Commercial Motor Vehicle Policy

Introduction
This policy outlines certain responsibilities and requirements for the operation of Commercial Motor Vehicles (CMV) consistent with the Federal Motor Carrier Safety Regulations (FMCSR).

Policy Statement
Brown University is committed to comply with the Federal Motor Carrier Safety Regulations (FMCSR) regarding the operation of Commercial Motor Vehicles (CMV) that meet certain weight, use and capacity criteria.

A CMV is defined as any self-propelled or towed vehicle used on a highway or any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight (including trailers) rating of 10,001 lbs. or more, or
- Is designed to transport 16 or more passengers, including the driver, or
- Is of any size and is used in the transportation of materials found to be hazardous as determined hazardous by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

This policy is intended to provide direction and assistance to departments, supervisors and employees affected by these federal regulations, and to reaffirm the University’s intent to comply with all applicable state and federal statutes and regulations.

Definitions
Commercial Driver’s License (CDL): A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

Commercial Motor Vehicle (CMV): Any self-propelled or towed vehicle used on a highway (any roadway or passage which may be available to public transportation at any time, whether on private or public property) in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight (including trailers) rating of 10,001 lbs. or more; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.
**Driver:** Any person who operates a commercial motor vehicle. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

**Responsibilities**

**Vehicle Oversight Committee:** The University will have a Vehicle Oversight Committee appointed by the Executive Vice President Finance & Administration. Its composition and the terms of its members shall be determined by the Executive Vice President. The duties of the Vehicle Oversight Committee are:

- To establish policies and procedures pertaining to the safe and compliant operation of CMVs by University employees and;
- To update and revise this policy and its procedures from time to time as it deems necessary and appropriate.

**Insurance Office:** The duties of the Insurance Office with respect to DOT compliance shall be:

- **Maintain Accident Register.** The DOT mandates the use of an Accident Register in 49 CFR §390.15(b)
  - The following six items required, at a minimum, are to be recorded:
    - Date
    - City/state
    - Driver’s name
    - Injuries
    - Fatalities, and
    - Whether or not hazardous materials were spilled).
  - All accidents incurred by Brown University will be recorded in the Accident Register, regardless of severity.
  - The Accident Register will be retained by the Insurance Office for a period of ten years from the date of the accident.

- **Complete Motor Carrier Identification Report.** The Insurance Office will ensure timely and accurate reports, including the Motor Carrier Identification Report, Form MCS – 150.

- **Maintain Unified Carrier Registration.** The Unified Carrier Registration (UCR) Program requires individuals and Rhode Island based organizations that operate CMVs in interstate or international commerce to register their business with Rhode Island and pay an annual fee based on the size of their fleet.
  - The Insurance Office will register Brown’s fleet and pay the appropriate annual fee.

- **Audit Daily Inspection forms.** On a periodic basis, request vehicle Daily Inspection forms to ensure the University’s and University Department’s compliance with maintenance requirements.

**Human Resources:** Human Resources is responsible for the following DOT compliance activities:

- Obtain Motor Vehicle Record (“MVR”) checks on all CMV operators employed by the University or potentially employed by the University.
- Assist supervisor/department hiring a position that involves operating a CMV with all appropriate aspects of compliance.
- Inform supervisor promptly of a driver’s non-compliance with DOT driver requirements upon learning of such non-compliance.
- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by Human Resources pursuant to University policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Annually review driving records as described in 391.25 and keep in Driver Qualification file.
• Maintain Driver Qualification files 49 CFR 391 as long as the driver is employed and for three (3) years after the driver leaves. Driver Qualification Files include:
  ◦ Application for employment for all driver,
  ◦ Investigation and inquiry to past employers (past three years) to be contacted within the first thirty days of employment,
  ◦ Responses of state agencies concerning the driving record of the employee from each state he/she held a motor vehicle operator’s license,
  ◦ Valid DOT physical exam, renewable every two (2) years,
  ◦ Mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more; a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver,
  ◦ Copy of driver’s valid license or certificate of road test
  ◦ Drivers must submit, annually, a list of motor vehicle violation convictions, excluding parking violations,
  ◦ CDL licensed drivers must report out of state convictions (other than parking), within thirty (30) days, to their employer as well as to the state that issued the CDL.

**Supervisor/Department:** The duties of the driver’s supervisor or his/her department include:

• Active participation in the hiring process for employees who drive CMVs, which includes:
  ◦ Contacting Human Resources and informing them that an open position involves driving a CMV and may require special licensing,
  ◦ Reviewing all forms and documents from Human Resources for completion and compliance prior to extending an employment offer,
  ◦ Ensuring all offers of employment shall be contingent upon successful confirmation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers,
  ◦ Ensuring the post-offer applicant obtains his/her physical, road test, and CDL drug and alcohol testing,
  ◦ Oversee that new hires are appropriately trained.

• Conducting an annual driving record review of each CMV and CDL driver during the employee’s annual performance review.
  ◦ The form, 643-FS-C2, Motor Vehicle Driver’s Certification of Violation/Annual Review of Driving Record, should be completed by the driver and by the Supervisor and a copy submitted to Human Resources for placement in the Driver Qualification File.

• Review of and maintaining of each vehicle’s inspection log and ensure vehicles receive the appropriate repair and maintenance.

• Keeping vehicles in safe operating condition and comply with all inspection requirements.

