

# PUBLIC TRANSPORTATION **REPORT**

Issue 1//2012

Protective Insurance Company



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## FMCSA Cracks Down on Commercial Passenger Vehicle Safety

During its annual Passenger Carrier Safety Inspection Strike Force last fall, the Federal Motor Carrier Safety Administration (FMCSA) conducted more than 8,000 surprise inspections of motor coaches, tour buses, school buses and other commercial passenger vehicles. The inspections resulted in 902 unsafe vehicles or drivers being removed from the roadways. Violations included employing drivers without the required medical qualifications, abusing hours-of-service rules, operating without proper insurance, and using vehicles that were not regularly inspected and repaired.

Over the last five years, FMCSA has doubled the number of bus inspections in an effort to protect the traveling public and remove unsafe bus companies. In addition, the U.S. Department of Transportation (DOT) is educating consumers on how to evaluate bus companies by providing a "Think Safety: Every Trip, Every Time" checklist on their website, [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

It's critical that you stay in compliance with safety rules and regulations. Resolve to continue making safety a top priority at your company. ■



## Do's and Don'ts of Railroad Crossings

More than 3,000 highway-rail grade crossing incidents occur each year, some of which involve buses, according to the Federal Motor Carrier Safety Administration (FMCSA). These incidents often result in injury and sometimes even death. Your drivers need to be aware of the specific actions required to safely cross railroad tracks in order to prevent collisions and stay in compliance with federal, state and local regulations.

According to Part 392.10 of FMCSA's Rules and Regulations, buses are required to fully stop at every railroad crossing, regardless of whether or not there is a train approaching. They must stop within 50 feet of,

and not closer than 15 feet to, the tracks. Upon confirming there is no train approaching, the driver may proceed across the tracks.

Not following these regulations will result in a driver's commercial driver's license (CDL) being disqualified immediately. For the first conviction, the driver will be disqualified for no less than 60 days. A second conviction will result in disqualification for no less than 120 days. And for third or subsequent convictions, the driver will be disqualified for no less than one year. Refer to Table 3 in FMCSA's Rules and Regulations Part 383.51 for a complete list of actions that can result following a conviction. ➤➤

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Protective Insurance Company is offering free copies of the following handout card while supplies last:  
**Highway-Rail Grade Crossings: 7 Steps for Safety**  
To order this handout, contact the Loss Prevention Resource Library at (317) 636-9800  
or email your request to [publictransportation@protectiveinsurance.com](mailto:publictransportation@protectiveinsurance.com).

➤ **DO** look out for warning signs indicating a crossing is ahead

• **Advance warning sign:**

Round, black and yellow warning sign placed ahead of a public railroad-highway crossing. Upon seeing this warning sign, drivers should slow down, look and listen for a train, and be prepared to stop if a train is approaching.

• **Pavement marking:**

An “X” with the letters “RR” and a no-passing marking on two-lane roads. This marking means the same as the advance warning sign.

• **Cross buck sign with or without flashing lights:**

Located at the grade crossing. Drivers are required to yield to approaching trains. The number on cross buck signs indicates how many tracks there are.

• **Flashing lights and gates:**

Indicate a train is approaching when the lights are flashing and the gate is down. Drivers must stop and remain stopped until the lights are no longer flashing and the gate has risen. Please note, if the gates are malfunctioning and do not lower but the lights are flashing, drivers must still heed the laws as if the gates are down.

**DO** come to a complete stop and open the driver's side window and service door to look and listen for an oncoming train.

**DON'T** use cell phones while driving.

The Department of Transportation (DOT) has banned bus drivers from using hand-held phones. They are the top distraction for drivers and could prevent them from noticing a train in time to stop.

**DON'T** expect to hear a train's horn.

Due to the noise inside buses, drivers may not be able to hear the horn until the train is right at the crossing. Some small towns have actually banned train whistles so drivers cannot rely on just listening for them. It is a good safety practice to require all passengers to remain quiet and seated before, during and after the rail crossing.

