



MJS Safety EXPANSION

• **We've Doubled our Office Space** •
More Room for Fit Testing, Audiometric Testing
and Operator Qualifications
As Well As Drug Testing Collections

▶ MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce the addition of NCCER and O.Q.S.G. to our OQ Services. **MJS SAFETY LLC** is an "Authorized Assessment Center" for Proctoring Final Assessments and completing Performance Evaluations for O.Q.S.G. and NCCER – as well as other OQ disciplines such as MEA-EnergyU, Veriforce & EnergyWorldNet. [call to schedule](#) [read more...](#)

▶ Schedule of classes May 2019: • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543* • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY

▶ 2019 Trench Safety Stand Down

June 17-21, 2019

What is a Safety Stand Down?

A *Safety Stand Down* presents the opportunity for employers to talk directly to employees and others about safety. [read more...](#)



▶ OSHA Requests Information on the Powered Industrial Trucks Standard

OSHA is requesting information on potential rulemaking to update the standards for powered industrial trucks used in the general, construction, and maritime industries. [read more...](#)

▶ Extending the Reach of the 2019 Trench Safety Stand Down is Vitaly Important

Source: *George Kennedy - NUCA's Vice President of Safety*

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TRANSPORTATION NEWS SUMMARY

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▶ **In Wake of Colo. Crash, Reserve Judgment, Says Gordon Alkire, Recounting a '70s Monteagle Brake Failure**

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▶ **Trucker Faces 40 Criminal Counts Stemming from Deadly I-70 Crash Near Denver**

The Jefferson County district attorney formally charged 23-year-old Rogel Lazaro Aguilera-Mederos, of Houston, Texas, with four counts of vehicular homicide, six counts of first-degree assault, 24 counts of attempted first-degree assault, two counts of vehicular assault, one count reckless driving and three counts crime of violence. [read more...](#)

▶ **Truck Crashes Are Killing More People, Despite Better Inspections and More Oversight.**

How Safe Are Colorado's Roads?

Deadly I-70 wreck was unusually severe, but fatality rates have been rising in the last decade [read more...](#)

▶ **CVSA's Operation Safe Driver Week Set for July 14-20 with a Focus on Speeding**



Drivers' actions contributed to a staggering 94 percent of all traffic crashes, according to the National Highway Traffic Safety Administration's (NHTSA) 2015 Traffic Safety Facts report. [read more...](#)

▶ **Despite Loosened Marijuana Laws, CDL Holders Must Still Clear Drug Tests**

Despite a changing landscape nationally regarding the legality of marijuana use, truck drivers are still forbidden from using the substance under U.S. DOT regulations, and drivers must still test negative for marijuana use in pre-employment screenings, random drug tests and post-accident tests. [read more...](#)

▶ **HOS Updates Expected Soon, but Could Be Long Road, Experts Say**

The regulatory journey of federal hours-of-service rules is approaching an important turning point as June 7, the scheduled release date for the Department of Transportation's proposal on policy changes, draws nearer. [read more...](#)



MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce the addition of NCCER and O.Q.S.G. to our OQ Services.

MJS SAFETY LLC is an "Authorized Assessment Center" for Proctoring and Testing for ENERGY worldnet, Inc., as well as OQ Performance Evaluation Services.

MJS SAFETY LLC continues to offer Proctor and Testing Services, as well as Operator Qualification [OQ] Performance Evaluations under the "EnergyU" system – a service of Midwest ENERGY Association – as well as Veriforce.

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

MJS SAFETY LLC 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 Knowledge Based Testing as well as the Performance Evaluation process.

The Operator Qualification Rule – commonly referred to as the "OQ Rule" addressed in Title 49 of the Code of Federal [US DOT] regulations, mandates that individuals who perform "Covered Tasks" on covered 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.

If we can be of assistance with these types of services for your company, please [call to schedule](#).

MJS Safety — your “GO TO” Safety Resource in 2019

“SAFETY STARTS WITH YOU”

Schedule training at our Training Center in Milliken...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 May2019: • **TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543**

- PEC Safeland Basic Orientation: May 23; 8 – 4:30
- First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): May 21; 8 — noon
- TEEK H2S Operator Training – Awareness (ANSI Z390-2017 Course): May 21; 12:30 – 4:30
- Excavation & Trenching Competent Person (NUCA Course): Call to schedule a class

[For any last minute schedule updates, go to www.mjssafety.com]

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

Go To mjssafety.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

Unable to attend a class?

MJS SAFETY offers multiple “ONLINE TRAINING COURSES” including OSHA Construction, General Industry, Environmental, Hazardous Waste Public Safety, DOT, Human Resource, Storm Water & ISO Training Courses.

Order
**First Aid
& other
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Jeremy 720-203-6325
Carrie 720-203-4948
or Mike
303-881-2409

Online courses provide a convenient way for
EMPLOYERS & EMPLOYEES to complete
MANDATED, REQUIRED or HIGHLY RECOMMENDED
training in today's industry

~ **MANY COURSES ARE ALSO AVAILABLE IN SPANISH** ~

**FOR ADDITIONAL INFORMATION CALL
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JEREMY – 720-203-6325 CARRIE – 720-203-4948 MIKE – 303-881-2409

Need Help With

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

CALL US!!!

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
Overdrive
tnews
DOT
NUCA
Denver Post
NHTSA
Gordon Alkire, retired owner-operator of Riley, Kansas



OSHA / CONSTRUCTION

2019 Trench Safety Stand Down

June 17-21, 2019

What is a Safety Stand Down?

