



I hroughout the winter, you caution your drivers about the many hazards that accompany the season such as snowy and icy conditions. Although the weather is warming up now that it's spring, your drivers aren't totally in the clear when it comes to escaping obstacles on the road. This time of year is very popular for road

construction. Work zones present their own set of hazards for drivers. On page 7, we outline tips for driving safely through these areas.

For fleets with flatbed trucks, we provide guidance on how your drivers can safely secure loads and prevent common injuries. We highlight two claims case studies where drivers experienced injuries that could have been avoided. Read more on page 9.

On page 3, our Meet & Greet profiles Loss Prevention Services Team Lead Owen McLean. Owen is an authorized OSHA instructor and has been conducting 10-hour certification workshops for our insureds both at our headquarters and on-site at policyholder offices.

Also featured in this issue is a recap of Daily Express' annual safety banquet. If your fleet has a fun, unique way of rewarding safe driving, let us know! We'd love to feature you in an issue of The Quill. And as always, please let us know if there are topics you'd like to see us cover in future articles. Feel free to contact me at thequill@protectiveinsurance.com or 800-644-5501 ext. 2692.

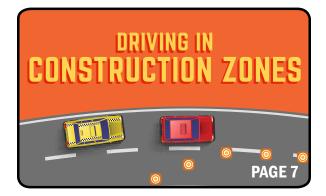
Yours in safety,

Don's Chinale CDC

Dennis Shinault, CDS Director of Loss Prevention

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#### What does The Quill mean?

The founders of Protective's parent company Baldwin & Lyons chose the quill as a symbol to represent their property and casualty insurance company. It was a fitting choice. The quill was the dominant writing instrument for more than 1,000 years, longer than any other; perhaps because of its fine stroke and great flexibility. Likewise, for more than 80 years, the company has maintained a stable presence in the property and casualty insurance market and is a recognized leader in the transportation industry. With an intense focus on results, the company has grown and diversified.

### NEWS & NOTES

#### **Trucking by the numbers**

Earlier this year, AT&T conducted a survey as part of an anti-texting-and-driving campaign. The results revealed that although most drivers are aware of the dangers of texting behind the wheel, they continue to do it.



75% Admitted to texting while driving.



**66%** Have read text messages while stopped at a red light or stop sign.

Some of the reasons why people text while driving:

43% Want to stay connected to friends, family and work

28% Worried about missing out on something important

14% Anxious if they don't respond to a text right away

25% Don't believe it affects their driving performance

Feel a sense of satisfaction when they read and/or respond to a text

6% Addicted to texting

#### IN CASE YOU MISSED IT

The Winter 2015 issue of The Quill featured a reprint of a New York Times article about the terrible aftermath of one accident caused by a driver who was texting. Visit **protectiveinsurance.com/the-quill** to access the archived issue.

### FMCSA releases crash weighting analysis report

Earlier this year, the Federal Motor Carrier Safety Administration (FMCSA) released the results of a study that examined whether police accident reports provided sufficient, consistent and reliable information to support crash weighting determination, whether a crash weighting determination process would offer an even stronger predictor of carrier crash risk than the current assessment method, and how the agency might reasonably manage and support a process for making crash weighting determination.

The study examined police accident reports from the National Highway Traffic Safety Administration Fatality Analysis Reporting System and the National Motor Vehicle Crash Causation Survey. According to FMCSA, changing the crash weights based on a motor carrier's involvement did not appear to improve the ability to predict future crash rates when all crashes are considered. FMCSA was also concerned about reliability since police accident reports are not standardized on a national scale.

The full report is available for view online at www.fmcsa.dot.gov/mission/policy/crash-weighting-analysis-report-congress.



After reading this issue of **The Quill**, we want to hear from you! Do you have a useful resource for educating your drivers that our readers should know about? Are there topics you'd like to see covered in future issues? Send your feedback and ideas to **thequill@protectiveinsurance.com**.

