

Transportation Safety

Training ADVISOR

November 2024

Accident procedures

Don't let surprises catch you off guard

**DOT withdraws latest changes to
drug testing rules**

**Conflicting advice could delay
underride protection regulations**

Information and resources to help your drivers operate safely



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MESSAGE FROM THE EDITOR

Don't do that: Accident edition

A vehicle accident, no matter how minor, is always stressful and traumatic for the driver(s) involved. An accident causes the driver's adrenaline to rush, raising blood pressure rates and sometimes making it difficult to think clearly or focus.

In this unfocused state, the driver is more likely to forget the correct procedures to follow after an accident. Prepare your drivers so that they can remember post-accident procedures more automatically, even when in a stressed fight-or-flight state.



What NOT to do

Remind your drivers what NOT to do immediately following an accident:

- DON'T keep driving and assume the damage wasn't that bad.
- DON'T forget to seek medical attention if you or another person involved needs it.
- DON'T forget to contact law enforcement as quickly as possible.
- DON'T overshare details of the accident with an officer or admit fault.
- DON'T forget to document the accident.

Coping with trauma

To help drivers deal with the immediate stress that follows an accident:

- Teach drivers how to help control immediate stress through techniques like deep breathing and mind training.
- Encourage drivers to accept stress and not view it as a negative experience. Rather, help them view stress as something they can manage and work through.
- Seek professional trainers who can help simulate the reality of a post-accident incident to make drivers more comfortable with the situation if/when it happens to them. ♦



Lucero Truszkowski

Lucero Truszkowski joined J. J. Keller & Associates, Inc. as an Associate Editor in 2022. Lucero edits, writes, and researches content on a variety of topics, including transportation, human resources, and driver training. She holds a Master of Science (MS) in Professional Writing from New York University.



TRAINING BLUEPRINT — ACCIDENT PROCEDURES

Prepare for the unexpected

No matter how safely a driver operates a vehicle, an accident is always possible. Nobody plans for accidents, but that doesn't mean they don't happen. When drivers experience the unexpected, they must know what to do and how to react.

TIP: Distribute and review your company's accident procedure policy.

7 steps to safety

Remind drivers that they must take immediate action when an accident happens.

The best course is to follow these seven steps as soon as possible after an accident:

1. **Stop immediately.** Drivers should stay calm, pull over as far off the road as possible, shut off the engine, set the emergency brake, and turn on the vehicle's four-way flashers.
2. **Set out emergency warning devices.** Set out emergency warning devices as soon as possible. Regulations require that they be set out within 10 minutes of stopping.
3. **Check for injuries.** This includes both the driver and anyone else involved. The driver shouldn't move an injured person unless there is an immediate danger or attempt to do something the driver is not trained in.
4. **Notify law enforcement.** Drivers should provide:
 - The accident location,
 - The number of people injured and the severity of the injuries,
 - The extent of the damage, and
 - Personal contact information.
5. **Document the accident.** Drivers should record the following information:
 - The time, location, weather/road conditions;
 - A description of damages;
 - The names, addresses, and insurance companies of everyone involved;
 - Injuries or fatalities;
 - The type, model, and license plate numbers of all involved vehicles; and
 - The name and department of the investigating officer.

6. **Notify the company.** Remind drivers to follow all of their company's notification policies and procedures.
7. **Complete a preliminary accident report.** Make sure drivers meet all company standards.



Warning devices

When placing warning devices, drivers must be visible to traffic, hold the devices in front of their bodies, and wear a reflective, high-visibility vest.

Where the driver places these devices depends on where the vehicle is stopped.

Two-lane road:

- The **first** device should be placed 10 feet (4 paces) behind the vehicle.
- The **second** device should be placed 100 feet (40 paces) behind the vehicle.
- The **third** device should be placed 100 feet (40 paces) ahead of the vehicle on the shoulder or in the lane where the vehicle is stopped.

One-way or divided highway:

- **Each device** should be placed 10, 100, and 200 feet behind the vehicle.

Within 500 feet of a hill, curve, or obstruction:

- The **first** device should be placed 100-500 feet from the vehicle in the direction of the obstruction.
- The **second** and **third** devices should be placed according to the rules for two-lane or divided highways, whichever best applies.

