



ROAD TALK

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LATE REPORTING OF CLAIMS Comes with consequences

So many things can happen in a short amount of time and when you delay reporting a claim, those “things” can be forgotten, embellished and/or lost forever. If it is something that can help in your defense, you don’t want it lost.

When you are involved in any type of claim that has property damage or injury, it is imperative that you let your insurance agent know as soon as possible so that the process of discovery can begin. In many instances, an insurance company can have an independent adjuster dispatched to the scene to begin the process.

Witnesses: When there are witnesses to a claim, it is critical to talk to those witnesses as soon as possible in order to get their version of the story. Details can become fuzzy or lost altogether as time goes by. Always get names and phone numbers of witnesses - especially if they cannot stay at the scene.

Your story: When you or a driver are involved in a claim, the details are so important, e.g. how many people were in a particular vehicle at that time? We see claims where individuals that were not even involved in the crash are claiming injury. Write down the details, take

pictures and/or have someone in the company designated to conduct post-accident interviews.

Scene changes: The more time that goes by the more a scene can change. Skid marks fade and/or other skid marks occur, spills get cleaned and damages get repaired. When there isn’t proper documentation and examination of the scene, it becomes more difficult for a claims professional to do their job.

Unnecessary expenses: Expenses can occur when a claim is reported late to your insurance company. When a claimant’s vehicle is damaged, they will likely need a rental. The longer the life of the claim, the more rental expense is incurred. Additionally, claimants can rationalize that the insurance company is not properly tending to their claim and respond by hiring an accident attorney. These attorneys are synonymous for inflating charges.

Your damages: Another item to note is that when you are involved in a claim, your damages need to be fixed as soon as possible as well. We see claims where

damaged parts from a previous crash fall off of the vehicle and cause another separate claim.

Please report your claim as soon as possible to give your claims professionals the best chance at defending you and reducing your exposure to unnecessary costs. A notice of an incident to an agent is a notice of claim. You should expect confirmation from the insurance company of the claim within a reasonable amount of time.



BILL OF LADING - SPECIAL INSTRUCTIONS

READ THE CONTRACT

IS, INC
ESOME FOODS
1 * Daytona Beach, FL 33111
1212 * Fax (555) 355-2345

Dirv By:

OODS
leacht, FL 33111

LLC
Carrier Arranged By:
Ship Charges Paid By:

Temp Degrees F. Low: 36 High: 38
Ship Via: Loaded At: San Luis, AZ

Shipped	Product Of	Gro
Asparagus Green Std 11lb	Mexico	
Asparagus Green Large D	Mexico	
Asparagus Green X-Large	Mexico	
Asparagus Green Jumbo D	Mexico	
Asparagus Green Small DC	Mexico	
Asparagus Green St DG 11a	M	

A few issues back, we featured an article encouraging drivers to check the temperature of their refrigerated loads before accepting them. Special instructions i.e. temperature expectations should be noted on the Bill of Lading (BOL). Unfortunately, claims arising from issues related to BOL special instructions are on the rise. So, once again we ask that you carefully review your contract before signing it to know exactly what is expected of you. The following are typical examples of BOL special instructions where we have seen an uptick in claims:

- 1) **A tagged seal** may be required to ensure that the product has not been tampered with. Should that exact numbered seal not be there, your load will likely be refused — even if the load is not tainted.
- 2) **A specific temperature range** must be maintained. If the product is delivered at a different temperature, the load may be rejected. If the product is outside of the specified range before loading, it is up to you to catch it and make sure that is noted.
- 3) The product may be instructed to be **tarped at all times**. Often times, a cross-state delivery (e.g. finished wood products) requires tarps to negate any weather-related damage.
- 4) **Delivery may only be allowed between certain times**. If a shipment is delivered outside of the specified timeframe, you may be turned away. We have seen claims where a frustrated driver drops the trailer somewhere (usually an unsecured lot) so he can pick up another load. When he returns, the original load has been stolen.
- 5) **The value** of the load you're picking up **may exceed your cargo coverage**. The value of a load may or may not be noted on the BOL. However, it will be on the package invoice. Should that load exceed your cargo coverage limit, you should reject that load or contact your agent to see about increasing your coverage. The reason you have insurance is to avoid large out-of-pocket expenses, because of this some cargo is excluded from coverage unless there is a policy endorsement. Make sure you're covered.
- 6) **No double brokering**. Often times there are restrictions that state you are not permitted to let someone else deliver a load. The vetting process a shipper goes through to ensure you are a safe, responsible and real carrier would all be for naught if you then give the load to someone else — especially if you're not licensed as a broker, you don't carry coverage as a broker, and your name is on the BOL with instructions not to broker the load.