### GET TO KNOW OUR OSHA SPECIALIST

#### **Owen McLean**

Loss Prevention Services Team Lead

#### Time with Protective:

2 years

#### **Education/designations:**

- Master of Science in Safety, Security and Emergency Management with an Occupational Safety and Homeland Security concentration from Eastern Kentucky University
- OSHA Authorized 10- and 30-hour General Industry Trainer through Mid-America OSHA Education Center
- Train-the-Trainer MHE Certification through Crown Equipment

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**Professional background:** Before coming to Protective, I spent six years as a safety, health and security manager with Ryder Logistics. I was responsible for, or assisted with, the safety, health and security functions for warehouses in four states. Prior to Ryder, I spent five years as an operations manager for an LTL trucking company based out of Cudahy, Wis. I currently serve as a steering committee member on the Cargo Tank Risk Management Committee (CTRMC).

**Favorite part of the job:** My favorite part of the job is not just being able to help our customers, but also being able to learn from them. Loss Prevention is very fortunate because we get to work with some of the best safety directors in the business. There is no textbook answer on how to effectively manage risk within an organization, but our customers are willing to openly share ideas and proven techniques to help make the industry safer for everyone.

Why fleets should focus on OSHA: Many fleets tend to focus primarily on DOT regulations, for obvious reasons, but forget they also have offices and shops that fall under OSHA jurisdiction. We get so wrapped up in the potential for loss out on the highway that we forget the potential for loss is just as great inside our four walls. Protecting lives and preventing injuries should be the top priority for all organizations. OSHA compliance is an integral part of ensuring that priority remains a reality.

**Common OSHA-related mistakes fleets make:** Perhaps the biggest mistake I see with fleets is the sheer lack of written programs, or adequately written programs, as well as employee training. One specific issue consistently witnessed is the lack of lockout/tagout being utilized when vehicles are serviced or repaired. Fleets need to keep in mind that these programs not only protect the lives of their employees, but also prevent the possibility of heavy fines levied by OSHA. One willful OSHA violation could cost a fleet as much as \$70,000.

### **UPDATED** RECORDKEEPING **CRITERIA**

As of January 1, 2015, OSHA has updated the reporting and recordkeeping requirements for establishments under OSHA's jurisdiction. The updates primarily focus on two key rules that affect the types of injuries and illnesses employers need to report to OSHA and the types of employers that are required to keep records.

#### The updates state that:



All work-related fatalities must be reported within eight hours of the occurrence, and only those fatalities **HOURS** that occur within 30 days of the work-related incident.



All work-related in-patient hospitalizations (including single hospitalizations), all amputations and all losses of an eye must be reported within 24 hours of the occurrence. If the hospitalization, amputation, or loss of an eye occurs outside of the 24 hour time-frame following the incident, then the incident does not need to be reported directly to OSHA.

OSHA regulations also require certain employers to customarily keep records of serious employee injuries and illnesses. OSHA's revised recordkeeping regulation maintains the exemption for lowhazard employers with 10 or fewer employees at all times during the previous calendar year. However, the revised recordkeeping regulation provides an updated list of industries OSHA considers to be "lowhazard." The updated list of exempt industries is now classified by the North American Industry Classification System (NAICS), which is the standard used by federal statistical agencies in classifying business establishments for the purpose of gathering, investigating, and issuing statistical data associated to the U.S. business economy.

See www.osha.gov/recordkeeping2014 for the new reporting requirements and updated industry lists.

#### **NOW AVAILABLE!**

**OSHA 10-hour General Industry Certification for the Transportation Industry** 

Is your fleet up to date on all things OSHA? Do you have new hires or employees who would benefit from learning the basics of OSHA? Protective is now offering a 10-hour OSHA General **Industry Certification course** for the Transportation Industry that can be conducted at your location with a minimum of 10 participants.

Led by one of our OSHAauthorized loss prevention experts, this course covers how the provisions of the OSH Act must be implemented within the transportation industry and how managers and employees can recognize and control common workplace hazards. It is designed specifically for safety directors, risk managers, supervisors or any other personnel responsible for workplace safety.

Participants will receive a copy of the OSHA General Industry **Compliance Manual and** presentation materials as well as a certificate of completion and a 10-hour Department of Labor OSHA wallet-size certification card.

#### + FOR MORE INFORMATION

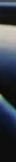
If your fleet is interested in hosting this course, contact our **Loss Prevention Department at** 800-644-5501 ext. 2695.

# IMPORTANCE OF DRIVER DEVELOPMENT

To help our policyholders reduce accidents and better understand the impact of CSA, Protective has partnered with Impact Training Solutions to provide ongoing driver education. We asked Kelly Anderson, president of Impact Training Solutions, to provide us with details on how your fleet can benefit from this service.