A Safety Stand Down presents the opportunity for employers to talk directly to employees and others about safety. These **Stand Downs** will focus on trench & excavation hazards and reinforce the importance of using trench protective systems and protecting workers from trenching hazards.



How to Conduct a Safety Stand Down

Companies will conduct a **Trench Safety Stand Down** by taking a break to have a toolbox talk or another safety activity to draw attention to the specific hazards related to working in and around trenches/excavations. We ask that companies provide feedback about their **Stand Down**, such as when it was held, how many workers participated, how you shared information with employees. **NUCA** will collect the information, publicize the overall total number of participants, and publish the names of the companies that held a **Trench Safety Stand Down**. You can find all the appropriate documentation in the [TSSD Forms](#) section.

Recognition of Participation

NUCA will provide a **Certificate of Participation** which will be mailed to all participating companies by the end of July 2019. **NUCA** will publish the list of names of participating organizations on the **NUCA** website and in our printed publications. **Submit TSSD Completion Forms** (which can be filled out electronically) and any questions you may have to safety@nuca.com.

Stand Down Goals

The goal is to reach out to the many workers who work in and around trenches and excavations to provide them with information about current excavation requirements and safety procedures for working in trenches. By reaching as many workers as possible we can reduce the number of fatalities and serious injuries that occur each year in our industry, and make others, such as municipal and industry workers who are also exposed, aware of these serious hazards.

Who Can Participate?

Anyone who wants to prevent trenching and excavation hazards in the workplace can participate in the **Stand Down**. We encourage utility construction, residential, highway construction, plumbers, military, unions, associations, educational institutes, and safety equipment manufacturers to participate. Please see the [links](#) to the materials to use during your **Stand Down** week.

OSHA Requests Information on the Powered Industrial Trucks Standard

OSHA is requesting information on potential rulemaking to update the standards for powered industrial trucks used in the general, construction, and maritime industries.

OSHA is requesting information on:

- the types, age, and usage of powered industrial trucks;
- maintenance and retrofitting;
- how to regulate older powered industrial trucks;
- types of accidents and injuries associated with operating these machines;
- costs and benefits of retrofitting the machines with safety features;
- and other components of a safety program.

Comments are due by **June 10, 2019**. For more information on how to submit, see the [Federal Register Notice](#) and [news release](#).

Extending the Reach of the 2019 Trench Safety Stand Down is Vitally Important

Source: George Kennedy - NUCA's Vice President of Safety



they can be dragged along the trench as the work progresses. Some shields are modular and can be transported in a pickup truck and assembled or disassembled easily at the jobsite. Many smaller contractors may not even be aware of the lightweight shields that are currently on the market.

I can't say enough about how important it is to work safely in and around trenches. **NUCA**, along with its sponsors – **OSHA**, **NAXSA**, **TSAA**, and **NAHB** – has organized and is promoting the annual national **Trench Safety Stand Down** on **June 17 to 29**.

With the help of all the contractors and sponsors that participated last year, we reached out to more than **22,000+ workers** at jobsites across America. That's more than double the number in **2017**. That's fantastic, but there is still **a lot of work** to be done. It's sad to say that many are still not taking this seriously.

In the last few weeks there have been **several fatalities**. As I read these reports, I wondered why anyone would think it is safe to enter into a **10 to 15-foot-deep trench** that is not equipped with a protective system – which a couple of workers **tragically did** recently. The depth of a trench is **not the hazard**, as most fatalities occur in trenches **less than 15 feet** deep. The lack of **proper sloping**, or the failure to install **shoring** or a **trench shield (box)** are the **most common** causes of fatalities or injury, and are often considered willful violations by **OSHA**.

Trench Protective Systems

Protecting workers in a trench is **relatively simple** and just takes a little planning. A contractor can simply have the excavator operator **slope** the trench walls to:

- ▶ **¾ to 1 for Type A soil,**
- ▶ **1 to 1 for Type B soil, or**
- ▶ **1½ to 1 for Type C soil**

For small jobs and jobs in wide open spaces this will work just fine, however it is often more expensive because of the cost factor of time, fuel, and labor involved in moving dirt. Available space can also be an issue.

Aluminum hydraulic shoring is easy to transport and can be used in both short and long trenches and as deep as 20 to 25 feet, depending on the manufacturer's tabulated data.

Some companies purchase shoring and others rent it when needed. In either event, with **properly installed shoring**, trenches will be a safer place to work.

The most **popular trench protection** is the **trench shield (box)**, which come in all sizes and configurations. They may be made of steel, aluminum, composite materials, and even inflatable rubber coated fabric. Large shields may have to be assembled and handled by larger equipment, but once installed,

I realize that as a utility contractor you probably know all this, and I am confident that **NUCA** members are using **trench protection**. However, I have seen pictures of many jobs where the trench protection is not used properly.

When using a **trench box**, the top of the box must be at or above the top of the trench wall, unless combined with a slope that starts **18 inches** below the top of the box wall. Just **Google "trench protection"** images and take a look at some of the posted pictures. While some pictures show safe trenches, many are not in compliance with **OSHA** regulations.

There is still hope to **lower** this year's number of **injuries and fatalities**, but every contractor that performs work involving excavations must ensure that no worker enters into a trench or excavation without a **Trench Protective System** – **trench shield, shoring, or proper sloping** – the **Three S's of Trench Safety**.

