



SPEED BUMPS

FMX, Inc

January 2020

Happy New Year From FMX



2020 Safety Meeting Schedules

Orlando

Jan 11, 2020

May 9, 2020

Sept 12, 2020

Hilton Garden Inn at 7300

Augusta National

Breakfast is at 7:30 and
meeting starts at 8 Am

Tampa

Feb 8, 2020

June 13, 2020

October 10, 2020

Hilton Garden Inn East
Brandon at 10309 High-
land Manor Dr

Breakfast is at 7:30 and
meeting starts at 8 Am

**Jacksonville—March
14, 2020**

July 11, 2020

November 14, 2020

FMX

2175 Commonwealth Ave
Breakfast is at 7:30 and
meeting starts at 8 Am

MISSED A MEETING?

You are always wel-
come to make up the
missed meeting by at-



Clearinghouse Reporting

Starting Monday, January 6, 2020, new drug- and alcohol-related reporting requirements will spring to life for motor carriers, drivers, medical providers, and others.

That's the day the FMCSA's new Drug and Alcohol Clearinghouse opens for business. The Clearinghouse is an online database of information about CDL drivers' drug and alcohol violations, and it may eventually end many drivers' careers.

That's why accurate, timely, and compliant reporting is critical. Do you know your responsibilities?

Keep in mind:

- Several players in the drug and alcohol testing process have reporting roles — motor carrier do NOT report all test results — so knowing your responsibilities will avoid duplication and confusion.
- No drug or alcohol violations occurring prior to January 6, 2020, can be reported to the Clearinghouse.

Drivers

Who: Drivers who operate commercial motor vehicles that require a CDL.

What: Drivers will not report anything to the Clearinghouse, but they do have a new reporting responsibility. If they have a drug or alcohol violation under a motor carrier's DOT testing program, they must report that violation to any other motor carriers for whom they work, per §382.415.

How: In writing.

When: Before the end of the first business day after the day the driver was notified of the violation OR before performing any safety-sensitive work for the employer, whichever comes first



Motor Carrier Reporting

Motor carriers

Who: Motor carriers that operate commercial motor vehicles requiring a CDL to operate, and thus required to have a drug and alcohol testing program under Part 382. Motor carriers may hire a third-party administrator to do their reporting, but must first choose that administrator in the Clearinghouse.

What: The following violations or test results:

- ☐ Any confirmed DOT alcohol test result of 0.04 or higher
- ☐ Any refusal to take a DOT-required alcohol test:
 - Failing to appear for the test in a reasonable time, as determined by the employer (but not including pre-employment tests). Be prepared to submit documentation (see note below)!
 - Failing to stay at the testing site until the testing process is done (except in the case of a pre-employment test where the driver leaves the testing site before a mouthpiece is selected).
 - Failing to submit enough saliva or breath for the test (see §§40.263 and 40.265).
 - A determination by a physician that there is no medical explanation for a driver's failure to provide enough breath for the test, OR the driver's failing to undergo the physician's medical exam in that situation (see §40.265(c)).
 - Failing to sign Step 2 on the Alcohol Testing Form.
 - Failing to cooperate with any other part of the testing process.
- ☐ The following refusals to take a DOT-required drug test:
 - Failing to appear for the test in a reasonable time, as determined by the employer (but not including pre-employment tests).
 - Failing to stay at the testing site until the testing process is done (except in the case of a pre-employment test where the driver leaves the testing site before a collection cup is selected).
 - Failing to provide a urine specimen.
 - Failing to allow observation or monitoring of a urine collection when required.
 - Failing or declining to take an additional drug test as directed by the employer or collector (such as after a dilute negative test).
 - Failing to cooperate with any part of the testing process, such as refusing to empty pockets, being overly confrontational, or failing to wash hands.
 - Failing to follow the observer's directions (when applicable) to raise and lower clothing or turn around.
 - Admitting to adulterating or substituting the urine specimen.

