

Solid Waste Association Of North America (SWANA) Wisconsin Chapter

DOT Requirements For Waste Haulers

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Department of Transportation (DOT)

- Federal and State DOT
- WI has a State DOT
- Responsible for all things related to transportation of goods and services by road, rail, waterway, air.
- Both Federal and State enforcement
- **WI DOT <http://www.dot.state.wi.us>**



DOT Requirements for Waste Haulers

- Driver Qualification Files
- Drug & Alcohol program
- Hours of Service
- Maintenance Programs
- Haz Mat licensing and training
- CDL Requirements



What is a Commercial Motor Vehicle?

- Per section 49 Federal Motor Carrier Safety Regulations (FMCSR), part 390.5 rule:
 - Gross Vehicle Weight Rating (G.V.W.R.) and/or combination weight of 10,001 pounds or more.
 - Is designed or used to transport more than 8 passengers (including the driver) for compensation.
 - Is designed or used to transport 15 passengers, (including the driver) and is not used for compensation.
 - Is used in transporting hazardous materials.



What is in a Driver Qualification File?

- Application for Employment as a Driver §391.21
- Request for Information from Previous Employer §382.413 and §391.23
- Copy of Driver's current D.O.T. Medical Card §391.43(d)
- Record of Road Test §391.31(g) See §391.33 *for waiver*
- Photocopy of Driver License §391.33
- Annual Review §391.25
- Record of Violations §391.27
- Motor Vehicle Record §391.23
- Truck Driver Data Sheet §395.8(j)(2)
- CDL holder's negative pre-employment drug screen (completed- paperwork in hand §382.301)
- Testing info from driver (§382.301- 40.25(j))
- Controlled Substance and Alcohol Policy and Training Verification §382.601—*if required by part 382*
- Subpart E- Entry Level Training: §380.503
- Hazardous Material Training Certificate *-if required*

Drug and Alcohol Programs

- Written program in place
 - Conduct prohibited
 - Testing requirements
 - Collection and testing procedures
 - Review of results
 - Consequences of results
- Drug and Alcohol testing as required by DOT rules
 - Pre-employment
 - Random
 - Reasonable Suspicion
 - Post Accident
 - Return to Duty



Hours of Services

- The purpose of the Hours-of-Service regulations is to keep fatigued drivers off the highway. Under the rules for property-carrying commercial motor vehicles, a driver may NOT drive such a vehicle:
 1. More than 11 hours following 10 consecutive hours off duty; or
 2. Beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty; or
 3. After being on duty more than 60/70 hours in any 7/8 consecutive days.
 4. 100 Air Mile Rule- If traveling within 100 air miles do not need to keep a log book of hours driven.
 - Vehicle must return nightly
 - Driver released from work within 12 consecutive hrs
 - Not exempt from 60hr/7day or 70hr/8day rule
 - Time card acceptable documentation



Vehicle Maintenance & Inspection

- Required to systematically maintain vehicles, intervals determined by company
 - Regular intervals determined by miles or time
- Annual DOT Maintenance Inspection required and documented
- Post-Trip/Pre-Trip DVIR's



Driver Vehicle Inspection Reports (DVIR)

- Post Trip Inspection- A vehicle inspection must be completed by any driver at the **completion** of each days work
- Pre Trip Inspection- The driver for the next days work, must sign-off that the vehicle is fit for duty
- Maintenance issues determined from the Post Trip inspection must be completed prior to the vehicle being back on the road- Mechanics must sign-off on Post Trip DVIR.

Commercial Drivers License Requirements?

- Commercial driver licenses (CDL) are required to operate vehicles that:
- Weigh over 26,000 pounds, determined by the highest of the following weights:
 - manufacturer's gross vehicle weight rating (GVWR)
 - manufacturer's gross combination weight rating (GCWR)
 - actual weight
 - registered weight
- Carry hazardous materials that require placarding under federal law.
- Are designed or used to carry 16 or more persons including the driver. (Buses and some school buses.)
- WI CDL Classification:
 - Class A – GVW over 26,000lbs and towed vehicles over 10,000lbs
 - Class B – GVW over 26,000lbs and towed vehicle under 10,000lbs
 - Class C – GVW less than 26,000lbs & towed vehicle under 10,000lbs, & any vehicle carrying Hazardous Materials requiring placarding, & vehicles designed to carrier 16 people including the driver.
 - Class D- Automobiles, light trucks and mopeds

WI CDL Disqualifications – **See Handout**



DOT Audits- Who does it apply to?