Spread the Word

To all the companies, organizations, and workers that participated in the **2018 Stand Down**, members and non-members alike, we say thank you for taking an interest in this vitally important project. We also want to thank **OSHA** and **NAXSA** for their help and assistance with reaching out to companies and organizations to promote the **2018 Stand Down**.

Last year we **doubled** the number of participants and this year we're trying to **double again**. We need to **STOP** tragic preventable deaths and serious injuries. The place to start is to educate workers, **especially young, unskilled workers** that are joining the construction work force every day. Make sure they understand the **danger** and that they are not **permitted or expected** to enter an unprotected trench for any reason.

NUCA is asking everyone involved in trenching and excavation to become **proactive** in preventing **trench-related fatalities** and injuries. **Reach out** to other companies, municipalities, and workers. Help them to understand that there are **safe, efficient, cost-effective ways** to work safely in trenches. Tell them what the requirements are and where they can learn more about the availability of **Protective Systems**.

Require all your foreman and all subcontractors to attend **Trench Safety Training Programs**, such as **NUCA's Excavation Safety and Competent Person Program**.

There are **four types** of **hazards** that cause most of the construction related fatalities and **two of them** definitely apply to **excavation work**:

1. *Caught-in or between, which applies to cave-ins, getting caught between equipment and a stationary object, or being crushed under equipment or materials.*
2. *The second is incidents where a worker is struck-by equipment or materials such as when being struck by a rotating excavator or crane, a pipe that is being moved into place, or by a rock falling out of a bucket.*
3. *Electrocution such as when working near overhead or underground power lines, or using electric tools or equipment not protected by a ground-fault circuit breaker.*
4. *Falls, including falling from a ladder or off of equipment.*

Don't be afraid to **reach out** and **approach** other contractors and municipalities that you observe putting their workers at risk. Take a few minutes out of your busy schedule to **Stop** and **Talk** to them about **how important** it is to protect their workers in the trench.

If **nothing else**, call the company or municipality and tell them about their **dangerous** and **potentially deadly** jobsite — the boss **may not even know** about it. I'm not going to tell you to call **OSHA**, but that is an option too. **You could save a life.**

Remember that poem we published a few years ago that started with "**I could have saved a life that day but I choose to look the other way.**" **Don't look the other way!**

Become Proactive

Every trench fatality is **preventable** if excavators follow the **OSHA** and **state regulations**, and ensure that every trench or excavation is equipped with a **Protective System** and that other hazards are eliminated. As responsible underground contractors, you **owe it to your employees** and industry.

We need to do **our part** to **eliminate** the **needless deaths** and **serious injuries** that are currently plaguing our industry again.

Please help **NUCA**, **OSHA**, **NAXSA**, **TSAA**, and **NAHB** spread the word as widely as possible that **We Dig America Safely** and they should too!

We hope that **every employee** that participates will share the information with their friends and coworkers and that **each and every one** of you will benefit from this **Stand Down**.

Please take the time to hold a **Trench Safety Stand Down June 17 to 22, 2019**. For more **information** and **useful materials** to help with your **Stand Down** visit nuca.com/tssd.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. **OSHA's** role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.



International Roadcheck Set for June 4-6 With Emphasis on Steering and Suspension

The **Commercial Vehicle Safety Alliance's (CVSA) International Roadcheck** will take place **June 4-6**. Over that **72-hour period**, commercial motor vehicle inspectors in jurisdictions throughout **North America** will conduct inspections on **commercial motor vehicles** and drivers.

Each year, **International Roadcheck** places special emphasis on a category of violations. This year's focus is **steering and suspension systems**. While checking vehicle compliance is always part of the **North American Standard Inspection Program**, **CVSA** is highlighting steering components and suspension systems this year as a reminder of their importance to highway safety.

"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."

During **International Roadcheck**, **CVSA**-certified inspectors will primarily conduct the **North American Standard Level I Inspection**, a 37-step procedure that includes an examination of driver operating requirements and vehicle mechanical fitness. Inspectors may opt to conduct the **Level II Walk-Around Driver/Vehicle Inspection**, **Level III Driver/Credential/Administrative Inspection** or **Level V Vehicle-Only Inspection**.

The vehicle inspection includes checking critical inspection items such as: **brake systems**; cargo securement; **coupling devices**; driveline/driveshaft; **driver's seat (missing)**; exhaust systems; **frames**; fuel systems; **lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads)**; **steering mechanisms**; suspensions; **tires**; van and **open-top trailer bodies**; wheels, rims and hubs; **windshield wipers**. Additional items on **buses**, motorcoaches, **passenger vans** or other **passenger-carrying vehicles** include **emergency exits**, electrical cables and systems in **engine** and **battery compartments**, and seating (*temporary and aisle seats*).

Drivers will be required to provide their **driver's license (operating credentials)**, **Medical Examiner's Certificate** and **Skill Performance Evaluation Certificate (if applicable)**, driver's record of **duty status** and **vehicle inspection report(s) (if applicable)**. Inspectors will also check drivers for seat belt usage, sickness, **fatigue** and apparent **alcohol** and/or **drug impairment**.

If **no critical vehicle inspection item violations** are found during a **Level I** or **Level V Inspection**, a **CVSA decal** will be applied to the vehicle, indicating that the vehicle successfully passed a **decal-eligible inspection** conducted by a **CVSA-certified inspector**; however, when a **rear impact**



guard is required and violations are present, a **CVSA decal** shall not be issued.

