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# CHAPTER I

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## Driver Responsibilities

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The truck driver is one of the most important members of the trucking industry. Driving a commercial vehicle requires specialized knowledge, training, skills, and execution, above and beyond that of the car driver. It is for this reason that the operation of a commercial motor vehicle (CMV) requires the use of responsible and professional drivers.

The commercial vehicle driver's major duty is the safe transport of freight. The driver is expected to not only pick up and deliver the freight without damage, but also to ensure his or her vehicle is fit for use, and to maintain control of the vehicle during its operation. Section 1 of this publication covers many of the areas of knowledge, tasks, and duties required of a professional driver. This first chapter gives an overview, while the following chapters expand on some of the specific aspects involved in safely driving a CMV.

### *Duties of the Professional Driver*

Professional drivers face a multitude of duties while operating their vehicles and transporting their loads. Many of these responsibilities are spelled out in the Federal Motor Carrier Safety Regulations (FMCSR). In addition to the FMCSR requirements, the driver's duties are also governed by industry custom and practice, and by company procedure and policy. Many states have also enacted commercial vehicle legislation in addition to adopting the FMCSR. This section is meant to give a general idea of some of the responsibilities of the professional driver, but is not necessarily an exhaustive list of every duty, responsibility, or obligation. It is important when investigating a commercial vehicle crash or incident for an attorney to retain the services of an expert who is familiar with the motor carrier industry to assess each situation independently.

Generally, the driver is required to have knowledge of and comply with all regulations and company policies. Motor carriers have a responsibility to

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ensure that drivers under their control are adequately trained and to monitor their performance on the road.

### **Training, Qualification, and Experience**

The most obvious obligation of a professional driver is to ensure that he is properly licensed for the vehicle he intends to operate. The driver is responsible for obtaining and presenting a valid commercial driver's license (CDL) and appropriate endorsements at the time of application for a driver's position with a motor carrier. CDL holders are also required to take and pass a Department of Transportation (DOT) physical and drug screen before driving a CMV. The driver qualification process as outlined in the FMCSR is quite extensive, and must be complied with by motor carriers and drivers alike.

A commercial driver is also required to show knowledge of vehicle operation and cargo securement regulations before driving a CMV. There are many types of commercial vehicles on the roads, and a driver is required to be familiar with the type of vehicle he or she will be driving.

Each entry-level driver is responsible for receiving training in driver qualification requirements, hours of service, driver wellness, and whistle-blower protection. An experienced driver often can present previous experience to the motor carrier in these areas as part of the hiring process.

When applying for a driving position, the driver is responsible for providing his/her employer with information including, but not limited to, previous employment history, previous convictions and violations of law, accident history, drug and alcohol history, and medical history.

The motor carrier is required to perform a road test with every driver. The purpose of the road test is to determine the driver's knowledge, training, and experience with a CMV, and ensure they possess the required skills to safely operate the vehicle. The road test must be performed on the vehicle type the driver is expected to operate, and must be given by a competent employee of the motor carrier.

The professional driver is also required to know and understand the applicable sections of the FMCSR pertinent to their duties.

### **Driving and Operation**

All drivers are responsible for operating their vehicles in accordance with the laws, ordinances, and regulations of the jurisdiction in which they are traveling.

A driver is required to perform pre-trip and post-trip inspections, and document these inspections as required by the FMCSR and company policies. As a part of these inspections, the driver is required to identify unsafe conditions or situations likely to lead to a breakdown, and make sure that any deficiencies are remedied prior to operating the vehicle. A driver must not operate a CMV that has been placed out of service until the out of service condition has been remedied.

Drivers must also understand and comply with the applicable hours-of-service regulations requirements. Their driving, off-duty and on-duty times must be logged truthfully and accurately as required. It is the driver's responsibility to understand when he is out of available driving time and notify dispatch.

A driver is responsible for planning his route, taking into account weight and size limitations. He should plan his route with hours-of-service requirements in mind. His route plan should include time to stop for required breaks, cargo inspection, fueling, etc.

The driver is responsible for determining whether the cargo has been properly located and distributed on his CMV. He also has the right to refuse a load that has been improperly loaded or to request the cargo be properly placed. Securing the cargo for transport, however, is the responsibility of the driver. He must be familiar with the regulations, methods, and procedures for securing the cargo, as well as inspecting the cargo securement. Cargo securement must be inspected during pre- and post-trip inspections, as well as during his trip.

