



▶ **MJS SAFETY TRAINING ANNOUNCEMENT**

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 April 2018: • **TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543** • [read more...](#)

OSHA / CONSTRUCTION NEWS SUMMARY

▶ **National Safe Digging Month – APRIL**

Traditionally, April brings with it a ground swell of outdoor work which often includes digging. [read more...](#)



▶ **OSHA Local Emphasis Programs**

Local Emphasis Programs (LEPs) are enforcement strategies designed and implemented at the regional office and/or area office levels. [read more...](#)

▶ **GO ORANGE for National Work Zone Awareness Week**

[National Work Zone Awareness Week](#) is April 9-13, 2018. [read more...](#)



▶ **Join the National Safety Stand-Down To Prevent Falls in Construction MAY 7-11, 2018** [read more...](#)

▶ **OSHA Announces Agency Goal to Reduce Trenching and Excavation Hazards**

OSHA's [Agency Priority Goal](#) for 2018 aims to reduce trenching and excavation hazards. [read more...](#)

▶ **Improve Compliance and Job-Site Safety by Replacing Paper with Smart Mobile Forms**

On March 28th, webinar speaker Mark Scott, VP Marketing, *ProntoForms*, explored how health & safety data collection on mobile devices can help produce a safer, more compliant workplace. [read more...](#)

▶ **Marijuana laws keep changing: Can you still enforce a drug-free policy?**

More states continue to legalize marijuana for recreational use, which leads to the question: Can safety managers still enforce drug-free policies? [read more...](#)



▶ **Dos and don'ts for using AEDs... Shock therapy**

Hundreds of deaths from coronary heart disease occur outside a hospital daily, according to **OSHA**, but up to 60 percent of those deaths could have been prevented... [read more...](#)



COLORADO OIL & GAS ASSOCIATION

▶ **2018 COGCC Flowlines Rules**

On February 13, 2018, the Colorado Oil & Gas Commission ("COGCC" or "Commission"), unanimously approved dozens of new regulations ("Rules") as part of the state's response to the Firestone tragedy. [read more...](#)

▶ **DJ Basin Safety Council Annual Clay Shoot**

May 20, 2018 [read more...](#)

DJ BASIN SAFETY COUNCIL

▶ **Energy Exposition 2018 Industry Tradeshow and Safety Conference**

May 22-23, 2018 — Loveland, CO [read more...](#)



ELD's remain a **HOT** topic...



- ▶ **As Hard Enforcement of ELD Mandate Becomes Reality, FMCSA Details Return-To Duty Procedure** [read more...](#)

▶ **FMCSA's recent Media Update mostly centered on the agency's announcement that Livestock and Ag Haulers now have until June 18 to adopt an ELD...** *In the meantime, they can continue to run on paper logs.* [read more...](#)

- ▶ **Analyst Warns Fleets to Expect 'Fire Hose' of ELD Violations** [read more...](#)

- ▶ **Congress' Budget Deal Extends ELD Waiver for Livestockers, Separate Bill Pushes for Under-21 Truckers** [read more...](#)



- ▶ **Revised ELD Guidance: FMCSA Allows AOBDR Software on Fleet Expansion Trucks** [read more...](#)

- ▶ **ELD HEADACHES: Dealing with technical glitches and other equipment issues**
Some say nay...And some say yay [read more...](#)



- ▶ **OOIDA Asks House Committee to Hold Hearing on ELD Mandate** [read more...](#)

- ▶ **April Fool's Day ELD-OOS Nightmare may not be Tough as Some Have Gussed** [read more...](#)

- ▶ **Annual Roadcheck Inspection Spree slated for early June...**



FOCUS ON HOURS VIOLATIONS

The **Commercial Vehicle Safety Alliance's annual International Roadcheck**, a three-day ramp up of truck and bus enforcement across North America, is scheduled for June 5-7 [read more...](#)

- ▶ **OOIDA Wants Court to Rehear Case Over Sleep Apnea Guidelines for Truckers**

Following a court's dismissal of the case in January, the **Owner-Operator Independent Drivers Association** has filed a motion for the U.S. Eighth Circuit Court of Appeals to rehear its argument that the **Federal Motor Carrier Safety Administration** illegally altered sleep apnea screening guidelines for truck drivers. [read more...](#)



MSHA NEWS SUMMARY

- ▶ **U.S. Department of Labor Deploys Mobile Technology System to Help Mine Inspectors Work More Efficiently**

The U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** has initiated the deployment of a **Mobile Inspection Application System (Mobile IAS)** to further enhance the efficiency and effectiveness of mine inspectors and to better carry out **MSHA's** core mission of promoting the health and safety of America's miners. [read more...](#)



- ▶ **MNM Serious Accident Alert - Surface Belt Plant-Limestone – Best Practices:** [read more...](#)



- ▶ **MNM Serious Accident Alert - Surface - Ladder Surface-Stone – Best Practices:** [read more...](#)



MONTHLY SAFETY TIP NEWS SUMMARY

- ▶ **Ten Safety Tips That Could Save Your Life** [read more...](#)

MJS SAFETY TRAINING ANNOUNCEMENT

MJS SAFETY LLC is proud to announce the addition of ENERGY worldnet, Inc. [EWN] 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” Resource in 2018

“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 April 2018: • *TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543*

- **PEC Safeland Basic Orientation:** April 2, 13, 23; 8 – 4:30
- **First Aid/CPR/AED/BLOODBORNE PATHOGENS:** April 5, 30; 8 - noon
(We offer both MEDIC FIRST AID & AMERICAN HEART ASSOCIATION)
- **TEEX H2S Operator Training – Awareness (ANSI Z390 Course):** April 5, 30; 12:30 – 4:30

[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
Safety Supplies**
www.mjssafety.com
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** ~

Need Help With

- ISNETworld
- PEC/Premier
- PICS
- BROWZ

CALL US!!!

FOR ADDITIONAL INFORMATION CALL

MJSSAFETY

JEREMY – 720-203-6325 CARRIE – 720-203-4948 MIKE – 303-881-2409

SOURCES FOR THIS ISSUE INCLUDE:
OSHA
FMCSA
MSHA
CDOT
Overdrive
CCJ
ISHN
Forbes.com
nationaldaycalendar.com
Colorado811
DJBasinSafetyCouncil
Safety Compliance Alert
Resource Center
Transport Topics
Performance.gov
NUCA
DAT
ProntoForms
EnergyExposition.com



National Safe Digging Month – APRIL



Traditionally, April brings with it a **ground swell** of outdoor work which often **includes** digging. Whether it is a **small project** or a **large home** improvement project, **National Safe Digging Month** is a way to **remind us** all to **call 811** before **starting** any **digging project**.

Did you know **every six minutes** an **underground utility line** is **damaged** because someone decided to **dig** without **first calling 811**. The **risk of injury** or even **death** is **serious**. Beyond the **devastating risks** of death or injury, **consider the costs** of repair, **fines** and even **inconvenience**. From **putting in a fence**, planting a **tree** or **building a deck**, knowing **where the power** and water lines before you **dig** will **save a lot** of time, **money** and **pain later**. **CALL 811 BEFORE YOU DIG.**

National Safe Digging Month (NSDM) began in **2008** as a way to **encourage** all **CGA (Common Ground Alliance)** stakeholders to **promote the safe digging message** in one **voice** during **one strategic month** when **digging activity** begins in **earnest nationwide**.

National Safe Digging Month and **Colorado 811** is asking **fire stations** across the **state** to **show their support** during the month of **April** by **reminding their local communities** and **residents** to **click or call 811** before any **digging project**, no matter how **large** or **small**. Stations will be **hanging banners** for the month of **April** as **reminder** to **CALL 811 BEFORE YOU DIG!**

OSHA Local Emphasis Programs

Local Emphasis Programs (LEPs) are **enforcement strategies** designed and **implemented** at the **regional office** and/or **area office** levels. These **programs** are intended to **address hazards** or **industries** that pose a **particular risk** to **workers** in the **office's jurisdiction**.

The **emphasis programs** may be **implemented** by a **single area office**, or at the **regional level (Regional Emphasis Programs)** and **applied** to all of the **area offices** within the **region**. These **LEPs** will be **accompanied** by outreach intended to **make employers** in the area **aware** of the **program** as well as the **hazards** that the **programs** are **designed** to reduce or **eliminate**. This **outreach** may be in the form of **informational mailings**, training at **local tradeshow**s, or **speeches** at **meetings** of industry groups or **labor organizations**.

