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PROGRESS CONTINUES ON ELD ENFORCEMENT

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NDMCA STAFF

OFFICE MANAGER
Kacey M. Heidrich kacey@ndmca.org

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The North Dakota Motor Carriers Association has been publishing the Rolling Along magazine since 1948. Each issue provides members with information concerning their association and the issues impacting the trucking industry.



Rolling Along is published quarterly (April, July, October and January) by the North Dakota Motor Carriers Association. Statements of fact and opinion are the responsibility of the authors alone and do not imply an opinion on the part of the officers, members or staff of the North Dakota Motor Carriers Association.

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MAY 21, 2020

VIRTUAL WORKSHOPS

Hazardous Material Basics and Exemptions

This course discusses the minimum requirements that are applicable to carriers, vehicles and drivers that transport any quantity of Hazardous Materials. This would include the companies transporting equipment or supplies used in their business that is not exempted. The course will also explore the exemptions that a company/carrier may be able to use and the requirements that must be met when the exemption is claimed.

Commercial Driver's License Overview

The applicability of a CDL is discussed, the different CDL classes as well as endorsement requirements as they apply to HM and cargo tanks. Farm cooperative exemptions, nurse tanks, and restricted CDL requirements will also be covered.



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MESSAGE FROM THE PRESIDENT

HELLO MEMBERS,

With the exit of Mike Gerhardt our Executive Vice-President, I would like to praise Kacey for holding the day to day operations together. I would also like to praise Wally Keller for going beyond the call of duty as well. The search committee has been busy putting options together that will be best for our members and our association.

I think all of us can agree that our world as we knew it has been flipped upside down. I wanted to thank all our members for what they do for our industry. Right now the transportation industry is receiving much gratitude for the hard work and sacrifices we endure. I would like to thank Mark Wolter and Melissa Dixon for helping organize the Truck Driver Appreciation events that were held on April 1st and 8th.

We have an Online Safety Seminar May 21. Please sign-up yourself or your employees for this great learning session.

This year, I am sad to announce that due to COVID19 we will be cancelling our annual Truck Driving Championship. This would have been our 29th year in North Dakota. I would like to thank Mark Wolter for organizing this great event over the years.

Again, thank you all for your support and have a great spring and summer.

PAT



PAT SEVERSON



WELCOME NEW MEMBERS

The North Dakota Motor Carriers Association would like to welcome the following new members, who joined with the Association between October 2019 and April 2020. We look forward to working with you in the years to come.

- Nova Energy, Williston ND
- Precise Transport, Minot ND
- Arthur Companies, Arthur ND
- DG Trucking & Excavating, Bismarck ND
- Estvold Oilfield Services, New Town ND
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CVSA POSTPONES ROADCHECK DUE TO CORONAVIRUS CRISIS

This year's International Roadcheck, originally set for May 5-7, has been postponed due to coronavirus concerns. A rescheduled date will be announced later, the Commercial Vehicle Safety Alliance said in a March 25 statement.

However, Operation Safe Driver Week still is scheduled for July 12-18, and Brake Safety Week still is set for Aug. 23-29, CVSA said.

"The alliance will monitor the status of the coronavirus (COVID-19) pandemic and appropriately select the new dates when it's safe and reasonable to do so," CVSA said. "Once the rescheduled dates have been selected, CVSA will notify the commercial motor vehicle enforcement community, the motor carrier industry, the press and the public."

John Samis, a sergeant with the Delaware State Police and CVSA president, said, "As we urgently respond to this time-sensitive crisis, we must remain diligent and committed to ensuring that the commercial motor vehicles and drivers providing essential goods and services to our communities are following motor carrier safety regulations. Safety doesn't take a break. It is always our top priority." International Roadcheck has run on schedule for the past 32 years. So its postponement was "thoroughly and thoughtfully discussed" before CVSA made the decision, Samis said.

"This experience is unprecedented in our modern society, and we need to do all that we can to help stop the spread of this global pandemic," he added.