Otherwise refusing to participate in the testing process (see §40.191(d)(1)).



Motor Carrier Reporting (continued)

- ☐ Any “actual knowledge” that a driver violated the DOT drug or alcohol rules, including (see note below):
 - Any alcohol use while performing safety-sensitive work (see §382.205).
 - Any citation for driving under the influence of alcohol (DUI/DWI) while driving a commercial motor vehicle that requires a CDL.
 - Any alcohol use within four hours before performing safety-sensitive work.
 - Any alcohol use within eight hours of an accident or before a post-accident test is complete (whichever occurs first, only when a post-accident test is required).
 - Any prohibited drug use while on duty (see §382.213).
- ☐ Any negative DOT return-to-duty test*.
- ☐ Successful completion of follow-up testing as reported to you by the SAP*.

**These are only reported if the violation that led to the need for the test occurred on or after January 6, 2020.*

How: Online at clearinghouse.fmcsa.dot.gov

When: By the close of the third business day after the day on which the motor carrier obtained the information. For example, if a positive test result or “actual knowledge” is obtained on Monday, the Clearinghouse must learn about it before the end of Thursday.

Note: If you report a driver’s refusal to appear for a test, be prepared to submit documentation of where and when the driver was directed to appear (see §382.705(b)(3)). If you report “actual knowledge” of a violation, be prepared to submit a description and evidence of the violation (see §382.705(b)(5)).



Leased owner-operators and the Clearinghouse



Leased owner-operators simply will need to create a clearinghouse account, though it's not explicitly required. However, any truck driver will need an account to switch fleets because the new fleet will need to query that record, says Joe DeLorenzo, FMCSA head of enforcement. Having an account also allows the driver to ensure there's no inaccurate information in their account.

When switching carriers, drivers will need to authorize fleets to run a query on their CDL within the database. Likewise, they can provide consent for the fleet's future annual checks, though that also can be done in writing for drivers who do not have a user account and were at the fleet prior to Jan. 6.

"Basically, a leased owner-operator is treated the same as a company driver," as far as the clearinghouse is concerned.



Tandem Slides

Do the Tandem Slide Reaching to grab latch handle can cause a shoulder injury. Sliding trailer tandem axles is a common task, but can be dangerous. Awkward and repeated reaching to pull the release latch can injure your shoulder or back. Placing your head or upper body between the trailer and tires can cause severe or deadly crushing injuries. When you slide the tandems, consider the potential risks so you can make decisions that keep you and your co-workers safe.



January Birthday's

Jose Calel—Jan 1
Mike Gallodoro—Jan 6
Dashnor Hoxha—Jan 14
Marcus McCaskill—Jan 26
Jorge Cid —Jan 30




January Anniversaries

Vicente Fernandez Jan 12—9 yrs
Bret Hoover Jan 13—4 yrs
Francisco Rodriguez Jan 15—1 yr
Pauline Stanton Jan 17—15 yrs
Darrell Miller Jan 18—7 yrs
Derrick Jackson Jan 19—2 yrs
Radmar Rosario Jan 20—1 yr
Lazaro Pumarado Jan 22—6 yrs
Valerie Jackson Jan 23—1 yr
Gwen Hardy Jan 23—3 yrs



Proper Posture is Less Stress

⚠️ HAZARD



Stresses to your wrist, shoulder, elbow and back are two to three times higher when you lean, twist or use other awkward postures.

✅ SOLUTION



Use a full-fist power grip to make connections. Disperse force between both arms and align grip with body. Support tightening or loosening motions with your free hand.

It may not look like a big deal, but how you make the connections matters. Awkward reaching, holds and motions with added force can cause injuries to your muscles, tendons and joints. Good posture, careful movements, and strong fullfisted holds on brake line and electrical connectors will go a long way to prevent injuries.