**DON'T** attempt to race a train to the crossing. It is very difficult to accurately judge the speed of an oncoming train. The average freight train traveling 55 mph covers more than 80 feet per second and takes a mile or more to stop. By the time a train engineer spots a vehicle, it is likely too late for the train to stop. And, because a bus can take more than 10 seconds to cross a track from a dead stop, a train that is more than eight football field lengths from the vehicle will collide with it before it can safely clear.

**DON'T** rely solely on warning signs and devices, which can malfunction or may not be present at every crossing. Drivers should always expect a train, even if it is not time for a regularly scheduled train.

**DO** remember that multiple tracks require multiple checks. A train on the nearest track may hide a train on another track. Drivers should look both ways and wait until all trains have fully cleared the crossing before proceeding. They should be able to see far enough down the other set of tracks to confirm they have ample time to safely cross all tracks.

**DO** get all passengers off the bus immediately if it stalls or becomes stuck on the track, even if there isn't a train approaching. If a train is approaching, drivers should instruct passengers to run toward the direction from which the train is coming, but at an angle away from the tracks. This will help prevent them from being struck by debris.

**DO** call 911 immediately and report your location if a bus becomes stuck on the tracks and a train is not immediately seen or heard. An emergency phone number is posted on every electrical box or warning sign that dials directly to the railroad. Be prepared to provide the location number found on the sign.

Make your safety training more effective by using FMCSA's railroad crossing safety video, available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), and the videos, training guides and other resources available from Operation Lifesaver, Inc., a non-profit, international roadway/railroad crossing safety organization, at <http://oli.org>. ■



## DOT Bans Hand-Held Cell Phones for Commercial Drivers

Effective January 1, the U.S. Department of Transportation (DOT) prohibits commercial motor vehicle drivers from using hand-held cell phones while operating their vehicles. Drivers who violate the rule will face fines up to \$2,750 for each offense, in addition to disqualification from operating a commercial motor vehicle for multiple offenses. Carriers who permit their drivers to use hand-held cell phones while driving face a maximum penalty of \$11,000. Drivers also face disqualification for 60 and 120 days for second and third convictions within a three-year period.

The rule, authored by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA), was published to the Federal Register December 2, 2011, and took effect January 1, 2012.

According to FMCSA, drivers are three times more likely to be in a crash when reaching for an object, such as a cell phone, and six times more likely to be in a crash while dialing a hand-held cell phone. Hand-held devices are banned because FMCSA recognizes that hand-held devices require drivers to push multiple buttons to make a call, causing them to take their eyes off the road and hands off the steering wheel.

FMCSA and the National Safety Council (NSC) have identified four distraction categories:

**Visual** – Taking one's eyes off the road

**Manual** – Taking one's hands off the steering wheel

**Cognitive** – Thinking about something other than the road and driving

**Auditory** – Listening to the radio or someone talking

Although the use of hands-free technology using a single button is still allowed under the rule, and this may seem like an easy alternative, they are not distraction free. From a loss prevention and risk management standpoint, carriers and drivers should consider the cognitive and auditory distractions caused by hands-free devices.



When talking on a cell phone using a hands-free device, a driver's brain is diverted from the task at hand. The brain does not register what the eyes see. Once the brain directs its attention back to driving, it can take up to 1.75 seconds for the brain to perceive a hazard before the driver can start taking corrective action.

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Remember, FMCSA only provides minimum regulations to follow. With proper documentation, your company can enforce stricter policies completely banning cell phone use while driving, including hands-free devices. It is becoming more common for companies to ban cell phone use while driving all vehicle sizes and types. Do not compromise or let your corporate program become less effective based on FMCSA's minimum regulations.

Preventing collisions is essential to eliminating injuries, death and property damage. Even though FMCSA has banned cell phone use, FMCSA does not have the liability for a loss and will not have a representative appear in court if your driver is in a collision; you will.

You can read the final hand-held cell phone ban rule online at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). The last 11 pages of the document are regulation changes. To fully understand the impact and methodology of the final rule, you should read it in its entirety. ■

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