CVSA said it will closely monitor the coronavirus outbreak, follow guidance from public health expert leadership, and promptly notify its membership and industry stakeholders of the rescheduled Roadcheck dates and the status of future scheduled enforcement campaigns.

Plans called for this year's 72-hour, stepped-up Roadcheck enforcement effort to focus on the category of driver requirements.

Of the 3.36 million inspections conducted last year, 944,794 were cited in the driver requirements category, according to the Federal Motor Carrier Safety Administration's fiscal 2019 data. A total of 195,545 of those driver violations were for out-of-service conditions, CVSA said.

Some of the common driver requirement violations have included failure to show proof of medical qualifications, insurance and vehicle registration, detected drug or alcohol use, failure to wear a seat belt and presenting an inspector a false record-of-duty status.



TAX DAY NOW JULY 15

Treasury, IRS extend filing deadline and federal tax payments regardless of amount owed

The Treasury Department and Internal Revenue Service announced that the federal income tax filing due date is automatically extended from April 15, 2020, to July 15, 2020.

Taxpayers can also defer federal income tax payments due on April 15, 2020, to July 15, 2020, without penalties and interest, regardless of the amount owed. This deferment applies to all taxpayers, including individuals, trusts and estates, corporations and other non-corporate tax filers as well as those who pay self-employment tax.



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TRUCK CRASH FACTS FROM UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

The number of crashes involving trucks was 77 percent greater in 2018 than in 2008, increasing between 2016 to 2018 after decreasing the previous two years, according to an analysis of crash data from the Upper Great Plains Transportation Institute (UGPTI) at NDSU.

The institute tracks trends in crashes across the state in collaboration with the North Dakota Department of Transportation and the North Dakota Highway Patrol. The data is used to identify high risk areas for road safety improvements or enforcement efforts, according to Kimberly Vachal, director of UGPTI's Rural Transportation Safety and Security Center.

"Trucks are an important mode of economic connectivity in rural states like North Dakota," Vachal notes. "However, the size/mass difference between an 80,000-pound truck and a 4,000-pound passenger vehicle along with operational differences like acceleration and deceleration times and turning radiuses heightens the risk for crash events. Consequently, it's important to monitor crash and injury levels as well as the increased safety-related interactions between trucks and passenger vehicles in the state."

In January, the center published a North Dakota Truck Crash Facts Issue Brief (<https://www.ugpti.org/rtssc/briefs/downloads/2019-truck-crash-facts.pdf>), highlighting some of the trends across the state.

Key points from the brief include:

Injury Crashes Injury crash incidence, by vehicle miles traveled, was highest on non-interstate road systems in 2018. Truck injury crashes were multi-vehicle in 68% of occurrences. Angle and rear-end crashes made up 77% of this group of injury crashes.

Citations In crashes involving other vehicles, truck drivers were cited in 24% of the cases compared to 42% for other drivers. Care required was the most commonly issued citation in all crash categories, but was considerably higher in single versus multi-vehicle truck crashes, 75% and 27% respectively. DUI and failure to yield, each issued in 14% of cases, were most commonly cited for the other vehicle driver. Failure to yield, reported in 20% of cases, was the second most common citation for truck drivers in multi-vehicle crashes.

Contributing Factors Weather was the largest contributing factor in all crash categories, 14% for single truck crashes. It was also a frequently a contributor for multiple vehicle crashes involving trucks. It was a contributing factor for the truck in 22% and 15% of the vehicles involved for trucks and others, respectively. Speeding and driving too fast for conditions combined for 15% of contributing factors in both single and multi-vehicle truck crashes.

Other Characteristics 40% of truck crashes occurred at intersections or were intersection-related, 25% occurred on hills and/or curves, and 54% were non-junction crashes. Rollovers were the most common harmful event of single vehicle truck serious injury (includes fatal and disabling injuries) crashes at 19%. More serious injury crashes (56%) occurred during the second half of the calendar year. Serious injury crashes were more frequent at the start of the week (18% and 17% of truck crashes occurred on Monday and Tuesday, respectively), and declined on the weekend (9% of truck crashes occurred on both Saturday and Sunday).