When I was 8-years-old, James Fisher and I were taken to the principal's office for not doing our homework. The principal asked me why I didn't do my math homework and I told him it was because I didn't know how and I didn't understand it. I continued to plead my case by advising him I had done all my other homework and if he would show me how to do the math, I would do it as well. James had a much simpler problem, his dog ate it. The principal did not accept James' excuse, nor did he accept my logical reasoning. I looked at that principal and said, "Sir you can discipline me all you want, but I still won't know the math."

As you read the story above, I think everyone would agree that discipline in and of itself has no intellectual value. Yet I see many fleets doing just that through warning letters, loss of bonuses, time off without pay



## REACTIONARY TRAINING AND DISCIPLINE IS TOO LITTLE TOO LATE.

and ultimately involuntary loss of employment. There's another group that only assigns training once a violation or collision has occurred, with little to no effort placed on giving drivers the knowledge to prevent these issues in the first place. This reactionary training and discipline is too little too late. Your company is already bearing the cost of the accident, cargo claim, and elevated CSA scores. The most successful programs include a combination of awards and penalties, supported by consistent, frequent and specific dialogue with the driver. This method involves "coaching" drivers and changing at-risk behaviors BEFORE an accident or citation occurs.

Companies without a proactive training and coaching program risk being held liable for large punitive damage claims due to inadequate training and poor CSA scores brought by plaintiff attorneys. From a driver perspective, most do not realize how training records and CSA scores impact their careers.

According to a recent report from the American Transportation Research Institute:

- Over 96% of drivers could not correctly identify the five publicly accessible BASICs and did not know that only the FMCSA can access official driver CSA scores.
- Over 56% of drivers did not know that CSA scores are weighted by both time and severity and that high CSA scores help prioritize carriers for intervention by DOT.

Fleets that don't adequately train their drivers have increased operational costs due to increased accidents, cargo claims, fuel consumption, maintenance, and DOT violations. Furthermore, your customers and vendors are using your performance data to pre-qualify bid/contract terms. Simply put, if you can't control your performance, you will lose customers. There is no substitute for initial, ongoing and corrective action instruction geared toward safe behavior modification. And today it is easier and cheaper than ever to provide. Training does not cost — it pays!

# THERE IS NO SUBSTITUTE FOR INITIAL, ONGOING AND CORRECTIVE ACTION INSTRUCTION GEARED TOWARD SAFE BEHAVIOR MODIFICATION.

Through a special arrangement with Protective, Impact Training Solutions offers the Infinit-i web-based training program that is accessible on any web capable device. The system has over 400 safety-related videos and custom content can be uploaded for no additional charge for a flat discounted monthly fee.

Impact's system is efficient and easy to apply on a small or large scale. Contact our Loss Prevention Department at lossprevention@protectiveinsurance.com or (800) 644-5501 x7341 to enroll your fleet today.

# DRIVING IN CONSTRUCTION ZONES



Drivers like traveling on a well-kept road. A smooth road with no potholes, bright yellow and white lines, and clear and concise signage helps drivers do their jobs well. However, getting that well-kept road takes time, and more often than not, a lot of construction.

Highway construction zones are dangerous to drive through at any time of the year, but the amount of construction zones increase during the warmer months. According to the National Work Zone Safety Information Clearinghouse, there were 3,261 fatal crashes involving large trucks in 2010 (the most recent data available.) Out of those crashes, 114 were located in a work zone; a significant decrease since 2005, when 289 trucks were involved in work zone accidents. While this is a noteworthy achievement for the trucking industry, striving for safety is a long-term commitment for you, your drivers and your company.

#### Pay attention and stay alert

While you always want to be alert and aware while driving, it is especially important in a construction zone. According to the Federal Highway Administration (FHWA), **everyone** is responsible for work zone safety. Planners and engineers are responsible for ensuring the work zone is operating properly and drivers are responsible for traveling safely through construction zones. In a work zone, drivers should always pay attention to roadway signs, construction workers on or near the road and the road's surface.

Roadway signs are meant to notify and give direction to drivers. Pay attention to these signs. They include important information about the route ahead. Be aware of the possibility of decreased speed, a lane change or detour.

