other effective means to warn all persons who could be exposed to a hazard from the equipment. The standard requires warning to be sounded prior to starting or moving self-propelled mobile equipment. This warning does not apply in stop and go situations.

This standard applies to all off-road and on-road self-propelled equipment used on mine property, including vehicles such as vans, suburbans, and pick-up trucks that are used at mine sites.

Since every situation is different and the number of variables endless, the term "other effective means" is evaluated on a case-by-case basis. If a mine operator believes their proposed alternative method of compliance guarantees the same level of protection afforded by the standard, or application of the standard will result in a diminution of safety to the miners, the operator may elect to file a Petition for Modification as provided in 30 CFR Part 44. [See those regulations](#) Filing address can be found [here](#).

Snowstorms have always been the source of fun in Colorado!

...but they can often be the source of headaches, serious injury or, sadly, fatalities on the road!

Here are tips for getting your vehicle ready for driving in winter weather

Snow is already falling in the Colorado mountains, and drivers need to be prepared – especially if you're new to the state.

Colorado has some special laws regarding winter driving that you may not have encountered where you lived before if you're a recent transplant.

Here are some tips for keeping your car and yourself safe while traveling in Colorado's winter weather:

TIRES

Tires are among the most important things you can invest in for winter driving. A good test to see if you need new tires requires just a single quarter. Take the quarter, turn it upside down, and put it into your tire tread – Washington's head goes upside-down. If your tire's tread covers his head, your tires are OK. But if his head is poking out, you should probably look into getting a new set.

All-season tires are a good suggestion if you can only afford one new set, since they'll get you through most of Colorado's ever-changing weather conditions. But in the winter, snow tires are strongly suggested for most vehicles and are necessary for some. The Colorado Department of Transportation will put in place traction or chain laws at times during periods of heavy snow. The "Traction Law," also known as "Code 15" requires vehicles to either have four-wheel or all-wheel drive; as an alternative, to have snow tires or mud/snow tires; or if your vehicle doesn't fit into either of those categories, have tire chains or another alternative traction device, like an AutoSock. These tires usually have an "M" or "M+S" designation on the tire. But when conditions get really bad, CDOT will implement the Passenger Vehicle Chain Law, known as "Code 16," which requires every vehicle on the road to have either chains or an alternative traction device. CDOT has partnered with many Denver-area tire shops to offer discounts.

Any drivers with equipment that doesn't meet standards at the time face fines between \$130 and \$650. For more information from CDOT on the traction and chain laws, [click here](#).

OTHER VEHICLE NECESSITIES

While good tires will ensure you don't end up blocking the roads or in a ditch somewhere, there are a few other things you can do to winterize your car to ensure you're safe at all times no matter what weather pops up.

- Car batteries should be checked, as the cold weather will suck some of their energy, causing the batteries not to perform as well. Batteries operate between 30 and 60 percent worse in weather under 32 degrees.
- Check your fluids: be sure your antifreeze is rated for winter conditions and is filled up. Also be sure your oil is rated for the temperatures you'll be driving in (most 10W-30 and 5W-30 oils perform at all temperatures).
- Some no-freeze washer fluid could also prove worthwhile, as certain washer fluids that are heavily water-based can freeze. In winter driving conditions, snow, ice and salt from the roads can cause windshields to become cloudy as they accumulate more gunk from the road.
- Also be sure your brakes are working well and that the brake fluid is at the correct level. Mountain driving brings steep inclines and declines and sharp curves, and when the roads are slick, stopping times can be multiplied by up to six times the stopping times during normal conditions.
- Be sure to stock your car with an emergency kit filled with a flashlight, jumper cables, extra warm clothes, blankets, kitty litter (for traction purposes), flares and an ice scraper. In the event you become stopped in traffic during a highway closure or end up off the road waiting to be rescued, some of these essentials could save your life. Non-perishable food and water is also suggested.

If you have any questions about whether your car is ready for winter, head in to see your favorite mechanic for it to be checked out and tuned up if necessary. Also, when heading out on winter roads, it is a good idea to first check cotrip.org or call 511 to receive an update on the latest road conditions. This will help you plan a safe route and let you know if you need to delay your travel.

And remember -- take it slow and easy when driving during winter weather.....don't slam on your brakes, and never follow any other vehicles too closely.

STAY SAFE OUT THERE!

▪ See [more great info](#) on Snowstorms & Extreme Cold ▪