TIP: Often, drivers make the mistake of placing the devices at an incorrect distance, usually too close together. One way to demonstrate correct placement, including distance, is by setting devices in the correct spots around one of your vehicles in your parking lot and taking your drivers outside to view the placement. ♦



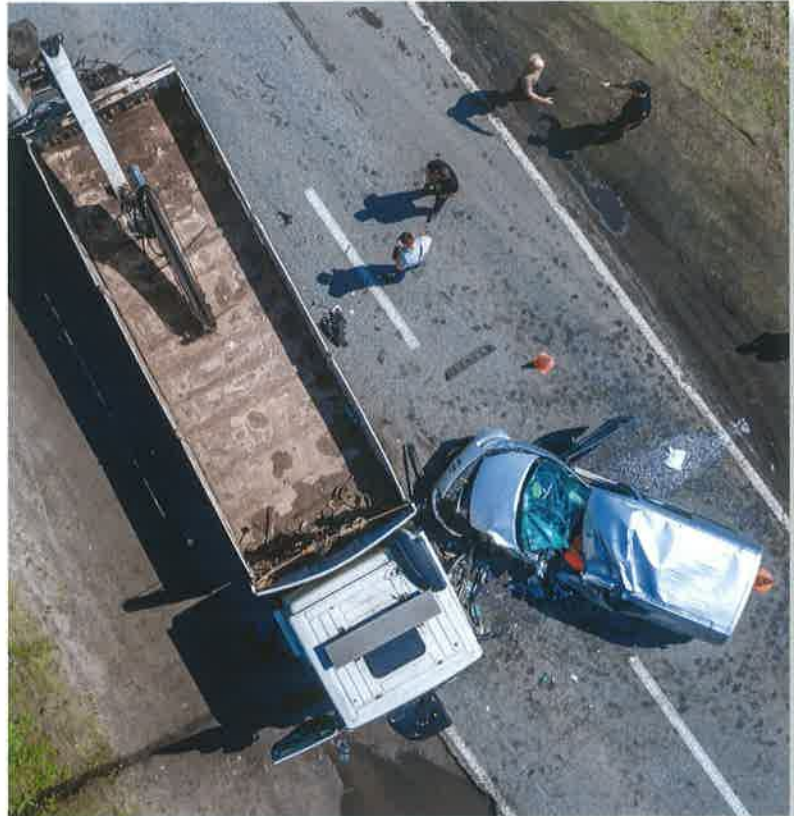
TRAINING HANDOUT — ACCIDENT PROCEDURES

Post-accident behavior 101

At the scene of an accident, the driver should be polite and respectful. Anything a driver says can be used against both them and/or the motor carrier, so it's always good to be mindful before speaking.

Drivers should NOT:

- Discuss specific details of the accident with others at the scene
- Volunteer any unneeded information
- Speculate or guess as to what may have caused the accident or who is at fault
- Admit fault
- Try to settle anything at the scene — that's the job of law enforcement, insurance representatives, and the motor carrier



Drivers should:

- Honestly answer questions from law enforcement officials investigating the accident
- Be factual ♦



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TEST YOUR KNOWLEDGE — ACCIDENT PROCEDURES

1. It's okay to make educated guesses about what happened to help law enforcement investigate the accident.
 - A. True
 - B. False

2. On a two-lane road, the first warning device should be placed on the traffic side of the vehicle _____ feet from the rear.
 - A. 10
 - B. 20
 - C. 30
 - D. 40

3. Drivers should NOT discuss details of the accident with anyone except law enforcement.
 - A. True
 - B. False

4. Which of these is NOT correct? After an accident, drivers should:
 - A. Stop and pull over
 - B. Shut off the engine
 - C. Drive away if no one was hurt
 - D. Turn on the four-way flashers

5. What type of information do you need to document/report at the accident?
 - A. The time, location, weather/road conditions
 - B. The type of clothing everyone at the scene is wearing
 - C. The names, addresses, and insurance companies of everyone involved
 - D. Both A and C ♦

NAME: _____ **DATE:** _____

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Conflicting advice could delay underride protection regulations

Advice coming from an advisory committee is conflicting, which means new regulations on underride protection are a long way from reality.

An underride collision occurs when a smaller vehicle strikes a large commercial vehicle in the rear or side and ends up under the vehicle.