# DRIVERS SHOULD ALWAYS PAY ATTENTION TO ROADWAY SIGNS, CONSTRUCTION WORKERS...AND THE ROAD'S SURFACE.

Construction workers should not need to worry about on-site fatalities or injuries. Stay alert for roadway workers, and encourage your drivers to slow down and use caution when entering, traveling through or exiting a construction zone. Data has shown drivers are more likely to speed the longer they travel in a construction zone.

Pay attention to the road surface. In a construction zone, there is always a possibility for debris. If the road is being mended, repaved or widened, the road's surface is more likely to be uneven. Be cautious and aware of any anomalies appearing in the roadway such as potholes or miscellaneous debris.

#### **Construction zone layout**

While each individual construction zone differs, knowing the general layout of construction zones helps your drivers plan for their next maneuver. Each construction zone is made up of five areas that are designed to keep all workers and motorists safe.



Advance warning areas: Alert drivers on what to expect and allows enough time to adjust driving.



**Transition areas:** Allow drivers to move to a new path including merging lanes together.



**Buffer areas:** The open space between the transition area and the work zone, which gives space between drivers and workers before traffic actually reaches the active work area.



**Work areas:** Closed to traffic and houses workers, equipment and building materials. More often than not, only a barricade is separating the traffic from the worker and machinery.



**Termination areas:** Provide a short distance for traffic to clear the work area and return to normal traffic patterns.

#### **Driving strategies**

When traveling through a construction zone, drivers should be aware of some driving strategies that will ensure greater work zone safety.



**Slow down.** Always pay attention to the speed limit, especially in construction zones. Some states have increased fines for speeding. Do not be intimidated by others behind you encouraging you to drive over the speed limit.



**Don't tailgate.** Double the following distance to allow more time to stop or safely react in case of an emergency.



**Stay a safe distance away** from construction workers and their equipment.



Watch for stopped traffic.



**Merge as soon as possible.** Don't wait until the last minute to merge into another lane. If all individuals on the roadway cooperate, traffic flows well and efficiency improves.



**Do not block traffic.** This is a traffic violation in most states and does encourage road rage and aggressive driving in other drivers.



**Plan ahead.** Drivers should plan ahead and expect delays. Highway agencies use different methods to inform drivers about work zone delays. However, they will often suggest a detour that will allow your drivers to avoid the work zone. ■



Working in, on, and around flatbed units has its own unique challenges for driver and third party safety. Drivers have the potential for injury while loading, strapping/securing, and tarping the load, and the reverse process when they reach their destination. This article deals specifically with securing the load and how to prevent common driver and third party injuries.

As in the claims case studies on page 12, it is not uncommon for drivers to sustain head, neck, and arm/shoulder injuries due to overexertion or being struck by an object.

Regardless of the weather conditions or whether pulling a flatbed or van trailer, it is important for drivers to warm/loosen up their bodies to help reduce the threat of injuries. Because the driver may sit for several hours driving and then start to do manual work, the muscles have a tendency to become stiff and stagnant with limited blood and oxygen flow. Before athletes start their sport, they take time to stretch and warm up their bodies. Drivers need to do the same thing, especially since their lifestyle is typically more sedentary than most. Provide drivers with easy stretch exercises they can do in and around the truck. Occupational physicians should be able to provide specific guidance that is best for your drivers' work environment.

# IT IS NOT UNCOMMON FOR DRIVERS TO SUSTAIN HEAD, NECK, AND ARM/SHOULDER INJURIES DUE TO OVEREXERTION OR BEING STRUCK BY AN OBJECT.

After warming up, the following safety tips will help prevent injuries while securing a load to a flatbed trailer. During loading/unloading and strapping/unstrapping, drivers should always wear a hardhat, gloves and safety

glasses. If working near or around other vehicles, a safety vest should also be worn. Report damaged equipment to supervisors immediately for repair or replacement. Bindings that are frozen or difficult to operate increase injury risk due to additional stress on muscles and the skeletal system.

#### REPORT DAMAGED EQUIPMENT TO SUPERVISORS IMMEDIATELY FOR REPAIR OR REPLACEMENT.

#### 1. WALKING/WORKING SURFACES

- Before performing any securing, make sure the load is stabilized. Unstable loads can collapse on the driver as it is being secured to the trailer.
- Wear appropriate slip-resistant footwear that is in good condition.
- If at all possible, secure the load from the ground.
   Climbing on trailers and/or cargo is a leading cause for slips, trips and falls. If you must climb on the trailer, you should use the three-point system of ascent and descent at all times.
- As you move around the trailer, be aware of your footing. Even if working from the ground, stepping in a small hole or walking on dunnage/ debris in your path can cause injury. Have a clear and level area all around your truck to help prevent unbalanced footing.