If an inspector does identify critical vehicle inspection item violations, he or she may render the vehicle out of service if the condition meets the **North American Standard Out-of-Service Criteria**.

This means the vehicle cannot be operated until the vehicle violation(s) are corrected. A driver can also be placed out of service for driver credential-related issues or driver conditions, such as **fatigue** or impairment.

Out-of-service orders and the number, type and severity of safety violations affect a motor carrier's **Compliance, Safety, Accountability (CSA)** score and its **Safety Fitness Determination** rating. **CSA** is the safety compliance and enforcement program of the **Federal Motor Carrier Safety Administration (FMCSA)** designed to improve safety and prevent commercial motor vehicle crashes, injuries and fatalities by holding motor carriers and drivers accountable for their role in safety.

"**International Roadcheck** is a high-visibility, three-day commercial motor vehicle and driver inspection and enforcement event," said Chief Thompson. "However, aside from the increased inspections, we are not doing anything differently than any other day. The inspections performed during **International Roadcheck** are the same inspections that are conducted the day before **International Roadcheck** starts and the day after it concludes, as well as any other day of the year."

Chief Thompson added, "It's important to remember that inspections are conducted 365 days a year. We publicly announce the dates of this three-day enforcement and awareness initiative in advance because we want all vehicles on our roadways to be safe and compliant."

International Roadcheck is the largest targeted enforcement program on commercial motor vehicles in the world, with around 17 trucks and buses inspected, on average, every minute in Canada, the United States and Mexico during a 72-hour period. Since its inception in 1988, more than 1.6 million roadside inspections have been conducted during **International Roadcheck** campaigns.

International Roadcheck is a **CVSA** program with participation by **FMCSA**, Canadian Council of Motor Transport Administrators, Transport Canada and Secretaría de Comunicaciones y Transportes (SCT) (*Ministry of Communications and Transportation*) of Mexico.

In Wake of Colo. Crash, Reserve Judgment, Says Gordon Alkire, Recounting a '70s Monteagle Brake Failure

Source: Gordon Alkire, retired owner-operator of Riley, Kansas

Since the fiery crash of Rogel Lazaro Aguilera-Mederos, who lost control of his truck on a downhill grade and, ultimately, crashed, killing multiple people and sending multiple others to the hospital, there's been no small amount of finger-pointing to this or that cause. This was clearly a tragedy for all involved, including the driver, who was formally charged with vehicular homicide among other counts.

Gordon Alkire, a retired owner-operator, reached out with a considered piece about such finger-pointing (*read below*). Alkire has little patience for such, and asks his fellow drivers to check their condemnation and take a close look at themselves. "Ask yourself if that could have been you?" he wrote. "A downgrade, a loaded trailer, no brakes. Confusion, fear, and panic." He's been there, and he tells that story in this week's edition of the Overdrive Radio podcast — a harrowing tale of a 1970s run near the edge of control down Monteagle Mountain in Tennessee.

Trucker Faces 40 Criminal Counts Stemming from Deadly I-70 Crash Near Denver



The Jefferson County district attorney formally charged 23-year-old Rogel Lazaro Aguilera-Mederos, of Houston, Texas, with four counts of vehicular homicide, six counts of first-degree assault, 24 counts of attempted first-degree assault, two counts of vehicular assault, one count reckless driving and three counts crime of violence.

The charges were made in connection with the April 25 crash that involved 28 vehicles, including four other tractor-trailers. Four people were killed and four others injured.

Aguilera-Mederos is alleged to have been traveling eastbound, driving a tractor-trailer, when he lost control and crashed into traffic that was backed up from an earlier crash.

He is being held in the Jefferson County Jail on a \$400,000 bond.

Do more with mentoring, less finger-pointing, for prevention

With all these super-perfect truck drivers all around us, we still have low-skilled new drivers on the road. Why is that? Do the super-perfect types not teach, mentor, demonstrate the proper way to do everything related to a truck and any incident or malfunction that happens? Is it more important to take a video and condemn than to help and teach? Alternately, could be they are new to the industry and want to be a truck driver themselves. They have dreams and desires like most everybody.

A 23-year-old driver that is used to flatland trucking for the most part is now probably on his first trip into real mountains. No, or little real experience in mountains, and this is going to be his first taste of it. We have been there, done that. Learned something new.

Then on this trip something goes terribly wrong with the truck. No brakes. The absolute worst thing that can happen to a loaded semi in the mountains.

Being new at the trucking game and more than likely having never experienced a brake failure before, this new driver is now confused, scared and trying to find the problem. Panic sets in. Unable to stop the truck or even slow it down, he is trying to avoid hitting other vehicles, looking at the dash gauges and traffic all at the same time, he misses the signs for the runoff ramp. Then again, it may have been due to English not being his first language — let's say he misunderstood the signs' meaning in his panic. We don't know for sure.

Did he know the company he was driving for had violations on equipment? Probably not. Was this mountain driving something new he was experiencing? Yes. More than likely it was. With the lack of mountain driving, experience the odds were against him from the start.

Think about this. No driver out here today had any kind of experience before they got behind the wheel of a motor vehicle the first

time. The first time on that John Deere or the farm pickup, or your first time in a car or a truck. The first time was the beginning of your learning and experience. If you were lucky, you gained more as time went along and learned many things about driving.

How many years of experience do you have today? 10, 30, 40? You learned something in all those years. When you first started driving you were no expert, nor did you have any experience behind the wheel. Remember at the ripe old age of 23 our subject driver here did not have the knowledge nor the experience most of the older drivers today have.