As a part of cargo securement, the driver must understand the limits of cargo securement methods and devices, and the proper number and placement of each cargo securement device. A driver must follow the commodity-specific cargo securement requirements in the FMCSR when hauling that cargo. Drivers must ensure that their loads are secured to prevent the load from spilling, leaking, blowing or falling from or within the vehicle.

While operating the CMV, the driver is required to obey railroad crossing rules. They are required to operate with extreme caution in adverse weather conditions, and to cease their operation when road or weather conditions are unsafe. In emergency situations, a driver is required to use flashers and set out warning devices.

Drivers should cease driving when ill or fatigued, or when their ability to safely operate their vehicle is impaired or likely to be impaired. Drivers must not drive (or be on duty) when in the possession of, or under the influence of alcohol, controlled drugs, or other substances.

The transport of hazardous materials places additional responsibility on the driver and motor carrier. A driver is required to be properly trained in hazardous materials transportation, and obtain the required endorsements on their CDL before transporting hazmat loads. Drivers must understand the regulations governing hazmat transport, including where to park the vehicle, when to stop if there is an open fire, when to inspect tires, what to do when fueling, and emergency response procedures.

### **Recordkeeping and Reporting**

A driver is required to notify his employer regarding convictions for violations, driver's license revocation, suspension or disqualification within the prescribed time limits. Drivers are also responsible for informing their employers of roadside inspections and out-of-service orders.

Drivers are required to maintain a record of their duty status (commonly referred to as a driver's log), and to keep a record of their last seven days with them. Drivers must also follow their company procedures and FMCSR requirements for submitting the logs to their employer. Drivers are also required to submit their vehicle inspection reports to their employer, and notify them of any needed repairs to the vehicle or unsafe conditions.

When the driver is involved in an accident, the driver is responsible for reporting the accident to his employer, and to follow any and all company policies in emergency situations.

### **Knowledge of the Equipment**

The Federal Motor Carrier Safety Regulations contain a number of sections regarding driver knowledge and training. To obtain a CDL, the driver must pass a written and skill tests. Motor carriers are required to investigate driver history and perform road tests to assess a driver's qualifications. Drivers must show competency in the vehicle and associated equipment the motor carrier intends to assign the driver. This comes into play particularly with the use of specialized trailers and vocational equipment.

While the basic operations of driving, turning, and backing are common to all industries, it is important for every driver to understand the controls and operation of his particular vehicle.

New CDL drivers often complete truck-driving schools where these basic skills are taught, practiced, and developed. These schools also educate drivers in hours-of-service requirements, logging, cargo securement, trip planning, and many other aspects of the driving profession.

A driver who has completed a driving school and obtained his or her CDL often possesses the basic knowledge and skill to operate a CMV, but there is often more for the driver to learn. For instance, a driver may have learned how to drive on one particular type of vehicle, but begins his driving career on a completely different style of truck. While the skills to drive the vehicle are the same, the execution may be totally different. A driver is not expected to know how every truck or tractor operates, but he must know how to drive his particular vehicle. A driver may need additional training on how to shift a particular transmission, or the operation of specific controls and devices.

### **Vocational Trucks**

The task-based nature of vocational trucks often requires their drivers or operators to have knowledge above and beyond the basic driving of the vehicle. Drivers need to be aware of how to use the equipment installed on the vehicle and how the controls work. A driver with extensive experience driving cement mixers may not know how to load or unload a garbage truck.

Vocational vehicles are usually built in multiple stages by multiple manufacturers. A chassis is produced by one company, a vehicle body is built by another, and both parts can be mated by a third company, known as the upfitter,

integrator, or body builder. The upfitter (integrator, body builder) is the one responsible for installing and configuring the body and vehicle controls.

Due to the many different manufacturers and installers involved in the final vehicle construction, similar vehicles may not have identical controls. It's not uncommon for any two vocational trucks on the road to have vastly different lever, switch, and button configurations controlling their equipment.

The common dump truck is a good example of this. Most dump bodies use a hydraulic hoist to lift the bed up for unloading. However, there are a number of different methods for providing the hydraulic power to the body or trailer. Some controls are set up to engage the power take off (PTO) to supply hydraulic pressure separate from the levers or valves to direct flow to the lift cylinders. Others are configured to engage the PTO and apply pressure to the cylinder at the same time. A driver who is unaware how to start and stop the hydraulic flow may inadvertently allow the bed to rise while driving down the road, or allow excessive pressure to build up in the hydraulic equipment leading to equipment failure.