REGION VIII: (CO, MT, ND, SD, UT, WY)

Directive	Title
18-01 (CPL 04-01)	Regional Emphasis Program on Fall Hazards in Construction [pdf]
18-02 (CPL 04-01)	Regional Emphasis Program (REP) for Roadway Work Zone Activities [pdf]
18-03 (CPL 04-01)	Regional Emphasis Program for Grain Handling Facilities [pdf]
18-04 (CPL 04-01)	Regional Emphasis Program for the Oil and Gas Industry [pdf]
18-05 (CPL 04-01)	Regional Emphasis Program for Workplace Violence Hazards at Residential Intellectual and Developmental Disability Facilities [pdf]
18-06 (CPL 04-05)	Local Emphasis Program (LEP) for the Asbestos Abatement Industry [pdf]
18-07 (CPL 04-05)	Local Emphasis Program for Scrap and Recycling Industries [pdf]
18-08 (CPL 04-05)	Local Emphasis Program for Automotive Services [pdf]
18-09 (CPL 04-05)	Local Emphasis Program for Wood Manufacturing and Processing Facilities [pdf]
18-10 (CPL 04-05)	Local Emphasis Program for Aircraft Support and Maintenance Facilities [pdf]

GO ORANGE for National Work Zone Awareness Week

National Work Zone Awareness Week is April 9-13, 2018.

Each year, before construction season kicks off, **National Work Zone Awareness Week** is held to bring attention to motorist and worker safety and mobility issues in work zones. It's a great way to remind drivers to be extra careful when you encounter men and women working to improve highways, roadways and streets.

During previous **National Work Zone Awareness Weeks**, CDOT has hosted a Remembrance Day in each region to remember those who lost their lives in the line of duty. CDOT had lost a total of 59 lives in the work zone, according to data through 2015, and the unfortunately number continues to grow year after year.

"Our priorities are safety and our people," said an Executive Director of CDOT. "I ask motorists to please do your part in making sure our men and women can return to their families safely."

In 2016, there were seven work zone fatalities in Colorado. Nationally, approximately 700 people are killed and more than 35,000 people are injured in work zone crashes each year:

- Four out of five work zone fatalities are motorists;
- One work zone fatality occurs nationwide every 15 hours;
- Nationwide, one work zone injury occurs every 14 minutes;
- People can help prevent work zone injuries and fatalities by slowing down and paying attention to the road.



WE, AS A STATE, CAN HELP PREVENT DEATHS AND INJURIES IN THE WORK ZONE BY SLOWING DOWN, PUTTING DISTRACTIONS DOWN AND NEVER DRIVING UNDER THE INFLUENCE.

Join the
National Safety
Stand-Down
To Prevent Falls in Construction
MAY 7-11, 2018

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 370 of the 991 construction fatalities recorded in 2016 (BLS data). **Those deaths were preventable.**

The [National Safety Stand-Down](#) raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries.

with other industry associations and public utility companies to create an effective public-private effort to save lives. OSHA's trenching and excavation [national emphasis program](#) is also currently under revision. For more information on trench safety, visit OSHA's [safety and health topics page](#).

OSHA Announces Agency Goal to Reduce Trenching and Excavation Hazards

OSHA's [Agency Priority Goal](#) for 2018 aims to reduce trenching and excavation hazards. According to the Bureau of Labor Statistics, excavation and trench-related fatalities in 2016 were nearly double the average of the previous five years. OSHA's goal is to increase awareness of trenching hazards in construction, educate employers and workers on safe cave-in prevention solutions, and decrease the number of trench collapses. OSHA plans to issue public service announcements, support the National Utility Contractors Association's [2018 Trench Safety Stand Down](#), update online resources on trench safety, and work



This trench box saved an employee's life when the dirt walls around him collapsed.

Photo credit: Underground Safety Equipment/NAXSA

Improve Compliance and Job-Site Safety by Replacing Paper with Smart Mobile Forms

On March 28th, webinar speaker Mark Scott, VP Marketing, ProntoForms, explored how health & safety data collection on mobile devices can help produce a safer, more compliant workplace.

Safety standards differ slightly between organizations and industries, but the goals of safety professionals are ultimately the same: reducing the number of injuries, incidents, and environmental spills that occur on site. As pressures rise to do more with less, efficient health & safety protocols become increasingly important.

EHS (Environmental, Health and Safety) reporting needs to do more than prove compliance: it must ensure machines are up and running full-time, keep employee training up to date, and help avoid the pitfalls of having to recruit and train part-time replacements if employees are injured on the job.

The webinar outlined how data collection on devices in the field, combined with a cloud-based back office and KPI dashboards, can transform your EHS program into an all-around business support system.

Topics included:

- The perks of collecting data on a mobile device over paper
- How sharing information digitally improves EHS compliance, workplace safety, and team efficiency
- The importance of accessible short- and long-term EHS reporting
- Back-office impacts of mobile solutions in the field
- Steps involved in taking your business from paper forms to digital forms
- Real-life impacts of mobile data collection and cloud integration
- Where your team can save time and money in the field



Marijuana laws keep changing: Can you still enforce a drug-free policy?

More states continue to legalize marijuana for recreational use, which leads to the question: Can safety managers still enforce drug-free policies? Labor law experts recently gave some guidance on the topic.

Recreational marijuana is now legal in eight states and the District of Columbia — Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon and Washington. (See a [map](#) showing the complete picture in 2018). But as you know, marijuana still remains an illegal Schedule I substance under federal law, and therefore pot is still subject to federal prosecution.

So what about workplace drug testing?

Legalization of marijuana in the above states does not affect an employer's ability to enact and enforce workplace restrictions related to drug possession, use, impairment and testing, according to the law firm Bryan Cave LLP.

Remind workers: Weed still banned at work

The law firm used the example of California's marijuana legalization law, known as Proposition 64. The law contains express language specifying that it doesn't:

- affect the rights and obligations of public and private employers to maintain a drug- and alcohol-free workplace
- require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growth of marijuana in the workplace
- affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or
- prevent employers from complying with state or federal law.

Employers also have the right to enforce workplace restrictions on medical marijuana, the law firm says. In 2008, the California Supreme Court ruled that a company may lawfully enforce drug-free workplace policies even if a worker uses marijuana for medical purposes.

Since workers may be confused by changing marijuana laws, the law firm says it's a good idea to remind them of drug-free policies that extend to marijuana. Remind employees that although recreational marijuana may be legal in your state, it's still banned in the workplace.

Dos and don'ts for using AEDs

Shock therapy

Hundreds of deaths from coronary heart disease occur outside a hospital daily, according to **OSHA**, but up to 60 percent of those deaths could have been prevented if **automated external defibrillators (AEDs)** had been immediately available. Chances of survival from sudden cardiac death reduce by 7 to 10 percent for each minute without immediate CPR or defibrillation. After 10 minutes, resuscitation rarely succeeds, says **OSHA**.

An **AED** is an electronic device designed to deliver an electric shock to a victim of sudden cardiac arrest. Ventricular fibrillation may be restored to normal rhythm up to 60 percent of the time if treated promptly with an **AED** -- a procedure called defibrillation. **OSHA** standards do not specifically address **AEDs**. However, exposures to first-aid hazards are addressed in specific **OSHA** standards for the General Industry.

Steps to using an AED

The Red Cross offers **OSHA**-compliant **AED** training certification programs, but they also created a quick step-by-step guide to help workplaces review the **AED** steps whenever necessary.

These **AED** steps should be used when caring for an adult, or a non-breathing child age eight or older who weighs more than 55 pounds.

After checking the scene and ensuring that the person needs help, you should ask a bystander to call 911 for help, then:

1. Turn on the **AED** and follow the visual and/or audio prompts.
2. Open the person's shirt and wipe his or her bare chest dry. If the person is wearing any medication patches, you should use a gloved (if possible) hand to remove the patches before wiping the person's chest.
3. Attach the **AED** pads, and plug in the connector (if necessary).
4. Make sure no one, including you, is touching the person. Tell everyone to "stand clear."
5. Push the "analyze" button (if necessary) and allow the **AED** to analyze the person's heart rhythm.
6. If the **AED** recommends that you deliver a shock to the person, make sure that no one, including you, is touching the person – and tell everyone to "stand clear." Once clear, press the "shock" button.
7. Begin **CPR** after delivering the shock. Or, if no shock is advised, begin **CPR**. Perform two minutes (about five cycles) of **CPR** and continue to follow the **AED**'s prompts. If you notice obvious signs of life, discontinue **CPR** and monitor breathing for any changes in condition.