Reminder
**ALL ELD Devices (the phone) is
required to be mounted while driving**



ELD Requirements

Recently, a major Electronic Logging Device (ELD) provider experienced a large system outage. It's important that all drivers and at least one person within each company understand the rules and regulations concerning an ELD malfunction to help avoid any roadside inspections.

Are you aware of the requirements if there is an ELD malfunction?

If an ELD malfunctions, **a driver should:**

1. Note the malfunction of the ELD and provide written notice of the malfunction to the motor carrier within 24 hours.
2. Reconstruct the record of duty status (RODS) for the current 24-hour period and the previous 7 consecutive days, and record the RODS on graph-grid paper logs, or electronic logging software, that comply with 49 CFR 395.8, unless the driver already has the records or retrieves them from the ELD.
3. Continue to manually prepare RODS in accordance with 49 CFR 395.8 until the ELD is serviced and back in compliance. The recording of the driver's hours of service on a paper log, or electronic logging software, cannot continue for more than 8 days after the malfunction; a driver that continues to record his or her hours of service on a paper log, or electronic logging software, beyond 8 days risks being placed out of service.

It's also important to remember what each commercial motor vehicle should have onboard while using an ELD:

1. A user's manual for the driver describing how to operate the ELD.
2. An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hours-of-service records to an authorized safety official.
3. An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during an ELD malfunction.
4. A supply of blank driver's records of duty status (RODS) graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days.

Remember, it's the little things that can cause problems.

FMCSA Rule changes to watch in 2020

Hours of Service

The FMCSA will be finalizing several significant changes to the hours-of-service rule, designed to add more flexibility for drivers

A final rule is expected before July

With New Jersey bill on deck, ABC tests could eventually stumble into Supreme Court

Sliding in on the coattails of California's September passage of a law that has undercut leased owner-operators' ability to work in the state, New Jersey has introduced eerily similar legislation in its Congress. Like California's A.B. 5, New Jersey's S. 4204 would restrict businesses' ability to use independent contractors and in effect block trucking companies from contracting with owner-operators.

However, and also like California's law, legal challenges would likely mount, should the bill prevail. In that case, the ultimate stop for such lawsuits could be the U.S. Supreme Court, which could have the final say as to whether the restrictive contractor test laws will remain in place.

The lawsuit directly targets the so-called ABC test — the core of A.B. 5. The law states that, for a worker to be classified as an independent contractor, they must meet three requirements (hence the "ABC test" name). CTA's lawsuit seeks to have courts deem the ABC test invalid for determining whether a trucker should be classified as an independent contractor or an employee.

The crux of A.B. 5, for trucking, is that the B portion of the test prohibits employers from striking agreements with independent contractors in the same line of business as the employer, **effectively invalidating trucking company lease agreements with owner-operator independent contractors**. Carriers have begun cutting ties with owner-operators who live in California, in some cases offering to transition them to company driver or offering them the chance to move out of state and continue leasing on.

Obviously, a Supreme Court ruling in favor of the restrictive ABC test would be a disaster for the common leased owner-operator set-up, and potentially damaging for some independents, too. On the flip side, a ruling by the Supreme Court against ABC test laws could be a major win for leased owner-operators and fleets that contract with them. In that case, the Supreme Court would make clear that any state-level laws requiring ABC tests to determine independent contractor status are not applicable to motor carriers and owner-operators they work with.

How California's A.B. 5 contractor law is affecting leased owner-operator businesses





ROLLING STOP



A rolling stop is a term used in traffic law to refer to when a vehicle fails to come to a complete stop. About 40% of reported traffic accidents involving a CMV happen at intersections or junctions. That's 4 out of 10 accidents. In a rolling stop, the wheels are still in motion and the vehicle is moving even if it's at less than 5 M.P.H.

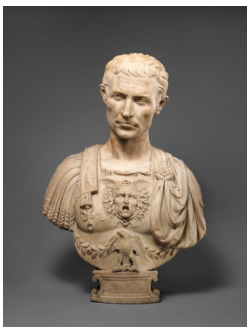
Failing to come to a complete stop at a stop sign is a traffic violation governed by state laws, which vary by state. Regardless it affects your driver's record and your company's safety score.