- Employers that operate Commercial Motor Vehicles involved in transport of property or passengers in intrastate and or interstate commerce. This includes waste haulers.
 - Wisconsin has adopted the Federal Motor Carrier Safety Regulations in effect on October 1, 2008.
- What happens when a waste hauler is selected for a compliance audit?
 - Usually have 48hrs to prepare
 - 48hrs does not include weekends and holidays
 - Fed or State auditor will go to main office and audit all documents and records related to DOT requirements
 - Info on Compliance Reviews can be found on-line:
 - <http://www.dot.state.wi.us/statepatrol/docs/compliance-rev-brochure.pdf>



How are Waste Hauler's selected for an audit?

- A visit from a Department of Transportation (Federal or State) official to conduct a compliance review may be triggered by any number of factors.
- New companies (or companies who have never been audited)
- Follow-up to a conditional or unsatisfactory rating
- An investigation of a safety-related complaint which is deemed valid and serious enough to warrant a compliance review
- A high-profile or fatal accident
- High percentage of Out of Service violations



Records a Waste Hauler must Produce during a Safety Audit

- Proof of financial responsibility; (Insurance)
- Driver qualification files (including all required forms);
- Drug and alcohol testing records (if applicable);
- Records of duty status and supporting documents;
- Driver vehicle inspection reports and maintenance records;
- Hazardous materials records (if applicable); and
- An accident register and copies of all accident reports required by state or other governmental entities or insurers.
- A new Waste Hauler will be reviewed, generally after the first 90 days of operation to see if sufficient safety management controls are in place and if they are in compliance with the FMCSR's.



What you can expect from a Roadside Inspection.

- Conducted at Weigh Stations, by State Patrol using portable scales. Can happen anywhere on public roadways.
- Physical inspection of vehicle
- Inspection of records and documents drivers are required to have while driving a CMV
- Out of Service orders and possible fines may be issued to **driver** and **company**.
- Companies out of service records and DOT status can be found by looking at SAFER report.
- <http://www.saftersys.org/CompanySnapshot.aspx>



Wells Fargo Insurance Services

Ohhhh...
My aching back.





HOW ARE WORKERS COMPENSATION INSURANCE COSTS DEVELOPED?

- Class of Business is determined- Rate per \$100 payroll filed with insurance commission.
- Payroll is determined for each class- drivers, clerical, warehouse, etc
- Pure premium is Rate X Payroll
- Experience Mod Multiplier factored
- Dividends Calculated
- Adjusted Premium Calculated
- Adjusted premium = what Company pays.



What is the Experience Mod Factor?

- A procedure utilizing past insurance experience of the policyholder to forecast or predict future losses.
- For example, the 2009 experience mod is based on the following years loss experience 2007, 2006, 2005 (*skip a year to close open claims*)
- The Mod Factor is then used as a multiplier when determining WC premiums. (see example)



The Cost of the Experience MOD - Example

- Unadjusted Premium = \$300,000
- 1.0 MOD = \$300,000 Premium

- MOD increases to 1.37
37% of \$300,000 = \$111,000
- Premium = \$411,000 (37% increase)

- MOD decrease to .80
20% of \$300,000 = \$60,000
- Premium = \$240,000 (20% decrease)

Difference between 1.37 and .80 = \$171,000



Premium Calculation

Mod History

- 2000- 1.14
- 2001- 1.66
- 2002- 1.78
- 2003 -1.49
- 2004- 1.40
- 2005- 1.31
- 2006- 1.67
- 2007- 2.14
- **2008- 2.14**

Current WC Premium Calculations

- 8742 Sales \$1,060
- 8810 Clerical \$3,295
- 9402 Street Clean \$138,510
- Subtotal \$142,865
- **Exp Mod \$164,494**
- **Foreign Terrorism \$927**
- **Expense Constant \$200**
- Fund Assessment \$12,367
- **TOTAL PREMIUM \$320,482**



The Cost of an Injury

ACCIDENT Cost	IF YOUR COMPANY PROFIT MARGIN IS:					
	1%	2%	3%	4%	5%	10%
\$1,000	\$100,000	\$50,000	\$33,333	\$25,000	\$20,000	\$10,000
\$5,000	\$500,000	\$250,000	\$166,666	\$125,000	\$100,000	\$50,000
\$10,000	\$1,000,000	\$500,000	\$333,333	\$250,000	\$200,000	\$100,000
\$25,000	\$2,500,000	\$1,250,000	\$833,333	\$625,000	\$500,000	\$250,000
\$100,000	\$10,000,000	\$5,000,000	\$3,333,333	\$2,500,000	\$2,000,000	\$1,000,000

Source: National Safety Council Safety + Health, July 1997

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Lost Time Claims vs. Medical Only Claims?

- Medical Only Claims are given a 70% reduction in the Experience MOD calculation

Example:

- \$1,000 Medical Only Claim would only impact the Experience MOD by \$300
- \$1,000 Lost Time Claim would impact the Experience MOD by \$1,000



QUESTIONS?