Safety considerations

There are some safety rules to keep in mind when using **AEDs**:

- **Do not use an AED** when there is water present or the victim is wet. Electricity will take the path of least resistance, so if there is water on the chest then the shock will travel through the water instead of the heart muscle.
- **No one should touch** the victim during delivery of the electrical shock by an **AED**. The **AED** will instruct everyone to stand clear. As the operator you should repeat this command and ensure everyone is clear of the patient.
- An **AED** is delivering an electrical shock. Therefore, there is always the risk of a spark. **You should not use an AED** in an explosive environment where there is a buildup of flammable vapors.

► PLEASE NOTE...MJS Safety [offers](#) Medic 1st Aid AED training & certification programs



2018 COGCC Flowlines Rules

COLORADO OIL & GAS ASSOCIATION

On February 13, 2018, the Colorado Oil & Gas Commission ("COGCC" or "Commission"), unanimously approved dozens of new regulations ("Rules") as part of the state's response to the Firestone tragedy.

Most of the Rules pertain to flowlines and other types of piping systems, with other regulations increasing transparency in safety and gas leak reporting.

From new domestic gas tap requirements to specifying where isolation valves must be installed on a pipeline, the Rules, together with the Commission's existing regulations, provide the nation's most stringent, comprehensive regulatory program for oil and natural gas operations.

See detailed summary of the most significant rules.

[Flowline Regulations](#)

DJ Basin Safety Council Annual Clay Shoot May 20, 2018



9th Annual Sporting Clay Shoot

Door Prizes & Shotgun Raffle
Sunday, May 20, 2018

100 Bird/15 Station Clay Shoot
Colorado Clays Shooting Park
13600 Lanewood St., Brighton, CO
Goodie bag, door prize
ticket, food, & drink are included!

CLAY SHOOT SCHEDULE

8:00 am Registration & Breakfast
8:45 am Pre-Flight Safety Meeting
9:00 am Shotgun Start
12:00 pm Lunch/Awards/Raffles

No experience necessary. Shooting games and raffle tickets for a **NEW SHOTGUN or GUN CARD** can be purchased the morning of the shoot. Shooting games will be conducted throughout the day (Mulligans, Lucky Clay, and Pair in the Air).
Colorado Clays has a limited number of guns for rent. Please contact them directly to reserve one.

TEAM & SPONSOR SIGN UP

Team (4 people) \$500
Bring your own gun, ammo, eye, and ear protection.
Single Shooter \$125
Bring your own gun, ammo, eye, and ear protection.
Vendor Table Sponsor \$150
Bring your own table (outdoors)
Station Sponsor \$100
Sign with Company name/logo placed at shooting stations (maximum of 3 corporate logos per sign)
Golf Cart Rental \$100
Reserve before: May 9, 2018
Lunch Sponsor \$400

EVENT SPONSORS

Bronze Sponsor \$900
1 complimentary team, ammo, 1 cart, logo on website, station sponsor, and event recognition
Silver Sponsor \$1,500
2 complimentary teams, ammo, 2 carts, logo on website, larger station sponsor logo, and event recognition
Gold Sponsor \$2,000
3 complimentary teams, ammo, 3 carts, logo on website, individual large station sponsor sign, and event recognition

The funds raised from this event will be used to support the DJ Basin Safety Council's Gift Card Program. Each year the DJ Basin Safety Council passes out gift cards to families in need within oil and gas communities during the holiday season.

Thank you for your support!

Energy Exposition 2018 Industry Tradeshow and Safety Conference May 22-23, 2018 — Loveland, CO

The DJ Basin Safety Council is putting together 2 days of safety presentations for **Energy Exposition 2018** to provide free training to the industry. The link for the website is www.energyexposition.com.

The Energy Exposition has educated tens of thousands of people in Gillette, Wyoming; Billings, Montana; and now Loveland, Colorado, over the last 18 years on procedures, technology, safety, environmental practices, and equipment used in the oil and gas industry. **Energy Exposition 2018** and the **DJ Basin Safety Council** have teamed up to bring you the premiere energy event of 2018! The Safety Council will provide numerous accredited safety classes and presentations during the **Energy Exposition**. As the United States expands as an energy-dominant nation, the opportunity for new jobs grows every day. We are doing our part to keep those new employees **SAFE!** Our doors have always been open to industry and non-industry attendees. Most of our exhibitors are from the oil and gas industry. We also welcome our participants from the wind, solar, and other energy companies that support the oil and gas industry.

REGISTER HERE **Feel free to contact Carrie Jordan (720-203-4948) or Jeremy Jordan (720-203-6325) for more info.**

Visit the DJ Basin Safety Council [website](http://www.djbasinsafety.org) to register/pay online.

[Download](#) and print the information (pdf)

▪ For more information contact ▪

Carrie Jordan 720-203-4948 or Jeremy Jordan 720-203-6325
carriejordan@mjssafety.com

or

John Cocroft 303-962-5504

9th Annual Sporting Clay Shoot

Door Prizes & Shotgun Raffle
Sunday, May 20, 2018
Sign-up Deadline: May 15, 2018

<p>Team/Company Sponsor: _____</p> <p>Mailing Address: _____</p> <p>Telephone Number: _____</p> <p>E-mail Address: _____</p> <p>Shooter #1 _____</p> <p>Shooter #2 _____</p> <p>Shooter #3 _____</p> <p>Shooter #4 _____</p>	<table style="width: 100%; border-collapse: collapse;"> <tr><td>___ Team (4 people)</td><td style="text-align: right;">\$500</td></tr> <tr><td>___ Single Shooter</td><td style="text-align: right;">\$125</td></tr> <tr><td>___ Vendor Table Sponsor</td><td style="text-align: right;">\$150</td></tr> <tr><td>___ Lunch Sponsor</td><td style="text-align: right;">\$400</td></tr> <tr><td>___ Golf Cart Rental</td><td style="text-align: right;">\$100</td></tr> </table> <p style="font-size: small;">Email carriejordan@mjssafety.com to reserve cart before May 9, 2018</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>___ Station Sponsor</td><td style="text-align: right;">\$100</td></tr> <tr><td>___ Bronze Sponsor</td><td style="text-align: right;">\$900</td></tr> <tr><td>___ Silver Sponsor</td><td style="text-align: right;">\$1,500</td></tr> <tr><td>___ Gold Sponsor</td><td style="text-align: right;">\$2,000</td></tr> <tr><td>___ Door Prize</td><td style="text-align: right;">_____</td></tr> <tr><td>___ Goodie Bag Inserts #150</td><td style="text-align: right;">_____</td></tr> </table> <p style="font-size: small;">Sponsors email logo to carriejordan@mjssafety.com</p> <p>Sponsorships not available after May 15, 2018 Colorado Clays Shooting Park, 13600 Lanewood St, Brighton</p>	___ Team (4 people)	\$500	___ Single Shooter	\$125	___ Vendor Table Sponsor	\$150	___ Lunch Sponsor	\$400	___ Golf Cart Rental	\$100	___ Station Sponsor	\$100	___ Bronze Sponsor	\$900	___ Silver Sponsor	\$1,500	___ Gold Sponsor	\$2,000	___ Door Prize	_____	___ Goodie Bag Inserts #150	_____
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FOR MORE INFORMATION
Carrie Jordan 720-203-4948
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email forms to carriejordan@mjssafety.com or fax to (855) 966-8106

Pay online at www.djbasafety.org
Make Checks payable to:
DJ Basin Safety Council, Inc.
PO Box 334
Fort Lupton, CO 80621

ELD's remain a **HOT** topic...

As Hard Enforcement of ELD Mandate Becomes Reality, FMCSA Details Return-To-Duty Procedure

Enforcers will begin issuing out-of-service orders on April 1 to drivers who are found in violation of the U.S. DOT's electronic logging device mandate. And in a media update, the **Federal Motor Carrier Safety Administration** briefly detailed what the out-of-service and return-to-duty status procedures will be with hard enforcement of the mandate.