The longer the stop, the more discernable it is to the naked eye, giving a motorist a better chance of avoiding a ticket. Always stop at the painted stop line or before the crosswalk and make sure you count two to three full seconds before proceeding.



January 1 Becomes New Year's Day

The early Roman calendar consisted of 10 months and 304 days, with each new year beginning at the vernal equinox; according to tradition, it was created by Romulus, the founder of Rome, in the eighth century B.C. A later king, Numa Pompilius, is credited with adding the months of Januarius and Februarius. Over the centuries, the calendar fell out of sync with the sun, and in 46 B.C. the emperor Julius Caesar decided to solve the problem by consulting with the most prominent astronomers and mathematicians of his time. He introduced the Julian calendar, which closely resembles the more modern Gregorian calendar that most countries around the world use today.



As part of his reform, Caesar instituted January 1 as the first day of the year, partly to honor the month's namesake: Janus, the Roman god of beginnings, whose two faces allowed him to look back into the past and forward into the future. Romans celebrated by offering sacrifices to Janus, exchanging gifts with one another, decorating their homes with laurel branches and attending raucous parties. In medieval Europe, Christian leaders temporarily replaced January 1 as the first of the year with days carrying more religious significance, such as December 25 (the anniversary of Jesus' birth) and March 25 (the Feast of the Annunciation); Pope Gregory XIII reestablished January 1 as New Year's Day in 1582.

New Year's Traditions

In many countries, New Year's celebrations begin on the evening of December 31—New Year's Eve—and continue into the early hours of January 1. Revelers often enjoy meals and snacks thought to bestow good luck for the coming year. I

n Spain and several other Spanish-speaking countries, people bolt down a dozen grapes—symbolizing their hopes for the months ahead—right before midnight. In many parts of the world, traditional New Year's dishes feature legumes, which are thought to resemble coins and herald future financial success; examples include lentils in Italy and black-eyed peas in the southern United States.

Because pigs represent progress and prosperity in some cultures, pork appears on the New Year's Eve table in Cuba, Austria, Hungary, Portugal and other countries.

Ring-shaped cakes and pastries, a sign that the year has come full circle, round out the feast in the Netherlands, Mexico, Greece and elsewhere.

In Sweden and Norway, meanwhile, rice pudding with an almond hidden inside is served on New Year's Eve; it is said that whoever finds the nut can expect 12 months of good fortune.





Hair Drug-Testing Rule Could Become Public in Early 2020, Official Says

A proposed federal rule that would allow motor carriers to drug test their drivers and prospective employees using hair samples continues to wind its way slowly through the bureaucracy, but could be made public as soon as early next year.

The rule has remained under review since summer by the White House Office of Management and Budget after undergoing two rounds of OMB questions and comments from federal agencies — including the Department of Transportation — as well as revisions by a sub-agency drug-testing advisory board of the Department of Health and Human Services.

“It’s back at OMB now,” said Ron Flegel, chairman of the Substance Abuse and Mental Health Services Administration’s drug testing advisory board, which develops the rule for HHS.

Asked if it could become public in a few months, Flegel said, “I can’t say for sure, but my hope is that it will. We’ve worked relatively hard. But since it’s in the OMB process, and it’s a major rule, they really are under their own guidance as far as how many days they keep it.”

The rule was first mandated by Congress in a bill passed in 2015.

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The rule was first mandated by Congress in a bill passed in 2015.

Currently, the U.S. Department of Transportation only sanctions urine drug testing for “safety-sensitive” prospective employees such as truck drivers.

Not only do hair samples have a longer drug-detection window — up to 90 days — but the samples are collected in an observed setting, preventing drivers from adulterating or substituting a test.