• Participating in training as defined in section 8, Supervisor Training, when supervising CDL drivers.

• Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and University policy, and
  ◦ Contact Human Resources as soon as possible following the incident, and
  ◦ Complete the Supervisors Reasonable Suspicion Form.

• Compliance with safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines.

• Compliance with DOT regulations.

• Conduct annual inspections on all CMVs.
  ◦ Records of these inspections shall be maintained as required by the regulations.

• Ensuring use of daily inspection logs and that they are being completed and maintained by the drivers.

• Producing, attaching, and maintaining vehicle DOT markings for each CMV.

• Maintaining required records per 49 CFR 396.3 as follows:
  ◦ Identification of the vehicle including company number, if applicable, make, serial
number, year, and tire size.
- A preventative maintenance program designed to indicate the nature and due date of the various inspection and maintenance operations to be performed.
- A record of inspection, repairs and maintenance indicating their date and nature.
- A lubrication record for each vehicle.
- If the vehicle is a bus, a record of tests conducted on push-out windows, emergency doors, and emergency door marking lights.

**Driver:** The responsibilities of a driver include:

- Conduct daily vehicle inspections by using the designated vehicle inspection forms, and to turn them in to his/her supervisor in the manner that the supervisor designates.
- Report to his/her supervisor any conviction of violation, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control other than a parking violation, or involving the use or operation of a motor vehicle.
  - The notification must be made within 30 days following the employee’s receipt of the conviction.
- Report to his/her supervisor any driver’s license suspension, revocation, or cancellation by a state or any jurisdiction for any period of time. The supervisor must be notified before the end of the business day following the employee’s receipt of notice of revocation, cancellation, lost privilege, disqualification, or suspension.
- Report to his/her supervisor any roadside DOT inspection and provide all paperwork requirements associated with the inspection by the end of their shift.
- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with University policy and the Drug and Alcohol section of this policy.
- Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to University policy - see “Refusal to Submit Form”.
- Maintain the driver log book as defined in the Hours of Service Log Books section of this policy.
- Carry, on their person at all times, their physical certificates.
- Maintain up-to-date physicals and a valid driver’s license.
- Submit to their supervisor/department an annual Certificate of Violations Form.
- Send necessary documentation, such as the physicals or any other requested information, to the State representative for maintaining a valid CDL license.
- Attend all required training.
- Comply with safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines, which includes accident reporting.
- Submit to required periodic Physicals:
  - Drivers who operate CMVs must submit to required DOT physicals upon their initial hiring and thereafter as needed for compliance.
  - Failure to do so will result in the loss of the employee’s qualification to operate such a vehicle.
  - Only physicals which are completed at the University’s designated medical facility(s) will be accepted as valid DOT physicals - see Human Resources for information regarding the designated medical facility.
  - The supervising department will provide to the necessary information to set up an appointment for a physical.
  - The University will select a medical provider to conduct physicals following DOT protocols.

**Procedures**

*Every self-propelled CMV must be marked to display the following information:*
Vehicle Maintenance
There are two different types of vehicle maintenance inspections which shall be conducted on all CMVs. They are as follows:

- **Daily Inspections:**
  - Daily Inspection forms/checklist are kept on file in the respective driver’s department and will be placed in each CMV for each shift that the vehicle is used.
  - The driver will conduct a daily vehicle inspection per the Daily Inspection form/checklist.
  - On a periodic basis, the Insurance Office will ask the departmental supervisors for the forms which are on file to ensure the University’s compliance with maintenance requirements.
  - Daily Inspection Report. Brown University requires its’ drivers to prepare a written Vehicle Inspection Report at the completion of each days’ work. This report and certification of repairs shall be retained by the Department for a period of ninety (90) days and then may be removed from the files. The inspection shall be, at minimum, the following items, if applicable:
    - Service brakes
    - Trailer brake connection
    - Parking brake
    - Steering mechanism
    - Lighting devices and reflectors
    - Tires
    - Windshield wipers
    - Horn
    - Rear view mirrors
    - Coupling devices
    - Wheels and rims
    - Emergency Equipment (fire extinguisher, triangles, flares, etc.)

- **Annual Inspections** – All repairs and inspections will be performed by a qualified service provider in accordance with the Rhode Island state laws. These records shall be retained where the vehicle is either housed or maintained for a period of one (1) year and for six (6) months after the vehicle is no longer under the control of the motor carrier.

Hours of Service Log Books
Log books must be kept by drivers who drive CMVs a distance greater than 100 miles away from the University and/or on duty more than 12 hours.

- This log involves the recording of the driver’s duty status for each twenty-four (24) hour period.
- When drivers are required to use a log, they are expected to obtain a form (or log), before the trip begins, from their supervisor.
- Questions about how to properly fill out the log can be addressed at that time.

Motor Vehicle Record Checks
Drivers of CMVs must possess the valid driver’s license required for them to perform their duties and their driving records must be in good standing at all times.

- It is every University driver’s responsibility to immediately notify his/her supervisor when an accident occurs involving the driver,
When a traffic ticket is issued to the driver, or when any adverse action is taken by any state, or other authority, with respect to his/her driving privileges for any reason (e.g., a license suspension, revocation, etc.).

- Human Resources may run Motor Vehicle Record (MVR) checks on each driver on a routine basis.
- If a driver’s driving record is in poor standing or disqualifies the driving of CMVs, the driver’s supervisor will be notified to determine the appropriate disciplinary action.