Truckers were required to begin using an ELD by December 18, 2017, to record their duty status. However, the **Commercial Vehicle Safety Alliance**, which manages truck enforcement procedures, announced last year it wouldn't begin issuing out-of-service orders until April 1. **FMCSA** also said late last year it wouldn't ding carriers' Compliance, Safety, Accountability scores for ELD violations in that time period, either.

However, now, with hard enforcement, truckers cited for ELD non-compliance will be placed out of service for 10 hours. "Just the same as a driver who previously didn't have a paper log," said Joe DeLorenzo, **FMCSA's** head of compliance and enforcement. "Once that 10-hour period is up, assuming the driver has at least a paper log, we're going to provide flexibility for that driver to proceed to their final destination and deliver their load."

DeLorenzo said, after returning to duty, the driver must "be compliant with the ELD rule before being dispatched on their next trip."

Since December 18, inspectors have been noting ELD violations on inspection reports, says DeLorenzo, despite the soft enforcement period. "Of all inspections," he says, "only four percent of inspected drivers have been cited for not having an ELD when required to."



Drivers covered by the waiver include those who haul "any agricultural commodity, non-processed food, feed, fiber, or livestock," according to the agency's original December waiver.

Livestock is defined as "cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food and other animals designated that are part of a foundation herd or offspring." The waivers apply to all drivers hauling the aforementioned loads, regardless of their distance traveled or whether they cross state lines.

The waiver **does not** alter **hours of service regs** for livestock and ag haulers.

The agency says it will formally publish the exemption extension in the **Federal Register**. Drivers operating under the waiver **MUST** have a copy with them.

[See the agency's original waiver.](#)

The agency also said it will also issue in the coming months further guidance related to the **150 air-mile radius exemption** already granted to agricultural haulers and guidance related to **personal conveyance** and ELDs.

The agency in December proposed nixing the requirement that a truck be unladen for it to be used in personal conveyance. The agency said the change is mostly targeted at straight truck drivers, who cannot drop their trailer and use their truck for personal use.

The agency in December also sought feedback from industry stakeholders about whether it should expand the **already-existing HOS waiver** for ag haulers, which exempts drivers hauling ag loads from keeping logs and adhering to hours of service regulations if they run within a **150-air-mile radius** of their load's point of origin. The agency floated in December the idea of changing that exemption to **150 miles** from the **driver's final pickup**, should they pick up partial loads at multiple locations, rather than their load's origin.

FMCSA's recent Media Update mostly centered on the agency's announcement that **Livestock and Ag Haulers** now have until **June 18** to adopt an ELD...

In the meantime, they can continue to run on paper logs.



Truckers hauling agricultural products and livestock have received further reprieve from compliance with the U.S. DOT's electronic logging device mandate. Ag and livestock haulers had already secured a three-month

compliance extension beyond the mandate's December 18 compliance deadline, giving them until March 18 to comply.

However, the agency decided to provide such truckers an **additional 90 days** to comply so it can "continue to work on outreach and communication with the ag community so they have the fullest understanding of the rule and regulations," said **FMCSA** head of enforcement Joe DeLorenzo.

Analyst Warns Fleets to Expect 'Fire Hose' of ELD Violations

Even fleets used to running electronic logging devices should be prepared for a rude awakening Sunday, April 1st, when highway enforcement begins cracking down on ELD compliance, said Vigillo President Steve Bryan.

The forecast is based on examination of three months' worth of ELD citations issued in a soft-enforcement, temporary violation category, said Bryan, speaking to a panel at the annual meeting of the Truckload Carriers Association near Orlando, Florida.

"This is not limited to the small owner-operators," he said. "Everybody's getting these violations written," including large fleets that feel they've established highly compliant ELD operations.

The Commercial Vehicle Safety Alliance described its 395.22(a) code section as a "parking space" that has been used for ELD violations following the Dec. 18 start of the mandate, which have no effect on CSA scores, Bryan said. Starting April 1, those same violations will be written up under 395.8 and carry full CSA weight – 5 points out of ten, with an added 2 points if the driver is put out of service as a result.

From Dec. 18 through February, almost 27,000 395.22(a) violations were written, Bryan said. He cited a Federal Motor Carrier Safety Administration speaker at the TCA conference who put that number at 32,000, which included much of March.

If this pattern continues after March 31, as violations get written under the 395.8 code sections, "That's the fire hose I believe the data is showing is going to be turned on," Bryan said.

On the other hand, the subset of "form and manner" hours of service violations should decrease because the automated logging technology should be more accurate and up to date than drivers' traditional paper logs, he said.

Another concern fleets and truckers should have about ELDs is that many enforcement officers don't fully understand the workings of the wide range of ELDs being used, said Anne-Marie Hulse, director of business development for U.S. Legal Services. That will no doubt lead to many questionable violations, followed by a "jubilee" of challenges through the DataQs appeal process established under CSA.

"Educate your drivers how it works," she said, so they can cooperate with law enforcement "in a kind, respectful way. It's impossible for these guys to know how to work 300 devices."

A fleet should consider contesting violations only when it has all the facts and some evidence, such as dashcam recordings or GPS records, she said. Hulse also suggested drivers can take time-stamped smartphone pictures of critical components, such as hoses, when doing pre-trip inspections, to show that they had done everything possible to monitor equipment condition.

She also recommended having an attorney represent a driver in the DataQs appeal process.

Bryan suggested the fleet executives, whether their company was an ELD early adopter or not, to "put an eagle eye on those inspection reports coming in" to see if there are good candidates for DataQ. "Watch those things like a hawk."

Congress' Budget Deal Extends ELD Waiver for Livestockers, Separate Bill Pushes for Under-21 Truckers

Both chambers of Congress passed the omnibus spending package, meaning livestock haulers can continue to run on paper logs through September. The separate bill allowing 18-21 interstate drivers, just filed 3/21, is still pending.

The U.S. House released the text of a \$1.3 billion spending bill that funds the U.S. government through the end of the 2018 fiscal year and, notably for trucking, exempts livestock and insect haulers from the electronic logging device mandate through the end of September.

However, the bill skips — at least for now — reforms on driver pay and breaks sought by some trucking groups, like the American Trucking Associations and the Western States Trucking Association. The two groups had lobbied for Congress to include a so-called Federal Authority provision (also known as the Denham Amendment), meant to rein in states' authority in regulating drivers' work schedules. The provision would block states from requiring carriers to give drivers paid meal and rest breaks and protect carriers from being required to pay drivers for non-driving tasks.

The provision could still be added to the Consolidated Appropriations Act of 2018 via the amendment process.

Unlike two ELD waivers issued by FMCSA to livestock haulers, Congress' 2018 spending bill does not grant an ELD exemption to truckers who haul agricultural commodities. Ag haulers will still need to adopt an ELD by June 18. Under Congress's budget bill, livestock haulers and insect haulers will have until the end of the 2018 fiscal year to switch from paper logs.

DRIVE Act seeks to lift 21-year-old minimum for interstate truckers

A separate bill filed Wednesday, 3/21, in the House would allow drivers under 21 years old to operate interstate. Currently, federal law restricts interstate trucking to CDL holders 21 years and older. However, most states allow drivers 18 or 19 and older to operate intrastate.

The DRIVE Act, supported by ATA, would allow drivers 18 and older to operate across state lines, so long as they meet rigorous training requirements — at least 400 hours of on-duty time and 240 hours of driving time, both with an experienced driver training them. Training would also be restricted to trucks equipped with active braking systems, video monitoring systems and speed limiters set to 65 mph or slower.

Revised ELD Guidance: FMCSA Allows AOB RD Software on Fleet Expansion Trucks

The **Federal Motor Carrier Safety Administration** has issued revised guidance permitting motor carriers that were using **automatic onboard recording device** software prior to the effective date of the **electronic logging device mandate** to add trucks to their fleet without having to update those **new trucks** to **electronic logging device** software until **mid-December 2019**.

Prior to the **updated guidance**, carriers using **AOBRDs** before the **Dec. 18, 2017 mandate** could transfer those devices to **replacement trucks** but had to **install ELDs** in any new trucks that represented an expansion of the fleet.

Now, in a **revision** of its previous stance, **FMCSA** said that fleets using **AOBRDs** prior to the mandate can continue to use **AOBRD** software on **any truck** in their fleets, including **new trucks** that expand the **size** of their fleets.