#### 2. STRAPPING SAFETY

- If possible, secure a small diameter rope to a ball and tie the other end of the rope to your strap/chain. The rope must be long enough to be reached when standing on the ground on the other side of the trailer. Then pull the chain/strap up and over the load. Chains are heavy and trying to throw them over a load can produce injuries.
- Regardless of whether you are throwing the rope and ball or throwing the strap/chain, make sure

- there is no one and no objects on the other side of the trailer that can be struck. Before throwing the strap, yell something loudly, such as "flying strap," that will help alert individuals on the other side that you are throwing over a strap.
- Use telescoping tools to pull straps down from the top of the load.
- If the strap gets caught on the load, pulling on it can cause the strap buckle to strike you with force when it comes loose.
- Use only undamaged straps/chains. Damaged units can cause injury when they break.
- When unstrapping a load, do so with caution, the load may shift and fall as it is loosened up. Keep others clear from the area as the load is unsecured.

#### 3. TIGHTENING THE LOAD

- Know the working load limit of chains and straps being used and never use defective materials. If they break while working with them, the recoil force can do bodily injury if you are struck.
- Avoid using extension or cheater bars.
  - Their use increases the chance for exceeding the working load limit of the securement device and anchor points.
  - They have the tendency of breaking or breaking the winch handle when used with force. This sudden breakage can cause the driver to become injured if they are hit or lose their balance when it breaks.
- Check winch brackets and the winch mechanism for defects that could break under pressure.
- Position your body to the side of the bar so if the bar or mechanism should give way or suddenly recoil, the potential for injury is reduced. Never release the winch handle without verifying the ratcheting mechanism is fully locked between the teeth to prevent uncontrolled back spin.

#### 4. EN-ROUTE INSPECTIONS

- Per FMCSR 392.9 Inspection of Cargo, Cargo Securement Devices and Systems, drivers are required to make en-route inspections. When performing these inspections:
  - Pull into a safe area, as free of traffic as possible.
  - Wear a brightly colored safety vest to be visible to other drivers.
  - Never turn your back on traffic.
  - Look for cargo and securement devices that may have shifted or worked their way loose.
  - If you must climb on the trailer, use the three-point system.

#### **5. DRIVER TRAINING**

- Regardless of the number of years of experience a driver has with load securement, always provide a comprehensive training program. This will help the driver get back to basics and will also demonstrate that safety and proper securement procedures are paramount with your company.
- Have simulated loads sitting on old trailers and have new and seasoned drivers demonstrate their loading and securement practices.
- Place emphasis on driver and third party injury prevention in addition to proper securement procedures.

Even though the driver will occasionally be expected to perform in less than ideal weather conditions and locations, the job requires commitment to following company policies and procedures to prevent needless damage and injury.



#### CLAIMS CASE STUDY #1

#### THE FACTS

A driver was strapping down a load of drywall for transport. While he was ratcheting the straps to tighten the load, he reported experiencing shooting pain originating from the neck area and radiating down his arm to his hand. No prior injury to the area was reported or detected. An MRI revealed bulging cervical discs and cord compression. The treating physician determined the injury was related to the act of strapping down the load.

The driver underwent physical therapy and treatment which improved his range of motion but did not address the radiating pain and other symptoms. He was deemed a candidate for surgery and underwent a decompression and arthroplasty surgical procedure. The driver returned to work approximately two months after the surgery.

#### THE COST

TOTAL COST	\$206,930,44	76
Claim expenses (bill review, medical records, investigation)	\$17,835.41	
Indemnity costs	\$11,998.78	$\overline{\Box}$
Medical costs (surgery, physicians, physical therapy, medication, injections)	\$177,096.25	TOTA

LOST: **165** 

#### CLAIMS CASE STUDY #2

#### THE FACTS

A driver was strapping down a load for transport and threw the strap but it did not make it over the load. The driver was reeling it back slowly when the strap buckle caught on the freight. He loosened the tension and then tugged on the strap. The buckle came loose and swung out striking him on top of his head. The impact caused him to fall backward into a pile of snow.