Federal approval of the hair alternative also would decrease the costs for carriers that currently conduct urine and hair sample tests, as they would be required to conduct just one of the tests.

DOT must follow the testing guidelines once they are issued by HHS but can tailor some of the specific procedures.





Safety Briefing—Railroad Crossing

A motorist is almost 20 times more likely to die in a crash involving a train than one involving another vehicle. And part of the reason why is non-observance of proper rail crossing safety.

In fact, statistics from the Federal Railroad Administration (FRA) show that over the course of the nearly the last full decade—from 2009 to the end of July 2019—there have been almost 22,000 highway vehicle-rail incidents resulting in 9,430 injuries and 2645 fatalities.



So what can be done to cut down on these statistics?

Among the keys for motorists, particularly commercial drivers, is to give their full attention to the task at hand—driving—and not to become distracted. Inter-modal drivers should also not try to out race trains, no matter how much of a hurry they may be in.

Drivers should also familiarize themselves with signage at and near rail crossings Safety experts say, including blue and

white emergency notification signs.

“for the most part, most grade crossing incidents happen when vehicles simply do not stop, or when they stop on the crossing. And it’s frustrating because these are fairly simple mistakes. As time has progressed and as technology has become more of most people’s lives, distracted driving could play a role in some of the trends. But if there’s ever a time not to be distracted by anything and give your full attention to the vehicle that you are driving, its when you are approaching or crossing a railroad crossing.

FRA data shows that through the first seven months of 2019, there were 1,254 crossing incidents, of those, 185 involved a tractor trailer, which is about 16% of all incidents so far this year.

What’s more alarming is that data show that in the aforementioned incidents, almost 60% were at crossings that have automatic warning lights, gates and/or bells.

Often one of the arguments that we hear are if every crossing has lights, gates and bells, there would be no more incidents. This statistic is in full contrast of that notion. It doesn’t matter what type of warning device you have at a crossing, if the driver doesn’t obey it and follow the law, then they are putting themselves at risk.



Safety Briefing—Railroad Crossing

The non-profit Washington, D.C. based educational group, "Operation Lifesaver" is trying to get information out to people to improve safety and reduce accidents along the rail network.

Some of the things they are focused on are things like emergency notification signs that are at every crossing in the United States. These blue and white signs, we want people to know where they are located and how to use them if there is any type of incident that should be reported at a crossing. Those signs are in place to help freight-vehicle incidents from occurring before they occur. If a truck is stuck on the tracks, they need to call the number on that sign at once and report it and try to give the railroad every second and minute available to stop a train.

SIGNS

Blue and White Information Signs—provides info to call as soon as an incident occurs

Advance Warning Signs—means that you are approaching a railroad track

Crossbuck Sign—means to yield to the train

With all the things that the railroad and the government do to get information to drivers so they can make the right decision, but in the end of the day, **ONLY** the driver can make the right decision to keep themselves and anyone else in their vehicle safe when crossing a railroad track.





HAVE YOU MISSED A SAFETY MEETING?

Safety meetings are not mandatory but if you would like to reach your full safety bonus potential, then you need to attend 3 safety meetings per year. It does not matter where you attend the 3 meetings. We attempt to make meetings convenient for you but sometimes life just interferes with the date of the nearest meeting.

FMX has always welcomed its owner operators to attend an alternate meeting location so that they do not lose any of their bonus potential.

So, if you were not able to attend the nearest meeting, then why not plan to attend a meeting at one of the other 2 locations.

The safety meetings always start with breakfast at 7:30 and the meeting begins at 8 am.

Here is the entire schedule for 2019:

Orlando Area—

dates: Jan 11, May 9 and Sept 12

Hilton Garden Inn at 7300 Augusta National Dr in Orlando.

Tampa Area—

Dates: Feb 8, Jun 13, Oct 10

Hilton Garden Inn at 10309 Highland Manor Dr in Brandon

Jacksonville Area—

Dates: Mar 14, July 11, Nov 14

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