His lack of experience, along with a few other reasons, may have resulted in a terrible accident that took lives, that is going to more than likely ruin his life. A young man that came to America for a better life legally, unlike so many do today, only to see it disappear and leave him alone and more than likely in prison. Why? All due to a mechanical malfunction on the equipment he was driving.

Think about your life behind the wheel of a truck and what you have learned and used over the years. How many close calls you have had? What you have seen happen and wondered how anyone could have survived it? Did you learn from it?

Not one of us is perfect at driving a truck. All we can do is try to be. Try harder to not have an accident, to give the right of way even to the ones that don't have it coming. We have learned to be safe. Not an easy thing to do today.

It really doesn't matter how new or old your truck is. It is manmade. Things wear out and break. For some, too often.

Check your condemnation and take a long hard look at yourself. Ask yourself if that could have been you? A downgrade, a loaded trailer, no brakes. Confusion, fear, and panic.

[Listen to Gordon's Recount of his Harrowing '70s Monteagle Brake Failure](#)

Truck Crashes Are Killing More People, Despite Better Inspections and More Oversight.

How Safe Are Colorado's Roads?

Deadly I-70 wreck was unusually severe, but fatality rates have been rising in the last decade

Since federal regulators and the trucking industry got serious about safety nearly four decades ago, thousands of lives have been saved on U.S. roads.

But last month's horrific high-speed crash west of Denver, in which an apparently out-of-control semitrailer plowed into more than two dozen stopped vehicles on Interstate 70 — igniting an inferno and killing four people — is part of a worrying trend.

Over the last decade, fatal crashes involving large trucks have been on the rise again.

The number of fatal crashes involving large trucks in the United States increased by 42 percent between 2009 and 2017, according to National Highway Traffic Safety Administration data, a trend reversal that came as trucking traffic levels recovered from the Great Recession. Nearly 4,800 people were killed in 4,237 wrecks in 2017 — most of them in neighboring vehicles.

In Colorado, the number of fatal crashes was down slightly in 2017 but has more than doubled, from 35 in 2009 to 80 in 2017, the most recent year available. Those wrecks killed 87 people.

During the same period, the federal and state agencies responsible for overseeing about 3.5 million roadside inspections of large trucks each year began rolling out the most sophisticated system ever used in the United States to track mechanical and safety violations coast to coast. By zeroing in on the data and comparing the inspection records of companies and drivers to their peers, authorities now crack down on the most egregious repeat offenders in the hope of reducing risks on the roads. Colorado was among the earliest participants.

But the recent trends have industry veterans scratching their heads, in part because the rising fatality numbers aren't explained entirely by growing truck traffic.

As some point out, driver error is the prevailing factor in most crashes. And that includes error by the drivers of surrounding vehicles — who are, according to federal and state studies, more often than not the ones found at fault, whether because they are driving under the influence of alcohol or drugs, driving recklessly or, increasingly, focusing on their smart phones instead of the road.

That variability — and the constant stream of trucking traffic entering from other states — makes it difficult to assess whether Coloradans can have confidence that the semitrailers and drivers traveling our treacherous mountain passes and choked interstates are safe.

"We hold this industry to a higher standard for safety, and we agree with that — we should, because we recognize there's a higher consequence for accidents," said Greg Fulton, the president of the Colorado Motor Carriers Association.

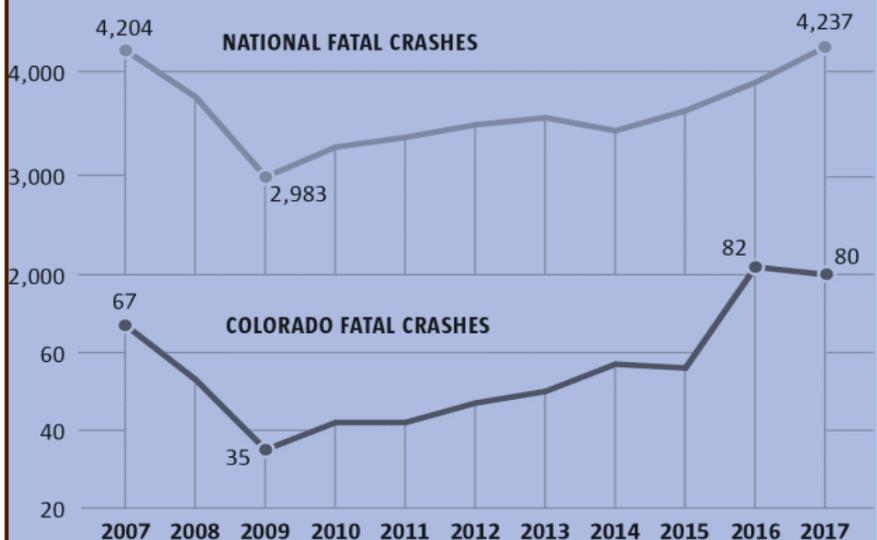
He said the industry is as eager as the public to learn what happened in the fiery I-70 crash last month, and to potentially absorb lessons.

Before the crash, Houston driver Rogel Lazaro Aguilera-Mederos told police he lost his ability to brake while coming down I-70's steep mountain descent into the city. It could have been due to mechanical failure, as his attorney said, or improper use that caused the brakes to overheat, which experts say is more often the case.

Just as befuddling to veteran truckers as nearly everyone else: Aguilera-Mederos' truck was captured on video blowing right past a runaway truck ramp minutes before the crash in Lakewood.