However, **existing trucks** with **AOBRDs** and those **trucks added** to the fleet would **still be required** to have **ELD-compliant** hardware after the **end of the 2019 grandfather period**.

The **new guidance** was posted **March 9** to the **FMCSA** website as a **“frequently asked question.”** It affords **greater flexibility** during the grandfather period for **fleets** that have adopted **AOBRDs**, industry executives said.

“Over the **past several months** as part of this **whole transition period**, we’ve had **ongoing discussions** with a lot of **motor carriers** and a lot of **vendors**, and a lot of questions have **come up** about exactly how this **grandfather period** was supposed to work,” Joseph DeLorenzo, director of **FMCSA’s** Office of Compliance and Enforcement, said during a **March 13 telephone** news conference. “Because the **agency** allows **AOBRDs** to be used until **December 2019**, they also have available that time to **continue** to run the **AOBRD software** as they worked through the **transition.**”

“The **net effect** is that it appears like it’s going to **allow them** to make the **transition quicker** and keep their **operations running smoother,**” DeLorenzo added.

The **new post** on the **FMCSA website** revising the **prior guidance** asks: “**May a motor carrier that installed and required its drivers to use an AOB RD before Dec. 18, 2017, install and use a new ELD-capable device that runs compliant AOB RD software after that date?**” It answers: “**Yes, until Dec. 16, 2019.**”

“What this **allows for** is any fleet that installed and **required** its drivers to use **AOBRDs** before the **electronic logging device mandate** date in **December 2017** allows them to continue to install **ELD-compliant** hardware but run **AOBRD** software,” said Bryan Coyne, an executive vice president for **software provider** PeopleNet. “This is **actually guidance** that provides for a **smooth transition** to **ELDs** from **AOBRD** for fleets that were already using **AOBRDs.**”

Coyne added, “It **doesn’t matter** if today a **fleet** has **200 trucks** and tomorrow they have **210**. Before this **guidance** was given, those **10 additional trucks** would have to **run ELDs**. Now, by the new guidance in the FAQs that **FMCSA** put out, those **10 trucks** — so long as it is **ELD-capable** hardware — those trucks can run **AOBRD** software.”

“The **FMCSA** did a great job **throughout** this process of listening to both fleets and **providers**, and all the while **making sure** that in any guidance they give the **prominence** of **safer roads** would always **prevail,**” Coyne said.

Tom Cuthbertson, vice president of **regulatory affairs** for **Omnitracs**, noted that pressure from **carriers** regarding adding **new trucks** likely contributed to the **revision**.

“As **public record** in the **Federal Register**, there were at least **three** other requests to **provide the flexibility** of the **grandfather clause** from the **FAQs** that were published. One **key item** was fleet expansion that this **guidance addresses**. I would think those **filings** contributed to this, but I have not seen **any formal discussions.**”

Prior to the change, Collin Mooney, executive director of the **Commercial Vehicle Safety Alliance**, had expressed a **concern** that fleets running **AOBRDs** under exemptions **could mean** that carriers expanding fleets would be **operating** with a mixed fleet of both **ELDs** and **AOBRDs**. If that occurred, those **fleets** with **exemptions** could have a **competitive advantage** and **create confusion** for law enforcement, he said.

“Every **exception** and change to **regulations** requires additional **training** for inspectors, **resulting** in the potential for a **higher level** of confusion surrounding the **applicability** of the **regulations,**” Mooney wrote in a **March 2 comment letter** to the agency. “More **confusion** will **ultimately** lead to less **enforcement** on our **highways.**”

“I’m pleased that they **leveled the playing field,**” Mooney stated. “I didn’t see any **other reasonable** approach to it, other than to do it **industry-wide.**”

Daren Hansen, J.J. Keller’s senior editor for **transportation safety**, said having to run a **mixed fleet** of **ELDs** and **AOBRD’s** would be a **“nightmare** in terms of **administration** of the **back-end software** running everything. It would be a **big benefit** to somebody who didn’t **want to switch** their fleet over to **ELDs,**” Hansen said.

ELD HEADACHES: Dealing with technical glitches and other equipment issues



Some say nay... Entertainment-niche

team owner-operators had some use of electronic logging devices in their past when their current leasing carrier dropped **Omnitracs' XRS ELD setup** on them late last year in advance of the **ELD mandate's** Dec. 18 deadline. Their **XRS unit** is of the **BYOD** ("bring your own device") type, paired with a dedicated tablet that is the user interface.

The device is normally "**pretty flawless**," one team member says, "but set up as a team, there is a plethora of problems." In her 42 years of marriage to her husband, "I've never heard him swear, but since we put this system in, I can't tell you how many times I've heard him."

Her husband, no doubt, is far from alone in frustration over misbehaving **ELDs**. Though plenty of new **ELD users** report no significant issues, others have experienced problems running the gamut from software glitches to dropped **Bluetooth connections** in other **BYOD-type systems** to unresponsive customer service departments.

One **ELD system** experienced a service outage on day one of the mandate that made news, along with a brief problem with **Omnitracs users'** access to its back-office portal to logs data. The surge of new users of both platforms appears to have played a role.

Another **ELD system** provider's users were granted a temporary mandate exemption through the end of February by the **Federal Motor Carrier Safety Administration** after the company requested it. The issue at hand was a flaw in wireless data-transfer functionality at roadside that rendered that aspect of their **ELDs unworkable**. The provider reported in February that the problem had been resolved.

An unnamed party disclosed a server issue that impacted functionality for some users of yet another **GPA/ELog software** provider in recent weeks and resulted in two units in his 14-truck fleet needing replacement. The party noted unresponsive in-cab units among others in the fleet, and no recorded mileage from several units for the better part of a week and more as the server-migration issue continued.

The problems were resolved in about a week, a spokesman for the software provider said.

A different small fleet user of that same software provided information about some similar issues, however, noting he had been waiting for some replacement equipment from them for one truck since December 8, 2017, and had another unit that

hadn't reported to the system for 80 days or more. All in all, the trucker had six customer-support tickets open with the company, he said.

"This industry is now dependent on their, and other suppliers', equipment to function," he went on. "We have been given very specific guidelines to log our hours, and told it is mandatory we comply. It only makes sense to ensure the products we are now forced to use remain in compliance as well, don't you think?"

Amid these and similar issues, **FMCSA** updated its **Frequently Asked Questions** at its [ELD website](#) in what appeared to some watchers to be a tacit acknowledgement that some **ELD software** just wasn't up to snuff. **FMCSA** previously had said prior-generation **automatic onboard recording device (AOBRD)** e-logs were off-limits to carriers not using them prior to Dec. 18, 2017. Now it says that **AOBRD software** running on newly adopted **ELD-capable** hardware is admissible through Dec. 16, 2019, at least for fleets that put **AOBRDs** in use before the 2017 mandate deadline.

On March 19, an email went out to **ELD makers** warning them that state field inspectors were "encountering some devices that are malfunctioning or not compliant with the **ELD rule**. These devices are being reported to **FMCSA** for investigation, which starts **FMCSA's** formal process for notifying vendors. This process could result in the removal of a device from **FMCSA's** list of registered, self-certified devices if the reported issues are not satisfactorily resolved."

The agency has not opened up a direct portal for drivers for specific reporting of out-of-compliance equipment themselves, though its whistleblower hotline via the **National Consumer Complaint Database** for coercion, harassment and other complaints remains an optional route to making the DOT aware of problems in general.

While **FMCSA** had not yet responded to questions about the depth and breadth of the agency's device investigations, it's clear at least they're aware of some of the issues truckers are experiencing.

Among team-related problems experienced by the entertainment-niche team owner-operators was an apparent inability to switch drivers in their system when the current driver is logged off-duty. It was an annoyance when the team stopped, say, to eat together, then make a driver change.

But more importantly, the team says, is a glitch that stems from the system's design. If you go off-duty and turn over control of the vehicle to another driver, a team member says, "and you're off-duty for more than two hours as the truck is running down the road, the system automatically puts you back on-duty," driving.

Safety personnel at the software company referenced guidance that limits time “off-duty in the jump seat” to two hours as explanation. The automatic switch to the drive line is the system’s way of attempting to automatically account for that regulatory limitation as the vehicle moves, says **Omnitracs’ vice president** of regulatory compliance.

