

SAFETY MANAGEMENT IN THE TRUCKING INDUSTRY



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Peter A. Philbrick, Sr. works with Ruhl Forensic as an experienced testifier and commercial vehicle accident investigator. He is a Certified Director of Safety with hands-on experience in the recruitment, training, monitoring and control of drivers; FMCSR compliance and compliance reviews; and truck company management policies and procedures. Mr. Philbrick was the transportation manager at the Performance Food Group where he managed a 100+ driver transportation department. As a risk manager and loss prevention specialist for a major transportation insurance company, he evaluated trucking companies prior to underwriting then provided safety services and DOT compliance assistance to insure compliance. Mr. Philbrick is also a Certified Driver Trainer, a Certified Smith System driver improvement course instructor and a professional commercial vehicle driver with over 3,000,000 accident free miles. He is also experienced in the use of several types of forklifts in a wide range of loading and unloading environments and is a certified forklift operator trainer. Mr. Philbrick was selected as a 1996 Captain of the American Trucking Associations' America's Road Team. He is also a licensed private investigator in the State of Texas.

Proper heavy vehicle collision investigations should go far beyond looking at the individual driver. The trucking company and its policies are an integral part in the process of putting a safe vehicle and driver out on the road. A thorough investigation of heavy vehicle collisions requires detailed knowledge of the requirements that the Federal Motor Carrier Safety Regulations (FMCSR) place upon both the motor carrier and the individual driver. A heavy vehicle specialist with specialized knowledge, training, and experience is often required for a complete understanding of heavy vehicle collisions.

Safety management is an essential component of any trucking operation. Motor fleets without effective safety programs may be guilty of excessive and unnecessary financial risk, regulatory non-compliance, and social irresponsibility. Understanding a company's safety program, or lack thereof, can be key to demonstrating why a driver operated the way he did in such areas as improper loading, unsafe driving practices, or operating faulty equipment.

A trucking company is unusual in that its employees are entrusted with valuable equipment, are off-site and unsupervised for long periods of time, and yet must comply with a myriad of regulations that closely govern their daily activities. The consequences of non-compliance can be severe, ranging from fines and downtime to vehicular collisions resulting in lawsuits with multi-million dollar judgments.

It is important to understand that placing a driver behind the wheel

means more than just ensuring that the driver has a CDL. Heavy truck operators are – and need to be – professional drivers. A great deal of knowledge is required to properly evaluate a driver's level of skill and knowledge, and to ensure that the driver is properly qualified and trained to use the equipment entrusted to him.

Hiring and qualifying new drivers, providing continuing training, and keeping company employees (drivers, shop personnel, and management) up to date on changing policies and regulations requires a staff dedicated to safety. Ensuring that proper records are kept and that information on safety and compliance is passed on to the drivers is mandatory.

While trucking companies are not specifically required by federal regulations to have a safety department or safety director, they are ultimately required to comply with the Federal Motor Carrier Safety Regulations which cover a variety of issues including but not limited to hours of service (part 395), drug and alcohol testing (part 382) and driver qualifications (part 391).

Many companies have a printed safety manual. However, reading a company's safety manual alone will not provide a complete understanding of a company's safety program and policies. Knowing the appropriate questions to ask to determine how well the company's practices match their policies will provide a better insight into how the company really operates.

For example, FMCSR part 392.14 gives the driver the discretion to cease operation of the commercial vehicle when conditions adversely affect visibility or traction. Company



Ruhl Forensic, Inc.'s staff provide expertise in: *mechanical and electrical engineering, collision investigation and vehicle dynamics, biomechanics and human factors, heavy vehicle driving and mechanical systems, federal regulations and compliance, fleet safety, traffic engineering, construction zone safety, OSHA, graphic visualization, and other areas.*

Our experts provide a continuum of service from initial on-site investigations through research, testing and reconstruction to courtroom testimony and presentation graphics and visualization.

We offer quick response to your investigation needs 24 hours a day. Contact us by calling 1-800-355-7800, 1-800-235-2808, or 1-800-278-4095.

Please feel free to call us with any questions that you may have and we will direct you to the appropriate individual within our firm.

policy and driver handbooks should support this regulation. However, what are the real world consequences to a driver of stopping because of heavy fog, for example, resulting in late delivery of a load?

The company's involvement does not end simply with documentation and policies for drivers. Does the traffic manager arrange pickups and deliveries with an eye to safety? How does company management achieve a balance between maximizing the productivity of the drivers and allowing enough flexibility in the schedule for unexpected occurrences? These issues will also affect how safely company drivers operate on the road.

Drivers in even the most well run companies have collisions. Both the company's and the driver's actions following the collision event can reveal a great deal about the company's commitment to safety. When a collision does occur, a

knowledgeable heavy vehicle specialist can identify the required records the trucking company must keep as well as ancillary documents such as the driver handbook that will provide a more complete picture of the driver and the company that employs him. Some of these documents include:

1. driver qualification files,
2. vehicle maintenance records,
3. driver inspection forms,
4. logs,
5. roadside inspection reports,
6. repair orders,
7. bills of lading,
8. toll tickets,
9. controlled substance/alcohol reports,
10. safety meeting minutes and attendance sheets.

For a more complete list, please contact Ruhl Forensic, Inc.

While the truck driver is often the most visible member of the trucking company, everyone in the company, including management, truck mechanics, dispatch and routing personnel, must be involved to put a well-trained driver operating safe equipment out on the road.

To further discuss safety management in the trucking industry, please contact Peter Philbrick at (800) 235-2808.



It is incumbent on the trucking company to ensure that its driver can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he is given to drive. (FMCSR 391.11)