Fatal crashes involving large trucks

The number of fatal crashes involving trucks with a gross weight rating of over 10,000 pounds has been on the rise nationally and in Colorado since a recessionary low in 2009. That year marked the lowest number since at least 1975, after decades of safety improvements.



Source: National Highway Traffic Safety Administration, using data from Fatality Analysis Reporting System

The Denver Post

"We realize we have a responsibility out there, and we want it to be safe for everyone," Fulton said. "But like anything else, we can improve, and that's our goal."

Nationally, there are about 12 million large trucks registered that have a gross vehicle weight rating of more than 10,000 pounds, before they're carrying cargo.

In the broader view, the U.S. trucking industry's safety record is still light years better than it was decades ago, before legislation in the 1980s required more roadside inspections and gave states money to carry most of those out — and before technological improvements made trucks safer.

In 1979, according to **Federal Motor Carrier Safety Administration** data, there were 5.21 fatal crashes per million miles traveled by large trucks. In 2017, despite the recent surge in fatalities, the same measure was at 1.42.

Colorado's roads are more difficult than most

Colorado's mountains offer a particular challenge to truckers. Harold Trent, a commercial driving instructor, takes students up and down the foothills stretch of I-70 often. They put to use the slowing techniques they've learned to avoid the smoking brakes that can quickly lead to disaster, making it impossible to stop.

"At first, they're a little intimidated and they're a little nervous," said Trent, the director of **United States Truck Driving School** in Wheat Ridge. "But after they've gone up and down, they're comfortable. Bottom line, though, for any driver that's out there — whether they're experienced or inexperienced — you never take a downgrade for granted, even if you've done it before.

"The minute you get complacent, that's the moment the highway is going to jump out and bite you."

The Colorado Department of Transportation has built 13 runaway truck ramps on mountain roads, with most on I-70. The most-used ones are two on the descent from the Eisenhower-Johnson Memorial Tunnels to Silverthorne, CDOT spokeswoman Tamara Rollison said. But the at-grade Mount Vernon runaway zone — the one Aguilera-Mederos skipped — has been used at least nine times, and probably more, since 2016.

But those ramps are there as a last resort. Truckers are taught to use a lighter touch on their brakes on sustained downhills, since a 40-ton load easily can cause them to overheat within minutes. They maintain a slower speed by engine-braking in a low gear or by using light braking techniques, Trent said; if they overdo it, they can pull over to let the brakes cool, which typically takes an hour or so.

The recent crash was as horrific as it was rare for I-70, but others have happened on the foothills stretch. After a deadly semitrailer crash in 1989, CDOT put up a series of signs aimed at talking big-rig drivers down the descent, telling them not to be fooled in flat parts because more steep grades are ahead.

As Trent and others have scrutinized video of Aguilera-Mederos' truck, they've asked questions likely being examined by investigators: Did he notice the signs? Did he understand English well enough, as required by federal trucking regulations? And in the 23-year-old driver's apparent panic, did he even see the runaway truck ramp?

"He was fighting to keep it upright, which is why he had those erratic lane maneuvers," Trent observed.

The Jefferson County district attorney on Friday charged Aguilera-Mederos with four counts of vehicular homicide and dozens of other charges, alleging he was criminally reckless.

The Colorado State Patrol, which oversees trucking inspections in Colorado and is involved in the investigation, has declined in the wake of the crash to take questions or discuss its approach to truck safety.

A red-flag safety system

The **Federal Motor Carrier Safety Association's** inspection-monitoring system aids CSP's troopers and other officers by telling them which drivers or companies have red flags that require more frequent inspections, whether at weigh stations or traffic stops.

"When you see carriers that are having a greater level of problems or more issues ... they're going to get a greater level of focus," Fulton said.

The **FMCSA's** tracking shows 58,474 roadside inspections of varying intensity were performed in Colorado during the fiscal year ending Sept. 30, most by CSP. And CSP's own figures say its truck inspections have increased by more than 90 percent since 2009.

In nearly one-quarter of the 2018 inspections, according to the **FMCSA**, trucks were sidelined until violations could be fixed. Sometimes that's a matter of minutes, sometimes days, and those "out-of-service" orders were slightly more common than in inspections nationally.

Aguilera-Moderos reportedly had worked just a couple weeks for his latest employer, Castellano 03 Trucking, which has five trucks, according to its **FMCSA** record. In the last two years, those trucks were subject to 19 roadside inspections that found 30 violations. Ten were brake-related, including two out-of-service violations. But none of those inspections were conducted in Colorado.

In fact, several kinds of brake violations are among the 20 most common violations cited in inspections, according to the **FMCSA**. Safety advocates say this underlines the need for drivers to take their pre- and post-drive mechanical checks seriously.

Some observers worry about gaps in the inspection system, including the potential for less-scrupulous truckers to know weigh stations' hours and escape scrutiny there — though traffic stops are always a risk.

"You're not getting a random sample of trucks (*at the stations*), that's for sure," said Paul Jovanis, a professor emeritus at Penn State University who has long studied trucking safety. "And you're not getting a random sample of people driving through the area."

Jovanis also is skeptical of the industry's emphasis on driver error in crashes, pointing to robust maintenance and work policies as important. He's been critical of a federal hours-of-service expansion that allows long-haulers to drive for up to 11 hours in a shift, an hour longer than the previous limit.

"All the research I've done shows that crash risk goes up substantially in the ninth, 10th and 11th hours," Jovanis said.