The above-mentioned scenarios are real occurrences with claims associated with them. Once a product is in your care, custody and control, you become the responsible party for its safe transport. Take extra care to read your contract before you sign and accept it and make all necessary adjustments and notations.

Prohibiting Coercion of Commercial Motor Vehicle Drivers

The Federal Motor Carrier Safety Administration (FMCSA) has adopted regulations prohibiting motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of FMCSA and commercial regulations i.e., hours-of-service limits; commercial driver's license regulations; drug and alcohol testing rules; and the Hazardous Materials Regulations. The rule took effect on January 29, 2016 and FMCSA is now accepting coercion complaints from drivers.

According to the FMCSA, coercion occurs when: 1) a driver refuses to perform a task that would violate regulatory law; 2) The driver informs the motor carrier, shipper, receiver, or transportation intermediary of the potential violation; 3) a threat or action is taken against the driver's employment or work opportunities to get the driver to comply despite the violation.

Coercion complaints must be filed in writing within 90 days of the alleged coercion action. Include as much supporting information as you have including text messages, emails, etc.

Drivers have the right to question the safety practices of their employer without the risk of losing their job or being subject to retaliation for stating a safety concern. The Occupational Safety and Health Administration's whistleblower statutes protect drivers from retaliation.

Coercion rule:

www.fmcsa.dot.gov/regulations/rulemaking/2015-30237

Whistleblower protection:

www.whistleblowers.gov



FUEL UPDATE

According to the U.S. Energy Information Association (EIA),

The U.S. retail regular gasoline price is forecast to average \$1.98/gallon (gal) in 2016 and \$2.21/gal in 2017, compared with \$2.43/gal in 2015.

The U.S. On-Highway ULS diesel price is forecast to average \$2.22/gallon (gal) in 2016 and \$2.58/gal in 2017, compared with \$2.71/gal in 2015.

In February the average retail regular gasoline price was \$1.76/gal, a decrease of 19 cents/gal from January which was the first time monthly gasoline prices averaged below \$2/gal since March 2009.

ULS Diesel averaged \$2/gal in February a decrease of 14 cents/gal from January.

EIA expects the monthly average retail price of U.S. regular gasoline and ULS Diesel to rise during the spring.



On-highway Diesel Fuel Prices			
Region	2/29/16	1/25/16	3/2/15
East Coast	2.054	2.140	3.083
New England	2.154	2.240	3.291
Central Atlantic	2.171	2.264	3.293
Lower Atlantic	1.945	2.025	2.880
Midwest	1.937	1.987	2.850
Gulf Coast	1.874	1.957	2.796
Rocky Mtns	1.881	2.015	2.779
West Coast	2.191	2.325	3.097
California	2.302	2.459	3.229

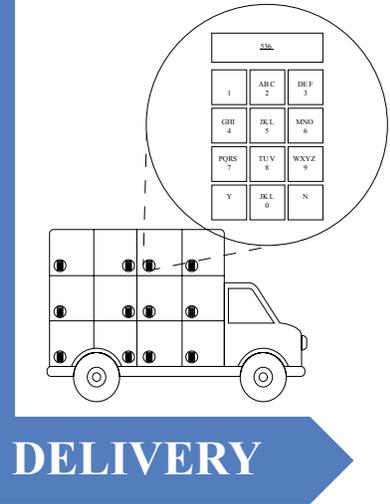
Prices listed above are diesel averages in dollars per gallon.

Up-to-date statistics are available from the Department of Energy at www.eia.gov.