The buckle did not break the skin but made him feel dazed; no loss of consciousness. He was taken to the local hospital where a CT scan came back normal and he was diagnosed with a scalp contusion and a mild head injury. The driver was released to return to work the next day.

#### THE COST

TOTAL COST	\$4,235.00
Claim expenses (bill review)	\$385.00
Indemnity costs (no compensable lost time)	\$0
Medical costs (hospital ER visit, CT scan, physicians)	\$3,850.00*

\*Because this was a non-emergency, medical costs could have been less if the driver was taken to an urgent care facility instead of the hospital emergency room.



## NOTEWORTHY TRUCKING DEFENSE VICTORY

### THE CASE AT ISSUE IS ANTICO V. SINDT TRUCKING, INC., 148 SO.3D 163 (FLA. 1ST DCA 2014).

On September 5, 2012, a truck operated by Florida-based Sindt Trucking, Inc. collided with a vehicle driven by 18-year-old Tabitha Antico. Tragically, Antico was killed as a result of the collision. Six months later, Antico's estate filed a wrongful death lawsuit against the trucking company.

The trucking company denied liability and argued that the collision occurred because Antico was driving while distracted by her smart phone. Two accident witnesses also indicated that Antico appeared to be using her phone at the time of the accident. After the trucking company requested Antico's phone records from the day of the accident, the estate objected, arguing that disclosing the phone records would constitute an "an improper fishing expedition" in violation of Antico's constitutional right to privacy.

The court was then forced to decide whether the trucking company's request for cell phone records outweighed Antico's privacy rights. In October 2014, more than two years after the accident, the court sided with the trucking company. The court emphasized that the only way to discover whether Antico was using her cell phone at the time of the accident was "by broadly inspecting data associated with all of the cell phone's applications." The court's decision was a major victory for the trucking company, which could now review the cell phone data in order to defend itself against the wrongful death lawsuit.

## Daily Express honors drivers at annual Safety Awards Banquet

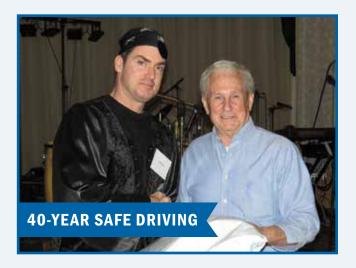
Earlier this year, Daily Express, Inc. of Carlisle, Pa., held its 48th annual Safety Awards Banquet. Awards were presented to 195 drivers and contractors for operating 12 consecutive months without involvement in a preventable accident. Daily Express also distributed awards from one to 43 years of safe driving while working for the company.

Paul Erickson was recognized as Company Driver of the Year and David Carr was honored as Contractor of the Year. Two new drivers were inducted into the Million Mile and Two Million Mile Clubs. To qualify for these clubs, drivers must have driven one and/or two million accident-free miles while working for Daily Express. Any accident in a year will not permit that year's miles to be included toward receiving the award.

Daily Express also had a Biggest Loser competition where the driver who lost the most body weight could win \$3,000 with the 2nd place driver receiving \$1,000. This contest has been on-going for approximately eight years. They also have a wellness program with a full time employee administrator to encourage drivers to be healthy.

In addition to recognizing safe driving and health and wellness, the event has a fun twist. The banquet had a pirate theme and cash prizes were given to the best costumes. There were also many prize drawings throughout the night, including two cruise packages.

Daily Express follows the official rules of the American Trucking Associations governing the issuance of safety awards. Baldwin & Lyons congratulates these drivers on their commitment to safety.



Todd Long (left) President and CEO and Whitey Bingaman (right) receiving his 40-year safe driving award



Todd Long (left) President and CEO and Andy Seipel (right) receiving his 43-year safe driving award



**111** Congressional Blvd., Suite 500 Carmel, IN 46032





>> Daily Express honors drivers at annual Safety Awards Banquet continued



Mark Eyer, VP of Operations (right), and Don Turci (left) receiving his Million Mile gold watch after being inducted into the Daily Express Million Mile Club



Mark Eyer, VP of Operations (right), and David Carr (left) who was recognized as the Daily Express Contractor of the Year for 2014



Mark Eyer, VP of Operations (right), and Paul Erickson (left) who was recognized as the Daily Express Company Driver of the Year for 2014