Restraint Use Restraint use by truck occupants in serious injury crashes exceeded use by other vehicle occupants in all years until 2018. Use by truck occupants has fallen from a high of 84% in 2008 to 69% in 2018.

Oil-Producing Region There is a continued prevalence of truck-involved injury crashes in North Dakota's oil-producing region. McKenzie, Williams, and Mountrail counties accounted for 42% of truck-involved fatal and injury crashes in the state from 2014-2018.

“Trucks are an important mode of economic connectivity in rural states like North Dakota.”



INDUSTRY PARTNERSHIP PROGRAM

The North Dakota Motor Carriers Associations Industry Partnership Program is designed to provide for opportunities and recognition for levels of support to the Association. Sponsorship is open to both Allied and Carrier members. Levels are based on annual investments in Association sponsorship opportunities by an annual contract paid in full, quarterly or monthly or can be done on an event by event basis. Registration fees, booth fees and membership fees are not included in the calculation.



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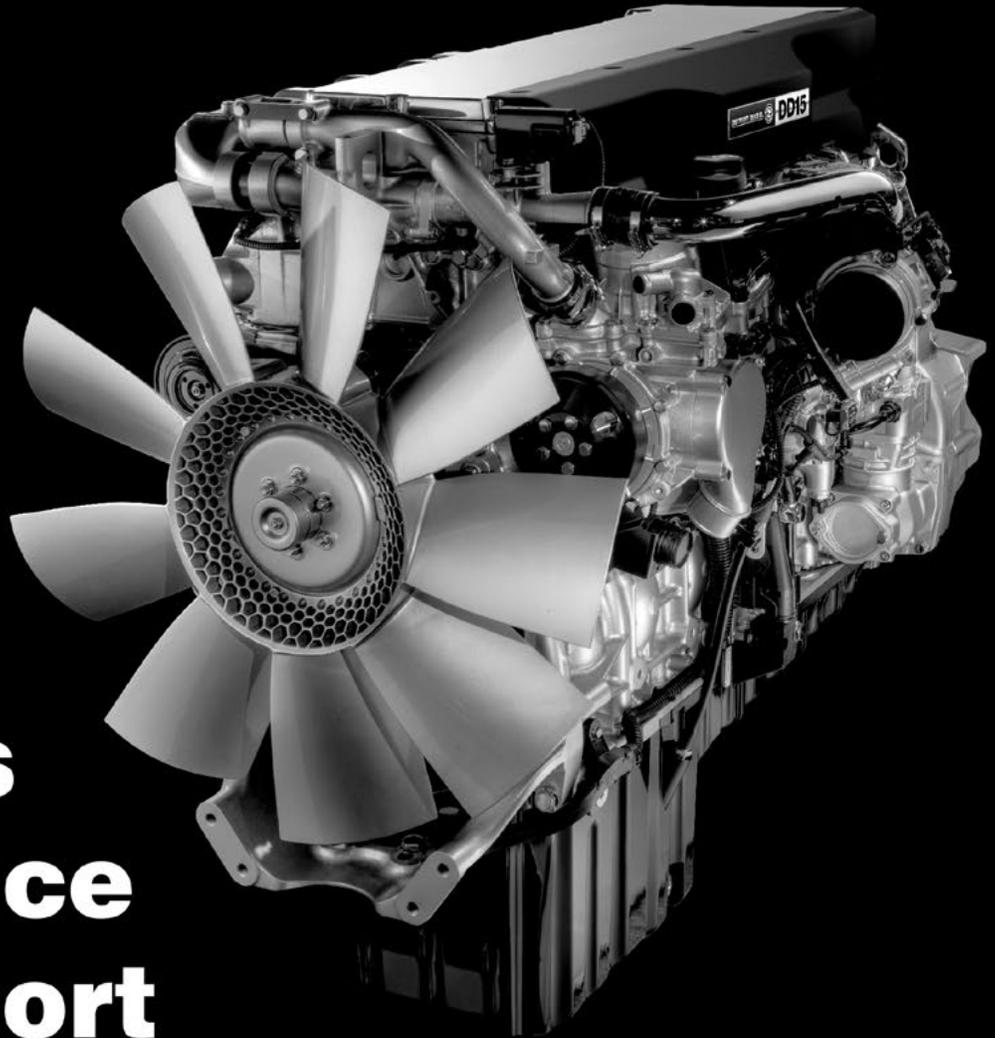
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FMCSA COVID-19 DRUG & ALCOHOL TESTING GUIDANCE