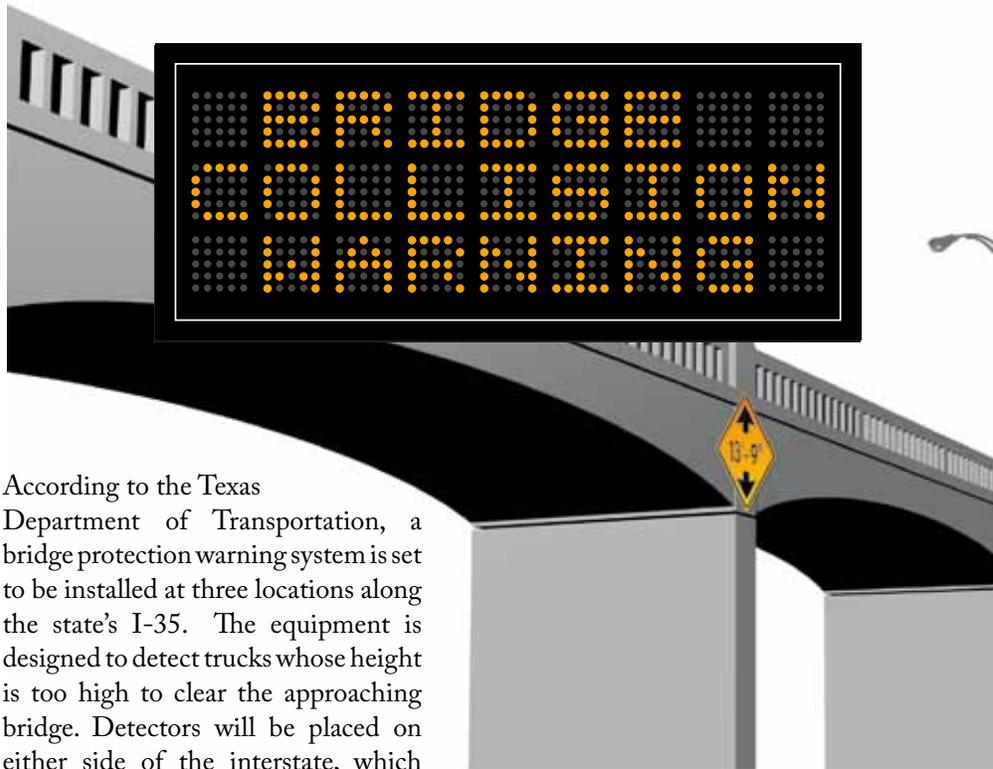
Google is on the move again.

The internet giant has been awarded a patent (US 9,256,852 B1) for an autonomous (driverless) road vehicle to be used as a package delivery system. According to the patent application, the vehicle will consist of compartment(s) similar to a locker which are accessible by a keypad and personal identification number (PIN). Scenario 1 grants the user access to the compartment and its contents once the corresponding PIN is entered. In a second scenario, the PIN grants the user access to a payment subsystem. Once payment is received, the user is then granted access to the compartment. Examples of items that could be delivered in the vehicles are direct-from-merchant packages, letters and even pizza.

AUTONOMOUS



DELIVERY



According to the Texas Department of Transportation, a bridge protection warning system is set to be installed at three locations along the state's I-35. The equipment is designed to detect trucks whose height is too high to clear the approaching bridge. Detectors will be placed on either side of the interstate, which when activated, will communicate with roadway signs whose beacons will begin flashing. Additionally, alerts will be sent to TxDOT's traffic management center CTECC and the Texas Department of Motor Vehicles advising them of a potential collision. Should the warning system prove to be successful, duplication across the country would likely ensue.

It is imperative that drivers know the height of their truck, cargo and any height restrictions along their route. If/when an overheight truck strikes a bridge, it can cause injury, death, traffic to grind to a halt and put other motorists at risk causing physical, mental and financial burdens.

The \$412,000 project is funded by the Federal Motor Carrier Safety Administration's Commercial Vehicle Information Systems and Networks grant through the TxDOT. Work is scheduled to begin in February and completed later this summer.



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CARRIERS ASSOCIATION**
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CERRITOS, CA 90703-3190

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US POSTAGE
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4 Roadtalk Newsletter

PROPOSED RULE! FMCSA Safety Fitness Rating

The Federal Motor Carrier Safety Administration (FMCSA) announced a rulemaking proposal designed to enhance the Agency's ability to identify non-compliant motor carriers. The Safety Fitness Determination Notice of Proposed Rulemaking would update FMCSA's safety fitness rating methodology by integrating on-road safety data from inspections, along with the results of carrier investigations and crash reports, to determine a motor carrier's overall safety fitness on a monthly basis.

The proposed rule would replace the current three-tier rating system of "satisfactory/conditional/unsatisfactory" with a single determination of "unfit".

The new methodology would use a fixed failure threshold instead of an

industry average threshold so that a carrier's status would not be affected by other carriers' performance.

The proposed rule would require that a significant pattern of non-compliance be documented in order for a carrier to fail a BASIC.

When assessing roadside inspection results, the proposal uses a minimum of 11 inspections with violations in

a single BASIC within a 24-month period before a motor carrier could be identified as "unfit."

The public comment period will be open until March 21 with an additional 30 days for response comments.

Enter comments at "www.regulations.gov, use RIN No. 2126-AB11

"Carriers that we identify as unfit to operate will be removed from our roadways until they improve."

FMCSA Acting Administrator Scott Darling



Enter to Win One of Three \$500 Scholarships

AHCA's 2016 scholarship contest is quickly coming to a close. The contest is designed to provide financial aid to the children or grandchildren of our good-standing members. Simply complete the 2016 application (available online at ahcaonline.com or by contacting AHCA direct) and attach it with the requested documentation. All entries must be submitted to AHCA by June 1, 2016. GOOD LUCK! The number of scholarships awarded are commensurate to the number of applicants with a maximum of three \$500 scholarships awarded.