It’s clearly a major annoyance for the owner-operator team, and one that **Omnitracs customer support** has acknowledged as an issue from time to time for teams generally.

The regulatory compliance VP says preventing this from happening could be simply a matter of the off-duty driver moving to the sleeper berth line before the two hours are up, or going to sleeper to begin when he or she goes off-duty, depending on the circumstances. The VP also adds that it sounds like the team is using the grandfathered AOB RD version of the XRS system. To avoid the necessity of making edits on the back end, it’s programmed to make automatic changes of this kind.

In the **ELD version**, as per the functionality specified in the mandate rule, drivers have more control of duty status changes. With the **ELD**, rather than automatically moving the off-duty driver back to on-duty, instead the driver gets a warning ahead of the end of the two-hour period, the VP says.

Another operator noted his **ELD’s required GPS** functionality simply never worked. The “manufacturer finally had me send the unit back,” he wrote, during all of which he petitioned **FMCSA** for more time on paper logs as the manufacturer addressed the issues. The **ELD mandate** allows eight days to replace a malfunctioning unit. If delays beyond that time period are expected, additional time must be requested through a division office.

The operator says the **ELD** has done nothing to “make the task of documenting hours of service easier by any means. In fact, due to the amount of time I’ve spent trying to get the unit to work, it actually removes value from my single-truck operation on just about a daily basis.”

An **Owner-Operator Independent Drivers Association** board member and small fleet owner invokes the oft-repeated notion that the hours of service rule itself is the central problem that so many drivers have with **ELDs**. “I disagree,” he says. “Why would anyone want to waste the money on something with no benefits?”

The **Owner-Operator Independent Drivers Association** requested a congressional hearing earlier this month on **ELD** equipment. **OOIDA Acting President** wrote that members have experienced “several vendor-wide systems failures, faulty **GPS tracking**, inaccurate recording of duty statuses, engine disablements, speed irregularities, abysmal customer service from manufacturers, a worsening truck parking crisis” and more.

...**And some say yay** Owner-operators and small-fleet owners who’ve not experienced such equipment issues often disagree with those who have. They point to improved rates in the wake of the mandate, among other things, as clear positives.

A Michigan small fleet owner was among those who waited until the Dec. 18 deadline to put **ELDs** into operation, “hoping and praying that somewhere things would break” against it. At once, he also expected rates improvements if it went through, “and that has been realized.”

With well-functioning **Omnitracs units** in his eight Freightliner Cascadias, Eagle Express, the small fleet owner also references a generally positive experience working with his chosen **Omnitracs reseller**. “They had a bumpy rollout, but they were on top of every issue,” he says. “They worked around the clock to make sure we got everything up and rolling.”

For yet another trucker, the **Continental VDO RoadLog** unit he’s adopted has been trouble-free. **RoadLog** is alone among **ELDs** in not relying, at least in part, on an internet connection. A third Owner-op said he’d experienced no problems with his **KeepTruckin ELD** setup.

A motor express leased operator was among those “horrified” about the prospect of switching to e-logs, he says. Now, “I wish there’d been e-logs the day I started driving a truck.” Part of his reasoning is that he experiences much more leverage over shippers and receivers who otherwise might waste his time.

He’s been running e-logs about a year, with plenty of time to work out the kinks before Dec. 18. He’s using **Rand McNally’s BYOD-style HD100 ECM** plug-in, paired with a tablet mostly dedicated to the logging task. “It costs you a little money,” he says, but he generally enjoys the convenience and simplicity of the device, which has had few problems. There are times when the device is out of range of cell towers that “it’s a little aggravating.”

The motor express leased operator, like other operators, however, wants hours of service changes to help lessen the pain of the new technology by freeing operators to run with greater flexibility and fewer limitations. He sees the cumulative 70 hours in eight days limit as onerous. “If you don’t work but 11 hours a day,” he says, “I don’t see where the 70” should be a limitation.

Another leased owner-operator says he was told by the safety department that he violated his 70 at the tail end of a week in which two **Omnitracs service** outages put his **ELD down**. During each event, he was robbed of any effective window into his cumulative limits.

His problems began on a Monday. He'd been on duty six hours as he finished unloading in Montgomery, Alabama, and had driven two hours. As he rolled out, however, his **ELD** told him he had just two hours of driving left.

Conversations with the logs department told him the **Omnitracs system** had crashed and showed no update from his unit since Sunday. He says he was told not to worry about violations because "you won't be seeing accurate numbers" on the in-cab unit.

Later in the week, a similar thing happened. The logs department reassured him he had plenty of time. Just before he was planning to shut down, however, safety called to say he was running beyond his cumulative limits.

"That could have been true," he says, but by that point he'd lost confidence in the entire record. Now he's got a violation in the company's system that the safety department will not remove, he says. He's unsure how that will bear on his lease status, if at all.

A company spokesperson noted "the company does identify log violations and, depending on the violation, may require remediation training or take other steps to address the violation."

The entertainment-niche team owner-operators from earlier in this article, too, have experienced intra-fleet conflict since moving to **ELDs**, when an outage basically rendered the log nonfunctional, according to an email from the office. The message, essentially: "Try not to do anything until we get this taken care of," the team says. "On one side, dispatch is saying get there. Safety is saying wait."

So my husband "whipped out his laptop" logging program, says his wife, and delivered. "When we got to the location, we were able to get hold of the **Omnitracs** people," whose tech acknowledged the **XRS system** "has a problem with teams."

The company for the leased owner-operator says, "it is supposed to 'catch up' or track from where it left off in order to accurately reflect the hours of service for that operator."

But the owner-operator says that the next time he has an **ELD technical problem**, he's going to do what the team's husband did and "reach for my paper logs" to keep as accurate a record as possible, which **FMCSA** itself has advised in failure incidents. In the event of a totally malfunctioning unit, a data download from the unit or a cloud storage account – or an email from dispatch or another internal department – could fulfill the requirement to make available the previous seven days' records.

Omnitracs' vice president of regulatory compliance emphasizes that **Omnitracs'** onboard units enable an "offline login" mode that should be available during outages so that a driver can retrieve the prior seven days' records and minimize use of paper logs.

On issues of customer support, he recognizes the change that going "from paper to electronic" represents. "That's why we put the help button on all the screens" in their devices and invested in training with local-support companies such as **Wired Truck**.

But no small amount of frustration with the change continues, nonetheless. One party of the entertainment-niche team says she sees tension mounting among her fellow drivers: "We understand the time crunch they're feeling." She witnessed a shouting match over a tight through-lane in a Flying J parking lot as operators headed in opposite directions hit an impasse. "I think that the tension that drivers are under right now is insane," she says. "It's very intrusive into our lives." The tension is pushing good people out of the business, she believes.

In spite of his generally positive experience with **ELDs**, a small-fleet owner also says he still has "drivers I have to talk off the ledge" of quitting. What he tells them: "You just have to change your mindset and your expectations, and you'll be fine. You can't drive these trucks like you're on paper logs anymore."

Annual Roadcheck Inspection Spree slated for early June...

FOCUS ON HOURS VIOLATIONS

The **Commercial Vehicle Safety Alliance's annual International Roadcheck**, a three-day ramp up of truck and bus enforcement across North America, is scheduled for **June 5-7**. This year's focus will be on **hours-of-service compliance**, says **CVSA**, due in part to the implementation of the U.S. DOT's **electronic logging device mandate**.



"The **top reason** drivers were placed **out of service** during **2017 International Roadcheck** was for **hours-of-service violations**," said **CVSA** President Capt. Christopher Turner of the **Kansas Highway Patrol**. "Although the **electronic logging device rule** that went into effect on **Dec. 18** does **not change** any of the underlying **hours-of-service rules** or **exceptions**, the **ELD mandate** placed a spotlight on **hours-of-service compliance**. We thought this year would be a **perfect opportunity** to focus on the **importance** of the **hours-of-service regulations**."

However, inspectors will **perform full Level I inspections** on most rigs checked during the inspection blitz. **Level I inspections** are the **most thorough**, including **examination** of both **driver compliance** and **vehicle-related violations**.

CVSA has said in years past that an average of **15 trucks** and **buses** are inspected **every minute** across **North America** during the **72-hour event**. In last year's **Roadcheck**, **15,000 out-of-service orders** were issued. Of those, **12,000** were for **vehicle-related violations** and **3,000** were for **driver-related violations**. Violations related to **hours of service** and **brakes** topped the **out-of-service infractions**. Enforcers in **2017** conducted more than **63,000 inspections** during the **72-hour event**.