To help ensure the safety and well-being of everyone, FMCSA is providing the following guidance in effect until June 30, 2020.

Recommended actions for FMCSA-regulated employers unable to conduct:

Random Testing

You are required by 49 CFR 382.305(k) to ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year. DOT guidance further recommends that you perform random selections and tests at least quarterly.

If, due to disruptions caused by the COVID-19 national emergency, you are unable to perform random selections and tests sufficient to meet the random testing rate for a given testing period in order to achieve the required 50% rate for drug testing, and 10% for alcohol testing, you should make up the tests by the end of the year. You should document in writing the specific reasons why you were unable to conduct tests on drivers randomly selected, and any actions taken to locate an alternative collection site or other testing resources.

Pre-Employment Testing

If you are unable to conduct a pre-employment controlled substances test, in accordance with 49 CFR 382.301(a), you cannot allow a prospective employee to perform DOT safety sensitive functions until you receive a negative pre-employment test result, unless the exception in 49 CFR 382.301(b) applies.

Post-Accident Testing

You are required to test each driver for alcohol and controlled substances as soon as practicable following an accident as required by 49 CFR 382.303. However, if you are unable to administer an alcohol test within 8 hours following the accident, or a controlled substance test within 32 hours following the accident, due to disruptions caused by the COVID-19 national emergency, you must document in writing the specific reasons why the test could not be conducted, as currently required. See 49 CFR 382.303(d) and FMCSA Guidance at: <https://www.fmcsa.dot.gov/regulations/drug-alcoholtesting/commercial-motor-vehicle-operator-involved-accident-which>

Reasonable Suspicion Testing

You should document in writing the specific reasons why the test could not be conducted as required; include any efforts you made to mitigate the effect of the disruption, such as trying to locate an alternative collection site. This documentation should be provided in addition to the documentation of the observations leading to a test, as required by 49 CFR 382.307(f). Follow current regulations addressing situations in which reasonable suspicion testing is not conducted, set forth in 49 CFR 382.307(e)(1), (2).

Return-to-duty (RTD) Testing

In accordance with 49 CFR 40.305(a), you must not allow the driver to perform any safety-sensitive functions, as defined in 49 CFR 382.107, until the RTD test is conducted and there is a negative result.

Follow-up Testing

If testing cannot be completed, you should document in writing the specific reasons why the testing could not be conducted as in accordance with the follow-up testing plan; you should include any efforts you made to mitigate the effect of the disruption, such as trying to locate an alternative collection site. You should conduct the test as soon as practicable.

This guidance document does not have the force and effect of law and is not meant to bind the public in anyway. This guidance is intended only to provide clarity regarding existing requirements under the law.

HACKERS TARGET LOGISTICS

The following article originally appeared in DC Velocity. You may read more and get a free subscription at DCVelocity.com

Cybersecurity threats are on the rise across the consumer and business-to-business sectors, and the logistics industry is a prime target, according to research from testing and certification firm TÜV Rheinland, released earlier this month.

The research is part of TÜV Rheinland's 7th annual report on cybersecurity trends, which reveals the growing threat of cyberattacks to society at large and lists seven trends to watch in 2020. The rise of digitalization is at the heart of the matter, the researchers said.

"From our point of view, it is particularly serious that cybercrime is increasingly affecting our personal security and the stability of society as a whole," explains Petr Láhner, executive vice president of industry service and cybersecurity at TÜV Rheinland.