Many times, vocational truck-tractors are configured to operate various types of trailers. Some PTO, hydraulic, and air controls may operate differently depending on the trailer being pulled. A single-line dump trailer needs to be connected to the tractor and operated differently than a two-line walking-floor trailer, otherwise damage to the vehicle, equipment, or bystanders could result.

Due to the specialized nature of vocational vehicles, fleets may choose to keep and maintain a vehicle for a much longer period than over-the-road carriers. Over time, the original instructions or operation labels become obscured, damaged, or lost altogether. New drivers operating these vehicles may not understand which levers and buttons control specific functions, and cause dangerous situations for operators or bystanders. For example, a rear-loading refuse truck may have four or five controls right next to each other, to control the packing cylinders, overhead winch, and can tippers. If these control levers are not properly labeled, or the labels are worn off, an operator may mistakenly grab the wrong lever. This would cause the equipment to suddenly move in an unexpected manner, potentially injuring the worker or bystanders.

Over-the-road drivers also use specialized equipment to transport their loads. Tank trailers and bulk commodity trailers are common examples. These trailers are constructed to transport, load, and unload very specific commodities. The loading and unloading procedures for these trailers or commodities can often be vastly different depending on the equipment available at the shipper or receiver. The shipping and receiving terminals may employ dedicated personnel to perform the loading or unloading process for the truck driver.

Drivers must also understand hazards presented by their vehicles. Many vocational vehicles require climbing onto or into the truck body, and drivers should be aware of the hazards present. These can be slip and fall hazards, stored energy hazards, or confined space hazards.

Some vehicle types, such as cement mixers and garbage trucks, tend to carry their loads high on the chassis, which increases the risk of rollover.

Drivers of these vehicles need to understand what situations lead to rollovers, and adjust their driving accordingly.

Overall, drivers are required to have an understanding of their vehicle equipment to ensure its safe operation. This knowledge often extends beyond basic driving controls, and varies from vehicle to vehicle. It is the driver's responsibility to understand how the vehicle functions. It is the motor carrier's responsibility to ensure the driver is knowledgeable and trained on the equipment. Motor carriers are required to verify this knowledge as part of a road test, and test their drivers on the specific equipment and accessories the driver is expected to operate.

### *The Pre-Trip Inspection*

The pre-trip inspection is one of the required duties of the commercial vehicle driver. This inspection is required by the federal regulations to ensure the vehicle is in a condition that is not likely to cause a breakdown or other hazard to the motoring public and the load is safe to transport. The driver is required to show proficiency in the pre-trip inspection as part of the CDL testing and examination, and also as part of the motor carrier's required road test.

The driver needs to have the proper knowledge to assess the condition of the vehicle, and know which areas are required to be inspected. A driver should be able to identify when the vehicle is functioning properly, when a system or part is in danger of failing or malfunctioning, and differences between major, minor, and out-of-service defects. A driver is required to correct any serious deficiencies before putting the vehicle on the road.

A good pre-trip inspection should cover all of the vehicle's systems, components, and cargo. These areas can include (when present), but are not limited to:

- Engine compartment
- Driveline (transmission and axles)
- Steering
- Tires and wheels
- Brakes
- Lights and conspicuity devices
- Coupling devices
- Cargo securement
- Fuel, air, and oil and/or chemical tanks
- Emergency equipment

The driver should document the pre-trip inspection in his or her logbook, as well as documenting any deficiencies found during the process. It is not uncommon for a driver to log a 15-minute period at the start of his or her day for the pre-trip inspection. It should be noted that a thorough pre-trip inspection on many vehicles often requires more than 15 minutes.

When investigating a crash or other incident, it is not uncommon for the driver's logbook to show a pre-trip inspection for the day, yet the vehicle still contains out-of-service violations. In these situations, several questions regarding the pre-trip inspection arise. Did the driver have assistance in the inspection process? Who actually performed the inspection? Was the inspector qualified for the task? Did the inspection even occur?

Many drivers often claim they completed a pre-trip inspection, but upon questioning it becomes apparent their inspection process involves nothing more than kicking the tires and turning the lights on. It is important to assess the driver's knowledge of the inspection process, and how they identify out-of-service violations. Having a driver walk through his or her inspection process in detail can often highlight deficiencies in training, knowledge, or process that led to the out-of-service violation.

### *Conclusion*

The CMV driver must understand that a great responsibility comes with his CDL. Knowledge of and compliance with the regulations, the ability to safely operate the vehicle that he is driving, and abiding by the hours-of-service regulations will help to ensure that his load is delivered safely and efficiently.