Calls for improvements

Brenda Lantz, a Denver-based researcher who has specialized in the trucking industry since the 1990s, helped develop the algorithm used by the **FMCSA's** warning system. And she recently served on a panel of the National Academies of Sciences, Engineering and Medicine that evaluated the system and recommended improvements.

As it stands, she credits the **FMCSA's** systems for serving as a check that comes with real consequences for repeat violators. It also provides some public accountability for companies' records. In the 2018 fiscal year, the agency sent more than 30,000 warning letters and, with state partners, performed more than 14,000 investigations of trucking and bus companies.

In rare cases, flagrant violators with sloppy maintenance practices or driving records are ordered to shut down.

"We need to continue to focus on driver behaviors, as the vast majority of crashes can be attributed to some kind of driver error," said Lantz, a senior research fellow at the University of Denver who also is associate director of the Upper Great Plains Transportation Institute at North Dakota State University.

Since the **FMCSA** was formed in 2000 within the U.S. Department of Transportation, outside advocates and government watchdogs have applied pressure periodically for more aggressive enforcement. In 2013, as the newer system was being rolled out, the National Transportation Safety Board called for better oversight of the trucking industry and for companies to take more proactive safety precautions.

Even if surrounding vehicles tend to cause more crashes than the trucks themselves, the size disadvantage has disproportionately deadly results.

In 2017, national crash data show, occupants of passenger vehicles, motorcycle drivers and people who weren't in vehicles accounted for about 80 percent of the 4,761 people killed in crashes involving large trucks.

Sensitive to public perceptions that point the finger at trucks, industry leaders say more law-enforcement inspectors at the state and federal levels could ratchet up efforts to root out bad actors in the industry.

The public should "be confident that the lion's share — the overwhelming majority — of drivers out there, especially commercial motor vehicle drivers, are safe," said Chris Turner, a former Kansas Highway Patrol commander who now is the director of crash and data programs for the **Commercial Vehicle Safety Alliance**. The nonprofit represents enforcement officials in the United States, Canada and Mexico and works with the industry on uniform inspection and violation standards.

"This is their livelihoods and they take it seriously," he said of drivers. "But like any situation or profession, there are those who aren't as professional, and they are the ones who are typically involved in those type of collisions."

CVSA's Operation Safe Driver Week Set for July 14-20 with a Focus on Speeding



Drivers' actions contributed to a staggering **94 percent** of all **traffic crashes**, according to the **National Highway Traffic Safety Administration's (NHTSA) 2015 Traffic Safety Facts** report.

In response to this issue, **law enforcement personnel** will be on the **lookout** for **commercial motor vehicle** drivers and **passenger vehicle** drivers engaging in **dangerous driver behaviors July 14-20** as part of the **Commercial Vehicle Safety Alliance's (CVSA) Operation Safe Driver Week**. Drivers engaged in **unsafe driving** behaviors will be **pulled over** by **law enforcement** and may be issued a **warning** and/or **citation**.

- In 2017, speeding was a contributing factor in 26 percent of all traffic fatalities, according to NHTSA. That's 9,717 lives lost due to speeding.
- During last year's **Operation Safe Driver Week**, 16,909 passenger vehicle drivers and 1,908 commercial motor vehicle drivers were issued citations for speeding. In addition, 17 commercial motor vehicle drivers and 714 passenger vehicle drivers were cited for driving too fast for the conditions.
- According to the **Insurance Institute for Highway Safety Highway Loss Data Institute**, speeding has been a factor in more than a quarter of crash deaths since 2008.
- According to **FMCSA's 2016 Large Truck and Bus Facts**, speeding of any kind was the most frequent driver-related crash factor for drivers of commercial motor vehicles and passenger vehicles.

For these reasons, **CVSA selected speeding** as the **emphasis area** for this year's **Operation Safe Driver Week** and **law enforcement** jurisdictions throughout **North America** will be endorsing, **promoting** and supporting the **following message: Late won't kill you, speeding will.**

In addition to the emphasis on speeding, law enforcement personnel will be tracking other dangerous driver behaviors throughout Operation Safe Driver Week, such as distracted driving, texting, failure to use a seatbelt, following too closely, improper lane change, reckless or aggressive driving, failure to obey traffic control devices, evidence of drunk or drugged driving, etc.

Despite Loosened Marijuana Laws, CDL Holders Must Still Clear Drug Tests

Despite a **changing landscape** nationally regarding the **legality** of **marijuana** use, **truck drivers** are still **forbidden** from using the **substance** under **U.S. DOT** regulations, and **drivers** must still **test negative** for **marijuana** use in **pre-employment screenings**, **random drug tests** and **post-accident tests**.

That was the **key takeaway** from an **hour-long webinar** held recently by the **Truckload Carriers Association**, which featured **attorney Adam Dolan**, a partner at the **firm Goldberg Segalla**; **Dr. Todd Simo**, chief **medical officer** and vice president of **business development** for **HireRight**; and **Deputy Chief Mark Savage** of the **Colorado State Patrol**.

"Laws regarding **marijuana** have changed **drastically** in the **last five to six years**," said **Dolan**, noting that only **five U.S. states** maintain an **outright prohibition** on **marijuana possession** and use — **Alabama**, **Idaho**, **Kansas**, **Nebraska** and **South Dakota**. The rest of the **country** has loosened **marijuana laws** to allow for **at least limited access** on a **medical basis**, if not **broader legalization**.