“One of the reasons for this is that digital systems are finding their way into more and more areas of our daily lives. Digitalization offers many advantages—but it is important that these systems and thus, the people, are safe from attacks.”

Threats to smart supply chains and the ocean shipping sector are among seven key trends security experts say are on the rise in 2020. They say hackers are targeting smart supply chains—which leverage the Internet of Things (IoT) automation, robotics, and big data management—to manipulate finance, inventory, and other processes. On the shipping side, they say increasing digitalization has left ocean transport and port logistics vulnerable to attacks, as well, making “monitoring and understanding a key factor in modern maritime cybersecurity.”

Five cybersecurity trends to watch in 2020 include:

- uncontrolled access to personal data, which is leaving society at large vulnerable to attacks;
- a rise in smart consumer devices that are vulnerable to attack;
- a rise in personal medical devices that are also vulnerable to attack;
- risks to the “connected” vehicle and transport infrastructure;
- and the vulnerability of real-time operating systems.



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2020 NDMCA SAFETY AWARDS

Each year the North Dakota Motor Carriers Association gathers at our annual convention to give special recognition to industry professionals who go above and beyond and show an unwavering commitment to safety. Awards given in 2020 are in recognition for achievements in the previous year. NDMCA offers awards in the following categories:

- **Fleet Safety Awards**
- **Service Technician of the Year**
- **Service Manager of the Year**
- **Safety Professional of the Year**
- **Driver of the Year**

WHO WILL YOU NOMINATE?

Nomination forms can be found online at www.ndmca.org and be submitted by email or by mail.

**Nomination forms must be submitted to NDMCA
by the close of business on Friday, June 12th, 2020.**

Nominations are reviewed by an independent committee. Not all awards will be given each year as they are dependent on the quality of the nominations submitted.



NORTH DAKOTA MOTOR CARRIERS ASSOCIATION LAUNCHES NEW WEB STORE

Recently the North Dakota Motor Carriers Association (NDMCA) launched a new store on its website. The new store can be accessed either directly at www.shopndmca.org or through the link on the www.ndmca.org home page.

The store will feature all of the previous products that were available through NDMCA as well as some new products.

“We are really excited to be able to offer our members and customers all the safety solutions and products they need in a more user friendly application.”

– Kacey Heidrich NDMCA Office Manager.

The store will begin to feature new products over the course of the next few months. NDMCA members can receive their 10% discount by using code “member20” at checkout.



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2020 NDMCA TRUCK DRIVING CHAMPIONSHIP CANCELLED

The NDMCA Executive Committee met via conference call to discuss the events set to be held in Fargo on June 6th. Due to the uncertainties of COVID-19, the guidance from the Governor of North Dakota, the ATA, and to protect the health and safety of participants and volunteers alike, the decision was made to cancel the competition for 2020.

Anyone who has registered to participate will receive a full refund and NDMCA’s website will reflect the cancellation.

The 2021 NDMCA Truck Driving Championship will be held June 5, 2021



PROGRESS CONTINUES ON ELD ENFORCEMENT, PROPOSED HOS CHANGES

Enforcement of the federal electronic logging device mandate is progressing, and regulators are working to finalize a proposal to add flexibility to driver hours-of-service rules, government and industry officials said.

ELD enforcement data indicates that law enforcement officers are becoming more comfortable with the technology and the data transfer process, said Joe DeLorenzo, acting associate administrator for enforcement at the Federal Motor Carrier Safety Administration.

He made the comments during a Feb. 17 panel discussion at trucking technology supplier Omnitracs' Outlook 2020 user conference.

The ELD mandate, which took full effect in December, requires most longhaul truck drivers to record their HOS information with ELDs rather than paper logbooks.

Violations for exceeding daily and weekly HOS limits have dropped to about half of what they were prior to ELD implementation, DeLorenzo said.

He also cited an "interesting curve" in violations for driver log falsification.

"We had a large dip in violations for falsification," he said. "But as officers got comfortable with it, that level of violations per inspection for false records is higher than it's ever been before, which means now law enforcement has figured out what the tricks are, and how easy it is to find the falsifications."

