



Consultants, Do I Need One?

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Compliance and safety go hand in hand, right? Usually but not always.

A recent study has concluded that the electronic logging device (ELD) mandate has significantly reduced hours of service (HOS) violations. However, the heavy truck crash rate has remained flat¹. No net safety gain has been reported, and in fact, there may have been a net safety loss because speeding and unsafe driving citations among commercial drivers have increased since the mandate went into effect last year.

I interpret this to mean that strict compliance does not always equate to safety. The regulatory agencies would disagree, and they tend to show that disagreement with citations and fines.

In the above ELD example, truckers that have been forced to use an ELD report feeling pressured to rush due to the constant countdown clock. The visual indicator of their hours ticking away is causing psychological distress and leading to poor judgement.

Keeping Up-to-Date

Operating a compliant towing business today is very complicated. There are a multitude of regulatory agencies that one must be familiar with and thousands of pages of regulations that apply in some form or fashion. It is difficult (if not near impossible) for a towing company to fully comply with all these regulations, especially ones you may not even be aware of, without help. I talk to towers daily that are surprised by the discovery of a “new to them” regulation - which is usually already a few years old.

For example, there is a little-known state level regulation which has already been in effect for over a year that will impact people nationwide. The regulation states that anyone (including private citizens as well as transportation companies) that pickup, deliver or simply stop for a break within a 13-county area in southeastern Pennsylvania, parts of New Jersey, Delaware and Virginia are required to complete a training program and obtain a permit aimed at stopping the spread of spotted lanternfly. The spotted lanternfly is an invasive species native to China, India and Vietnam that has been causing harm to agricultural industries and homeowners in the quarantine zone.

This is a multi-state effort with officers in neighboring states already inspecting vehicles and asking for the required permits and proof of training. Hard enforcement of the training and permitting requirements takes effect May 1, 2019.

Keeping abreast of regulations like this and the thousands of other obscure rules that towing companies must comply with is a full-time job by itself. This is why a compliance consultant is a must-have member of your team of advisors, shameless plug intended. Seriously, most business owners hire tax advisors, attorneys and other specialists for advice yet they just wing-it when it comes to DOT and OSHA regulatory compliance.

¹ Scott, Alex & Balthrop, Andrew & W Miller, Jason. (2019). Did the Electronic Logging Device Mandate Reduce Accidents?.

Separating Fact from Fiction

A good compliance consultant not only knows the letter of the law but also the intent of the law. Often the letter and spirit are not one in the same, or regulations can seem contradictory. There are also many special exceptions that are believed to apply universally even when that is not the case.

I hear from towers daily that still believe OSHA doesn't apply to the industry or they have a blanket exemption from hours of service (HOS). The best I heard recently was that Texas-based towers are exempt from HOS, including the time card and/or log book requirements, because Texas is a right-to-work state. Another popular rumor circulating on Facebook is that towers are HOS exempt now because the Slow Down Move Over Law made us emergency vehicles.

No, towers do not have a blanket federal exemption, only an exemption related to police ordered tows. Towers do enjoy limited intrastate exemptions in 15 states. This blind ignorance will cost some folks dearly, *please don't let that be you.*

For those that are interested, Texas does have special HOS rules that differ from the federal rules, and most trucks under 26,000 pounds gross weight rating are exempt when engaging in intrastate commerce. Once you engage in interstate commerce for any part of the trip the federal rules fully apply to any commercial vehicle greater than 10,001 pounds gross weight rating. Texas also has a looming mandate for ELD compliance by intrastate motor carriers subject to log book requirements, with full compliance due by December 19, 2019.

In closing, TRAA is here to help. They have partnered with many leaders in the industry to provide resources designed to help you, the tower, save money and operate safely.

In appreciation of all the support that TRAA has shown me, I am proud to announce a **TRAA member discount of 10% for all compliance and consulting work through my company** (Fleet Compliance Solutions). I also am offering free consultations and will answer general questions at any of the tow shows I attend this year.

Feel free to approach me and ask, I don't judge. I simply answer your questions to the best of my ability, even if it isn't the answer you want to hear. Thank you and stay safe!