However, **cannabis** remains classified as a **Schedule I drug** at the **federal level**, and the **U.S. DOT** maintains rigid **enforcement** of its **policies** regarding **marijuana**. Failing a **drug test** for **marijuana** "is **automatically disqualifying**," said **Simo**. "**Period. No caveats.**"

Dolan pointed to **DOT memos** on the **subject** that **detail** the **Department's stance** on **cannabis**, even if for **medical-related** use and even as the **U.S. Department of Justice** changes its **stance** on **enforcement**.

"The **DOT** states they want to **make it perfectly clear**, the **DOJ guidelines** have **no bearing** on the **DOT drug testing program**," **Dolan** says.

The **number** of **marijuana-positive** drug tests at **large (not just for CDL holders)** have **increased** in **recent years**, said **Simo**, and some **have sought** to **blame** use of **products** containing **CBD (a hemp- and marijuana-derived compound used for medical treatment which doesn't contain the intoxicating compound THC)** for the **increase**. The **U.S. Food and Drug Administration** last year **changed federal** regulations to allow **wider** use nationwide of **CBD products**. However, says **Simo**, "**drug tests** don't even **look for CBD**. That's a **completely different testing profile**. So, **CBD is not an explanation** for a **marijuana-positive result**."

Savage's state, Colorado, was the first **U.S. state** to allow **cannabis** consumption **beyond medical use**, a change that **took effect** in **2014**. However, the **number** of **truck inspections** resulting in **violations** for **possession** or use of **alcohol and drugs** remains **minute**, **Savage** said. In **2016**, **only 53 drug-related violations** occurred in the **state's roughly 30,000 inspections**. That number **dipped to 48** in **2017**, but **jumped to 60 last year**. Those **numbers** are **comparable** to that of **violations** for **alcohol possession** and **use**. In **2016**, in **Colorado**, there were **41 violations** for **alcohol possession** or use. There were **57 in 2017** and **50 last year**.

According to **data presented** by **Savage**, there were only **10 truck-involved crashes** in **2018** that **resulted** in an **injury** or a **fatality** in which the **truck driver tested positive** for **drug use**. That **number** was up from **eight crashes** in **2017** and **only three** in **2016**.

HOS Updates Expected Soon, but Could Be Long Road, Experts Say

Martinez speaks at American Trucking Associations' midyear management meeting.

The regulatory journey of federal hours-of-service rules is approaching an important turning point as June 7, the scheduled release date for the Department of Transportation's proposal on policy changes, draws nearer. However, regulatory experts suggest that the long and winding road to HOS reform may stretch on, especially if proposed rule changes are confronted with court challenges from various corners of the transportation industry.



At this juncture, even the planned release date is not set in stone; while DOT's Significant Rulemaking Report for April indicated that the agency plans to publish the Notice of Proposed Rulemaking for the changes on June 7, the report only lists this as the "originally scheduled date." Actual publication hinges on the Office of Management and Budget's review process, which could stretch past June 7. That, in turn, could push the period for public comment on the NPRM, which is currently slated to end July 26.

Regardless of the timing, there is optimism that the proposed changes will bode well for trucking.

"I do think that the Notice of Proposed Rulemaking will probably be more friendly to the industry than not," reported Timothy Wiseman, a partner at the law firm Scopelitis, Garvin, Light, Hanson & Feary, P.C. who specializes in regulatory compliance.

DOT submitted the NPRM to the White House for review March 29 after Federal Motor Carrier Safety Administration officials spent months combing through thousands of comments and gathering input on potential rule changes. While the industry waits to see its contents, the Advance Notice of Proposed Rulemaking DOT published Aug. 23 offers clues. That document included proposed changes to the shorthaul HOS limit, the HOS exception for adverse driving conditions, the 30-minute rest-break provision and the split sleeper berth rule to allow drivers to divide their required rest time in the sleeper berth.

The ANPRM garnered more than 5,200 responses by the time the comment period closed Oct. 10. FMCSA also hosted five listening sessions nationwide to gather industry feedback.

One of the four questions listed in DOT's ANPRM prompted industry representatives for information that would support reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks with sleeper berth compartments. Many respondents were in favor of allowing drivers to divide their rest time into smaller increments.

David Osiecki, president of Scopelitis Transportation Consulting, predicts that any proposed change to the split sleeper berth provision will rankle public safety groups who claim that a person needs at least eight hours of restorative rest. Sleep studies run the gamut of defending both long, restorative rest and short sleep breaks, and a recent analysis from the American Transportation Research Institute suggests that certain "innovative HOS concepts" could help drivers avoid congestion by taking strategic periods of rest.

Wiseman also pointed out that proposed changes could get hamstrung by lawsuits from opponents. FMCSA's recent determination that state meal-and-rest-break provisions are pre-empted by federal law has already been challenged and upheld in California court.

"The fear I have is that whatever they propose that's industry-friendly for the transportation community will get tied up in litigation in federal court," Wiseman said.

Osiecki, who previously served as executive vice president and chief of national advocacy at American Trucking Associations, said that FMCSA's willingness to hear from members of the trucking industry reflects the administration's goal to streamline regulatory burdens. FMCSA Chief Ray Martinez, who was confirmed to his post in February 2018, has appeared at many industry events, including ATA's Management Conference & Exhibition and the National Truck Driving Championships.

"Administrator Martinez is on the team," Osiecki said. "He understands the administration's philosophy on trying to reduce burdens on industry and if this is an area of rules that can be made more flexible without compromising safety, I think that's one of the approaches this administration wants to take."