DeLorenzo said that learning process should continue over the course of the year.

"We need this next six or 12 months to really solidify that learning, get everybody used to it, and the more we can get data transfer done, that's better for everybody," he said.

Driver knowledge plays a very important role in making ELD inspections go smoothly, added Kerri Wirachowsky, director of the roadside inspection program at the Commercial Vehicle Safety Alliance.

"Ensure your drivers are trained on how to use the device," she said. As trucking companies and law enforcement in the United States continue to adapt to the ELD rule, Canada is preparing to implement its own ELD mandate in June 2021.

Unlike the United States, which has relied on ELD vendors to self-certify their own devices, Canada is requiring all ELDs to be independently certified by third parties, said Mike Millian, president of the Private Motor Truck Council of Canada.

But those third-party certifications have not yet begun. Millian predicted that this June will be the earliest the industry will see a certified device on the market for Canada.

In another departure from the U.S. approach to ELDs, Canada's regulation will not include a grandfather provision for older e-log systems known as automatic onboard recording devices, or AOBDRs. Over the past two years, the now-expired grandfather period for AOBDRs in the United States was a source of confusion at roadside because drivers often did not know if their e-log devices were AOBDRs or ELDs, Wirachowsky said.

"That driver thinks it's an ELD whether it is or not," she said. Meanwhile, FMCSA continues to review public comments on its proposal to add flexibility to the HOS regulation.

Completing that rule is one of the agency's top priorities, DeLorenzo said. However, any changes to HOS are a complex matter, he said, likening the process to threading a needle.

"The goal here with this rule, we said from the very beginning, has been to provide some flexibility in those rules, and use that flexibility to improve safety," he said. "I think we're well on our way to doing that."

DeLorenzo also acknowledged that motor carriers operate in a different environment today than they did in 2003 when the 14-hour rule was established.

"An awful lot has changed in the industry since 2003," he said.

"Just-in-time delivery wasn't a thing. Amazon wasn't a thing. Traffic certainly was not what it is now. Infrastructure was not what it is now."

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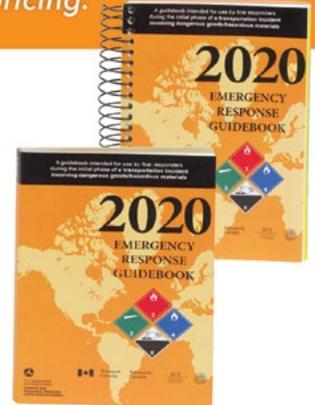
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NDHP PERMITTING OFFICE UPDATES

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Sign up now at <https://public.govdelivery.com/accounts/NDHP/subscriber/new>

In the Gov Delivery App, carriers will be able to sign up for texts showing immediate road closures for oversize loads. You will also have the option to receive emails. You can pick what items you want emailed such as office closures, holiday restrictions, training classes etc. We are hoping to have that completed shortly.

On March 24th, Governor Burgum removed spring weight restrictions with the stipulation of being able to put them back on with roads showing damage.

Please continue to watch the NDDOT website for updates.

<https://www.dot.nd.gov/travel-info-v2/>

The NDHP has a customer survey out. Please take time to complete the portion on permits. We greatly appreciate your response.

You can find the survey at https://www.surveymonkey.com/r/NDHP_2020_websiteLink.

Your answers help us to improve.

NDDOT OFFERING CDL SERVICES BY APPOINTMENT ONLY

The North Dakota Department of Transportation (NDDOT) is now scheduling appointments for commercial driver license (CDL) knowledge and road tests, as well as adding endorsements. CDL services are available by appointment only and walk-ins will not be accepted at this time.

CDL appointments began Monday, March 30, and are only available to CDL drivers and temporary agricultural workers (H-2A). If you already have an appointment scheduled, you will be contacted by NDDOT with further instruction prior to your appointment.