OOIDA Asks House Committee to Hold Hearing on ELD Mandate

Continuing in its so-far-unfruitful appeal to lawmakers, courts and regulators to reevaluate the federal electronic logging device mandate, the Owner-Operator Independent Drivers Association has asked the leaders of the House's Transportation and Infrastructure Committee to hold a hearing on its concerns surrounding ELD implementation.

OOIDA says there are "mounting issues" with the mandate, pointing to malfunctioning devices, questions about FMCSA's self-certified registry of ELD suppliers and the mandate's impact on truck parking as reasons for Congress to hold an oversight hearing.

Todd Spencer, who signed the letter requesting the hearing, says it would help members of Congress "understand the difficulties" of the mandate and what "administrative or legislative remedies may be needed."

"Exemption requests have even been filed by manufacturers of ELDs currently on the market – and still listed on the FMCSA website as available for purchase – who have discovered their devices are not fully compliant," he writes. "These compliance issues came as no surprise to the truckers who have been forced to use ELDs. Since the mandate took effect, truckers have routinely shared with us substantial troubles they've experienced related to devices, including several vendor-wide systems failures, faulty GPS tracking, inaccurate recording of duty statuses, engine disablements, speed irregularities, abysmal customer service from manufacturers, a worsening truck parking crisis and many more."

Spencer also says in the letter that an oversight hearing would allow Congress to ensure accountability and transparency of how public dollars are being spent. "Among the fundamental responsibilities of Congress is to maintain vigorous oversight of the federal agencies it tasks with implementing new regulations, especially those that will have a significant impact on American businesses and the nation's economy," he says.

OOIDA late last year filed a request with FMCSA asking for an exemption from the ELD mandate for small business truckers with clean safety records. The agency has not yet issued a verdict on the request.

OOIDA also ardently fought the mandate in court, eventually appealing to the Supreme Court to hear its case. However, the Supreme Court denied to hear the case, leaving in place a lower court ruling upholding the mandate.

Several states in recent weeks have introduced proposals to block enforcement of the mandate in their state, though those proposals have not advanced yet beyond their introduction. See [Mar2018MJS Newsletter \(pg10\)](#) for the full story.

OOIDA Wants Court to Rehear Case Over Sleep Apnea Guidelines for Truckers

Following a court's dismissal of the case in January, the Owner-Operator Independent Drivers Association has filed a motion for the U.S. Eighth Circuit Court of Appeals to rehear its argument that the Federal Motor Carrier Safety Administration illegally altered sleep apnea screening guidelines for truck drivers.

OOIDA and its legal team claim FMCSA violated a Congressional statute set in 2013 that blocked FMCSA from using guidance to regulate sleep apnea screening and treatment of truck operators. The 2013 law required FMCSA to use the formal rulemaking process, including a public notice and comment period, to make any changes to sleep apnea screening procedures. OOIDA says FMCSA violated that statute in 2015, when it tacked a sleep apnea-related provision onto a broader rule that changed the forms used by medical examiners conducting DOT physicals. The rule also required examiners to upload results of DOT physicals to FMCSA within 24 hours.

FMCSA disagrees with OOIDA's assertions, saying the sleep apnea provision within the rule did not "substantively change" the agency's guidance to examiners regarding referrals for in-lab sleep apnea testing, said DOT attorney Sushma Soni, who argued on behalf of the U.S. DOT last November in oral arguments before the Eighth Circuit court. Existing agency guidance, established before Congress' 2013 law, leaves sleep apnea testing referrals up to individual examiners, directing them to refer drivers if they "detect a respiratory dysfunction that in any way is likely to interfere with the drivers' ability to safely control and drive a commercial motor vehicle," Soni said in court in November.

OOIDA takes issue with the agency's move to add the sleep apnea provision to the final version of its 2015 rule. The apnea provision was not included in the agency's proposal, thereby circumventing the public notice and comment period, OOIDA claims. It hopes to see the sleep apnea provisions thrown out in court.

A three-judge panel sided with FMCSA in January, ruling on January 5 to dismiss the case. OOIDA last week filed a motion asking the court to rehear the case en banc, meaning all 12 judges on the Eighth Circuit bench would hear the case and issue a new decision.

The court could reject OOIDA's appeal, however, meaning it would not be reheard. OOIDA then would be faced with the decision to appeal to the Supreme Court — the only court that outranks the Eighth Circuit appellate court.

FMCSA last year withdrew a rule that sought to set sleep apnea screening criteria for medical examiners and drivers. The rule intended to provide clarity to the industry about the apnea screening and treatment process. Absent such a rule, decisions to refer drivers for often-times expensive in-lab testing is left to the discretion of medical examiners.



April Fool's Day ELD-OOS Nightmare may not be Tough as Some Have Guessed

Last week's run-up to Easter marked the last week before the beginning of stiffer enforcement of the mandate for most truckers to utilize electronic logging devices for hours recording. The ramp up to that started last week, DAT notes, with a 3.6 percent increase in load posts on DAT boards. Load-to-truck ratios rose for all equipment types, and spot rates held firm.

They may, however, have moved higher before the end of last week:

Van sat at \$2.13/mile for a national average, down a penny compared to the previous week, but volumes are building.

Flatbed: \$2.52/mile, up 2 cents to the highest rate since Summer 2014.

Reefer: Unchanged at \$2.40/mile for the fourth week in a row.

It's worth noting that the national average price of on-highway diesel was up 4 cents to \$3.01/gallon, a four-week high. Spot rates incorporate a fuel surcharge, which typically moves up by about a penny for every 5 cent increase in the price of diesel.

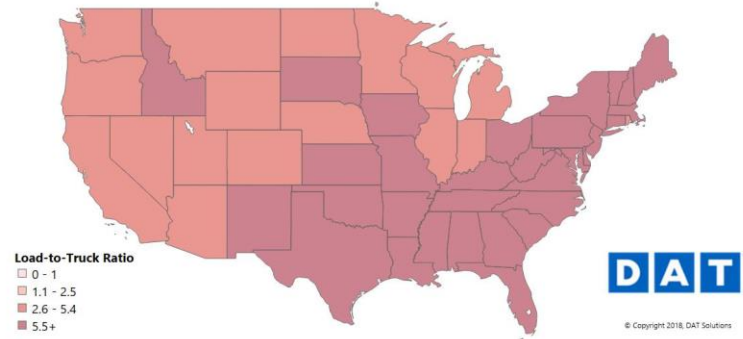
As for this past Sunday, DAT's early-February survey of mostly owner-operators (645 of them to be exact, a significant number for a survey though hardly a huge portion of the industry of course) showed results roughly similar to the 96 percent ELD compliance rate that the **Federal Motor Carrier Safety Administration** has been citing in recent times, including in a recent session at the Mid-America Trucking Show. (*FMCSA bases its rate on evidence gleaned from roadside inspections.*)

DAT reported that as of early February, 91 percent of carriers were ready for the ELD mandate — "81 percent have ELDs, 10 percent are exempt, and 2 percent plan to comply by April 1." Out of service orders as a result of ELD enforcement thus might not hit the supply chain with the equivalent of blunt force trauma, as it were.

If survey results are any indication, however, the parking situation is already doing so. Almost 9 in 10 survey respondents reported more difficulty finding a suitable parking spot for their trucks since December 18. From DAT's survey report, which you can read in full via this [link](#): "87 percent said that it's harder to find truck parking since the mandate took effect."

More spot-market data for the week follows.

Van Hot States - Mar 18 - 24, 2018

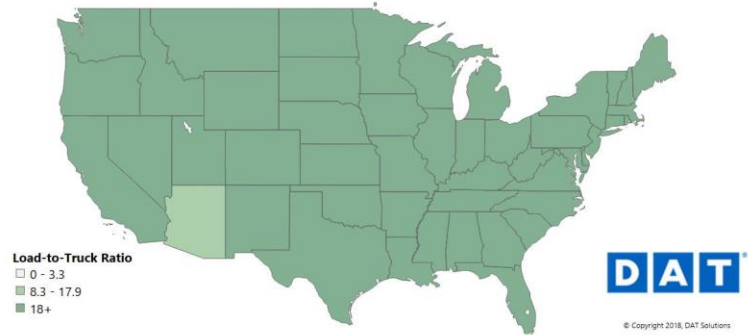


Hot van markets: **Houston** keeps humming, and rates are up 9 percent on major outbound lanes on average. Houston has been alternating with Atlanta as the number-one spot for van load posts over the past few weeks. Meanwhile, **Buffalo** had a bounce-back week, and it was in the mix on several key van lanes:

- **Columbus to Buffalo**, up 30 cents to \$3.73/mile
- **Philadelphia to Buffalo**, up 23 cents to \$2.93/mile
- **Buffalo to Charlotte**, up 18 cents to \$2.59/mile

Not so hot: No big surprise, **Denver**, where rates were down 0.5 percent last week and 2.5 percent over the past four weeks.

