



Highway safety actually begins with you

By John A. Gentle, DLP

DID PUBLIC CITIZEN AND THE COURT OF APPEALS implicate and admonish us when they said that not enough is being done to protect the health and well-being of drivers? I believe that the recent Court ruling that vacated the Federal Motor Carrier Safety Administration's (FMCSA) 11 hours of driving time and the 34-hour restart rule is not the end of this issue.

While FMCSA's charter is limited by regulation to the reduction of accidents on the roadways, Congress has, up to this point, chosen to overlook the related accidents that occur when the actions and requirements of some shippers and receivers become a significant contributor to fatigue. Those actions can, in fact, lead to accidents, driver injury, and an increase in a driver's refusal to accept shipment or to perform tasks that they know could jeopardize their ability to earn a living.

The challenge usually begins with the shipper's sales teams. They tend to commit drivers to a variety of unsafe loading or delivery-related tasks the customer wants even if they have no idea how that might impact a driver. Usually, all the customer has to say is "everyone else provides this service" and the sales team quickly commits to the shipment just to outdo the competition. After all, it's easier for sales/marketing to ask for forgiveness from their company than to fail on the delivery to the customer.

By reacting to the pressure from their sales/marketing groups, weak transportation teams force their carriers to agree to perform loading, unloading, or tarping tasks that are physically challenging, often dangerous, and are more likely to create fatigue and personal injury—especially in challenging weather conditions. This type of shipper behavior is especially egregious, especially when the company knows that the requirements are dangerous and they would probably not even allow their own employees to perform the tasks.

Not to be upstaged, some aggressive shipper operations may insist that drivers endure excessive delays in line. They may also require them to load their own trailers; and in the case of flatbeds, tarp their trailers without assistance and fall protection. Carriers and drivers that protest to warehouse operators are occasionally met with retribution in the form of additional loading delays and threats of loss of business.

And then there are those receivers that are

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simply ignorant of the dangers associated with the unloading of materials—and, of course, there are those who simply don't care. The latter includes customers that turn a blind eye to the dangers associated with untarping flatbed trailers without fall protection.

Equally harmful can be the requirement for drivers to break down pallets and/or unload trailers and tankers. Especially shrewd is the receiver that has agreed to do his own unloading and then tells the driver that he's just going to have to wait until they have time to get to him. The driver then begins unloading himself rather than be forced to endure a long and unprofitable delay.

And of course there is the infamous customer that takes pride in reminding everyone that he is the customer and "you'll do what I tell you to do, when I tell you, or you can take the load back."

I am astounded that Congress has not involved OSHA or has not passed a law limiting activities other than driving and possibly counting. Unless your company and customers take action now, it will just be a matter of time before the government begins to look seriously at these issues and act disproportionately to demonstrate their commitment to driver well-being and public safety.

Supply chain teams need to recognize the inherent dangers associated with demanding a driver to perform tasks beyond driving; and transportation teams need to become strong advocates for the well-being of their drivers. Providing an attractive and safe work place for drivers is critical to building competitive capacity in the marketplace.

Safe handling, storage, loading, and unloading of the product is best left to professional warehousemen, and the safe transport of the goods is best left to professional carriers and their drivers.

How can you begin?

- Ask your carriers to provide you with accident information related to your shipments; and in conjunction with your safety team educate your marketing and sales teams accordingly.
- Provide training and oversight of the warehouse operations to ensure they are acting responsibly.
- Change the package configuration to allow for mechanical unloading including the weather proofing of your products that eliminates tarps.
- Train your receivers about their role in your commitment to safe operations.