Appointments can be scheduled by calling:
NDDOT at 701-328-3489 or toll free 1-855-633-6835
Monday thru Friday from 8:00 a.m. to 4:30 p.m.

For CDLs due for renewal on or after March 1, 2020, the Federal Motor Carrier Safety Administration has extended CDL expirations until June 30 across the U.S. CDL holders that have a medical certification card issued for a period of at least 90 days and that expire on or after March 1, 2020, are valid until June 30, 2020.

Governor Burgum's Executive order 2020-07 waives the expiration date on all driver licenses which expire from March 1, 2020, until the declared disaster has ended.

For more information about online driver license and motor vehicle services visit www.dot.nd.gov.

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2020 UPCOMING EVENTS

MAY 21

- Hazardous Material Basics and Exemptions (see page 2)
- Commercial Driver's License Overview (see page 2)

JULY 14 – Bismarck
JULY 16 – Fargo

- Hours of Service/Driver Qualification File Maintenance
- Reducing Liability and Growing Safety in The Trucking Industry
This training will provide an overview of hours of service, HOS exemptions, and ELD requirements. Driver qualification requirements will be discussed including meeting the medical certification record maintenance requirements and controlled substances and alcohol clearinghouse requirements.

SEPT 21
Fargo Country Club

- Foundation Golf Tournament

SEPT 21-23
Holiday Inn, Fargo

- NDMCA 75th Annual Convention

OCT 13-14 – Bismarck
OCT 20-21 – Fargo
OCT 27-28 – Williston

- Dot Safety Compliance and Maintenance Seminars
Day 1 provides an understanding of compliance with FMCSA Regulations. The course is designed to provide a comprehensive review of regulations and how to prepare and what to expect during an audit. Day 2 provides an overview of what is required to perform the required annual inspection.

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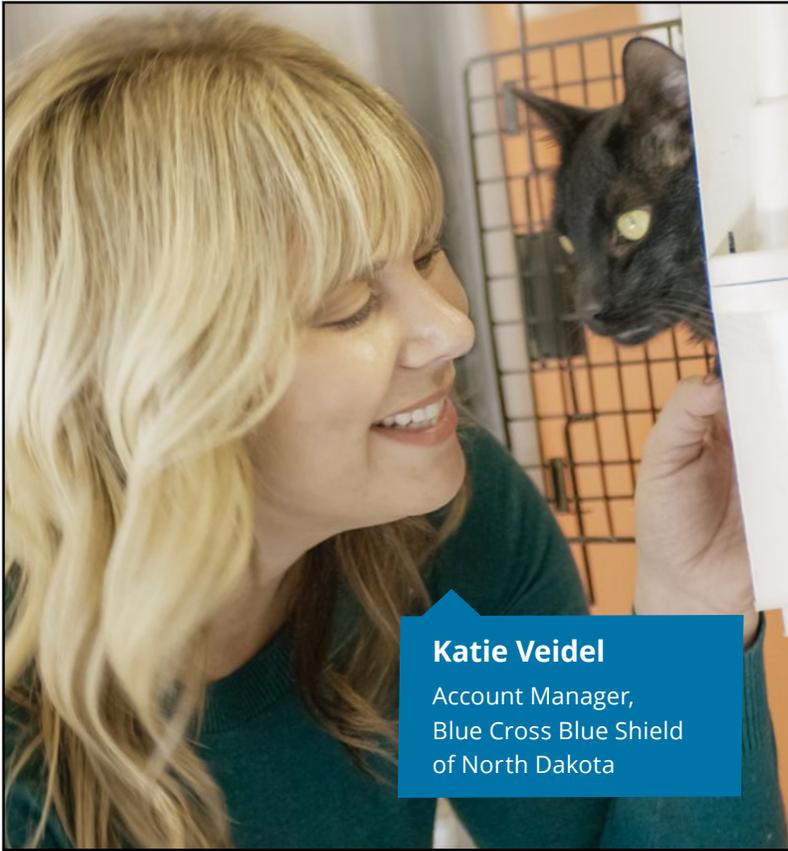
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