The National Highway Traffic Safety Administration's (NHTSA's) Advisory Committee on Underride Protection (ACUP) was created to provide information and advice to the Department of Transportation on the reduction of injuries and fatalities that result from underride crashes involving commercial vehicles. Their findings, however, are confusing.

Committee reports, that's right, reports

In their published report, the majority of the ACUP recommended that any part of a commercial vehicle with a bottom point significantly higher than the normal passenger vehicle should be equipped with underride protection. This would result in the need for side underride guards for most straight trucks and semi-trailers. In some cases, it would also lead to requiring front underride guards (a larger front bumper). Also, the majority ACUP report recommended improving the existing standards for rear impact protection on trucks and trailers.

A group of committee members, however, didn't agree with the findings and recommendations of the majority



and published their own minority report. In their report, the minority states that more accurate data was needed to make sound recommendations and that the roll out of vehicle safety and crash avoidance technology should be studied as a possible solution.

The result is that NHTSA didn't get a consensus report from the ACUP. This may have an impact on any upcoming rulemaking related to side underride guards (as well as strengthening the

rear impact guards and creating front impact protection requirements).

The process

Before NHTSA and FMCSA can publish new rules related to underride guards, both need to:

- Accept at least some of the ACUP recommendations,
- Create a proposed rule,
- Release the proposed rule for comment,
- Consider the comments, and
- Create a final rule.

Once a final rule is passed, NHTSA will need to phase the requirements in over several years. Once NHTSA rules are in effect, FMCSA will need to update its regulations to require the underride protection on the covered vehicles when operating on the road. Therefore, even if NHTSA chooses to accept some of the majority recommendations and start the rulemaking process, any rule would be years away. ♦

DOT withdraws latest changes to drug testing rules

Due to public opposition, the U.S. Department of Transportation (DOT) has withdrawn a few changes it recently made to its saliva-based drug testing rules.

The changes to Part 40 were issued on June 21 and were due to go into effect on August 5, 2024. The revisions to sections 40.35 and 40.73 were meant to:

- Identify who can be present during a saliva collection,
- Clarify how collectors should specify that enough saliva was collected, and

- Provide temporary qualification requirements for mock saliva-collection monitors.

The changes were published as a "direct" rule with no prior opportunity for public input. However, on the same day the rule was issued, the DOT took the unusual step of publishing the same changes as a "proposed" rule, following the normal notice-and-comment rulemaking process.

At the time, the agency said if it received any negative comments about the “direct” rule, it would withdraw it and forge ahead with the more drawn-out process normally used to change a regulation. In a notice published August 1, the agency says it did receive negative feedback about the changes and is withdrawing them for now.

Since the public was given a chance to weigh in on the proposed version of the rule, no additional comment period will be offered, the DOT says. The agency’s next step is to review the comments, revise the proposed changes as needed, and publish another final version.

Minor technical corrections to the drug testing rules that were also published on June 21 (and went into effect that same day) were not affected.

The DOT revised its drug-testing rules in May 2023 to add saliva-based testing as an option. Motor carriers will not be able to perform saliva testing, however, until at least two laboratories are certified to test saliva (no labs have been certified to date). The DOT’s June 21 rule changes were meant to address deficiencies in those saliva testing rules, particularly as they relate to the saliva collection process. ♦



Next Month's Topic: Night driving

Driving at night is dangerous. Darkness hides all kinds of hazards (animals, signs, pedestrians, vehicles parked along the roadway, etc.) that are easy to see in the daylight. Add to that the fact that drivers are often physically tired when it’s dark, and you have a potential deadly combination. ♦

Expert Help: Questions of the Month

Question: What types of accidents must be listed in an accident register?

Answer: An accident is defined in 390.5 of the Federal Motor Carrier Safety Regulations (FMCSRs) as an occurrence involving a commercial motor vehicle that results in:

- Death,
- Injury to a person requiring immediate treatment away from the scene, or
- Disabling damage to any vehicle involved requiring a vehicle to be towed from the scene.

The term “accident” doesn’t include an occurrence which involves only boarding or exiting a stationary vehicle or which involves only the loading or unloading of a vehicle’s cargo.

Question: Do we have to notify the federal Department of Transportation (DOT) when we have an accident?

Answer: No, there isn’t a federal DOT requirement for reporting an accident.

Section 390.15 requires a motor carrier to keep an accident register.

State reporting requirements may be different. Consult the state(s) in which you operate for specific details. ♦



Expert Help

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