Flatbed Hot States - Mar 18 - 24, 2018



Flatbed load volumes rose 5.6 percent overall last week, building on a 9 percent increase the previous week. Rates were up last week on 50 high-volume flatbed lanes, while just 25 trended down.

Hot markets: **Rock Island, Ill.**, is a source of farm equipment, which moves on flatbeds. Last week, 40 percent more loads left Rock Island compared to the week before, and the average rate rose 6 percent on the highest-volume lanes. **Houston** rates are close to \$3/mile on heavily trafficked lanes — another good sign for truckers hauling out of the nation's biggest energy freight hub.

Regional lanes to watch:

- **Rock Island to Grand Rapids**, up 51 cents to \$3.63/mile
- **Dallas to El Paso**, up 53 cents to \$2.40/mile

U.S. Department of Labor Deploys Mobile Technology System to Help Mine Inspectors Work More Efficiently

The U.S. Department of Labor's **Mine Safety and Health Administration (MSHA)** has initiated the deployment of a **Mobile Inspection Application System (Mobile IAS)** to further **enhance the efficiency and effectiveness of mine inspectors** and to **better carry out MSHA's** core mission of **promoting the health and safety of America's miners**. Nearly **1,500 federal mine inspectors across the nation and enforcement staff** will benefit from this **new technology**.

The **Mobile IAS** replaces an **18-year-old system** that required **mine inspectors** to carry **bulky laptops, cameras, reference material, and documentation from previous inspections**. The new **Mobile IAS** integrates all of these **features** into **one application** to provide the **latest technologies** that securely **store and transfer data**, while **improving ease of use**.

"Enabling mine inspectors to work **more efficiently** means more time to **focus on the health and safety of America's miners**," said **MSHA** Assistant Secretary David G. Zatezalo. "**MSHA's Mobile IAS** is expected to **improve the quality of information by eliminating redundancy** and provide **more timely information for inspectors**."

Among the features of MSHA's Mobile IAS are:

- A *Windows-based, lightweight, semi-ruggedized tablet with a camera, video, voice recording, touch screen, digital pen, Bluetooth, and Wi-Fi capability to facilitate data capture and streamline the inspection process.*
- *An application built on Microsoft's Universal Windows platform with photo capture and fillable, pre-populated forms.*
- *Service-oriented architecture for efficient data transfer among devices and the MSHA Standardized Information System.*



MNM Serious Accident Alert - Surface Belt

Plant-Limestone –

On 2/01/2018, the victim was cleaning up spillage near the dryer when his gloved right hand was pulled into the reciprocating feeder.

He received serious injuries to his hand, including amputation of the middle finger.



Best Practices:

- ▶ Do not work on or near an operating conveyor until it has been **DE-ENERGIZED** and the power has been **LOCKED OUT, TAGGED OUT, and BLOCKED AGAINST HAZARDOUS MOTION**.
- ▶ Establish and discuss safe work procedures.
- ▶ Examine work areas and identify and control all hazards before starting any work.
- ▶ Do not place yourself in a position that will expose you to hazards while performing a task.
- ▶ Monitor personnel routinely to determine that safe work procedures are followed.
- ▶ Ensure all guards are adequate and securely in place where exposed moving machine parts may be contacted by persons.

MNM Serious Accident Alert - Surface - Ladder

Surface-Stone – On March 7, 2018, a welder was installing a caged ladder on a screening deck when the ladder suddenly fell, striking his hard hat. While sitting down on the walkway of the screening deck to recover, the miner passed out and fell through the opening between the mid rail and toe board 15 feet to the ground. He was transported to a nearby hospital with a critical spinal injury.

Best Practices:

- Use proper rigging to secure objects from falling, and block suspended objects against motion prior to beginning work.
- Immediately evaluate any injuries to miners and remove them to a secure area if possible.
- Conduct a job hazard analysis to identify all potential hazards associated with the work to be performed, and jointly discuss procedures to minimize those hazards.
- Review maintenance procedures to ensure all possible hazards have been identified and appropriate controls are in place to protect miners.
- Make sure everyone is positioned so they are not exposed to the hazards.
- Use appropriate fall protection where there is a danger of falling.



Ten Safety Tips That Could Save Your Life

While there is plenty of safety advice on the Internet, these 10 suggestions for physical security may be highly beneficial with little tradeoff when applied correctly. Some may sound obvious, but how many stories have you heard that make you wonder ‘what were they thinking’? Not all of them apply to everyone or in every situation, but, in some cases, they could save your life or the life of someone else.

1. Keep your car keys on your night table. If like millions of Americans, your key-fob contains a panic alert button, and your car is in range of your bedroom, pressing the panic button will cause the horn to blast and the headlights to flash -- potentially saving lives during a home invasion by scaring criminals away, alerting neighbors to the fact that an emergency situation is unfolding, and helping police to more quickly find your home.
2. Set the home address on any GPS to an address near your home, but not to your actual home address. Unknowingly providing your address to anyone can be a costly mistake. Your address may appear on paperwork in your car. Ideally, one should always lock a glove compartment, but doing so can be a pain. Also, learn how to set up remote wipe capabilities for your smartphone – which likely has your home address along with other more sensitive information on it – so that if it is stolen you can erase its contents.
3. Be careful what information you share on social media. Specifically, do not publicly post check-ins to distant locales or respond to invitations to future events that involve all residents of your home – you may be letting the entire world know that your home will be empty and a prime target for robbery, or that you will arrive home late at night and, therefore, will be a good target for attack. Posting information about your children’s schedules in a manner that is world-readable may also increase the chances that they will be targeted by people with bad intentions.
4. Lock up any prescription medications in your possession that are likely to be desired by drug addicts; do not store such drugs in medicine cabinets that are accessible by visitors. You do not know the curiosities or addictions of everyone who visits your home; leaving such drugs in locations from which they can be stolen can lead to serious problems. Even other residents of your home may pose a risk in this regard.
5. If you are in hotel room whose door has a peephole without a cover, place a crumpled tissue in the peephole so that nobody can see in. Peephole one-way technology is not foolproof.
6. If you receive a call from your credit card company about potential fraud on your account, hang up and call the number printed on the back of your card. If you are in a hotel and get a call to your room from its staff about a problem with your credit card or regarding the need to enter your room for a repair or any other reason – hang up and call back. The same holds true for any call that you receive from a party asking for any private information or for you to take a risky action – always hang up and call back at a pre-known, definitely authentic, number. Likewise, never give any information to someone who reaches you at a “wrong number;” people could be targeting you for identity theft or worse.
7. Cameras are recording everywhere. Block people’s view when entering alarm codes, PIN numbers, etc. It is amazing that in this era people do not realize that people can be recording them – even from distances (via telephone/zoom/hi-resolution image, etc.). Even your own smartphone’s camera may be recording you when you do not expect it – so, if you do not wish to be recorded, cover it or tuck it away when not in use. Sound obvious? If it were, you’d see most people doing so, but you don’t. People simply do not understand the risk. Likewise check any ATM machine that you use for added-on cameras or “skimming technology” – if the card reader appears to have been tampered with find another machine.
8. Never rely on door chain locks for safety. They can usually be circumvented with ease.
9. Never use a candle for light during a power outage. If the candle should get knocked over, the situation could go from bad to horrific. Even under the best of circumstances, candles can be dangerous, especially if there are children in the home and/or if candles are carried; exercise caution.
10. If you have physical car keys, carry them in your hand when walking in a parking lot. This reduces the amount of time it takes to get into your car and to start it, reducing your exposure to attack. Furthermore, a physical key held in the palm of a fist and protruding between the knuckles can serve as a makeshift weapon in case of emergency.