

2009 DOT Audit Workshop Case Studies

Scenario A:

At 3:00am a logger heads out into the woods near Cook, MN, loads his truck, and heads to the mill in Park Falls, WI. At 5:30 pm, the logger is finishing his return trip and is 5 miles from his home in Orr, MN when a drunk driver crosses over the centerline and crashes into the log truck head on and is killed. The log truck driver is sued by the drunk driver's family.

Can the log truck driver be held liable? **Yes, the log truck driver is at fault for driving after being on duty for more than 14 hours.**

Scenario B:

A car crashes into the side of a log truck at an intersection. As a result of the crash, the truck driver is treated away from the scene and the car is towed. Law enforcement issues a moving violation ticket to the truck driver.

Is the truck driver required to complete a drug and alcohol test? **Yes. Why - The truck driver is required to undergo post accident controlled substance and alcohol testing because there was an accident involving an injury and a vehicle was towed from the scene due to disabling damage AND the truck driver was issued a citation for a moving violation that resulted from the crash. For example, a driver was cited for failure to yield the right of way to an automobile driver. That caused the crash. Since this is moving violation and the crash met the definition of an accident in 390.15, the driver would be required to have a post accident controlled substance and alcohol test.**

Scenario C:

A car crashes into the side of a log truck at an intersection. As a result of the crash, the truck driver is treated away from the scene and the car is towed. Law enforcement issues a ticket to the driver of the car.

Is the truck driver required to complete a drug and alcohol test? **No.**

Scenario D:

A consortium selects a driver for a random controlled substance test AND a random alcohol test. The carrier notifies the driver to report for the test collection. The driver reports to the collection site and gives a urine sample.

Does this meet the requirements for random controlled substance and alcohol test? **No. A controlled substance test is performed on a urine sample. An alcohol test is**

performed by breath test or saliva test. A urine sample may never be used for an alcohol test.

Scenario E:

A truck driver loads pulpwood in Two Harbors and travels to Carlton to drop it at the Carlton rail siding where it will be loaded on a railcar and transported to LP's siding mill in Hayward, Wisconsin.

Does the truck driver need time records or a log book? **Yes**

Does this involve interstate or intrastate transportation? **Interstate**

How old does the driver need to be? **21**

Scenario E-2:

John Doe trucking picks up a loaded trailer of chips at a mill in Barwick, Ontario and transports them to International Falls, MN where the trailer is dropped at a yard. A logging company picks up the loaded trailer and transports it to Laurentian Energy in Virginia, MN.

Does the driver need a log book or time record? **Yes, either a log book or time record**

How old must the driver be? **21**

Who is responsible for the maintenance of the trailer? **The truck driver and/or logging company**

How much insurance must the truck driver have? **\$750,000**

Scenario F:

A logging business truck driver loads pulpwood in the Bemidji area and transports it to Ainsworth in Cook (over 100 miles).

Does the truck driver need time records or a log book? **No**

Does an exemption apply? If so, what exemption applies? **MN State Statutes 221.025 and 221.031**

What if the truck driver is a for hire owner operator? **Same exemption applies**

Scenario G:

A truckload of bolts is loaded in the Grand Marais area and trucked to Superior, WI using the US Hwy 2 Bridge (US Hwy 2 is not an Interstate). The distance one-way is just over 100 miles.

Does the truck driver need time records or a log book? **Yes**

Does an exemption apply? If so, what exemption applies? **No exemptions apply because the transportation is interstate. Logbooks would be required because the transportation is beyond the 100-air mile radius.**

Scenario H:

A truckload of chips is loaded in the Littlefork area and trucked to Abitibi's chip dump in Fort Francis, Canada. The distance one-way is under 100 miles.

Does the truck driver need time records or a log book? **Yes - either would suffice**

Does an exemption apply? If so, what exemption applies? **No exemptions apply because the transportation is interstate.**

Scenario I:

A logger loads equipment at his shop in Northome and moves into a site near Cromwell (a distance of more than 100 miles). He unloads the equipment and operates on the sale for 5 days. The first evening the logger goes back to his shop in a company pickup.

Does the truck driver need time records or a log book? **Yes**

Does an exemption apply? If so, what exemption applies? **No exemptions apply because the transportation does not involve pulpwood, cordwood, mining timbers, poles, posts, decorator evergreens, woodchips, saw dust or bark named in the hours of service exemption. The transportation is beyond 100-air miles so a logbook would be required, even if returning to the work reporting location.**

Scenario J:

A logger loads equipment at his shop in Northome and moves into a site near Cromwell (a distance of more than 100 miles). He unloads the equipment and operates on the sale for 5 days. The first evening he stays at a local hotel.

Does the truck driver need time records or a log book? **Yes, a logbook**

Does an exemption apply? If so, what exemption applies? **No – did not return to reporting location**

Scenario K:

A logger moves equipment from his shop in Bigfork to International Falls (a distance of less than 100 miles). He unloads the equipment and operates on the sale for 8 days. The first evening the logger goes back to his shop in a company pickup.

Does the truck driver need time records or a log book? **Yes, a time record or logbook.**

Does an exemption apply? If so, what exemption applies? **No exemptions apply because the transportation does not involve pulpwood, cordwood, mining timbers, poles, posts, decorator evergreens, woodchips, saw dust or bark named in the hours of service exemption. The transportation is within 100-air miles and the driver returned to the work reporting location, so a time record would be required. The carrier could opt for a logbook if they desired.**

Scenario L:

A logger moves equipment from his shop in Bigfork to International Falls (a distance of less than 100 miles). He unloads the equipment and operates on the sale for 8 days. The first evening he stays at a local hotel.

Does the truck driver need time records or a log book? **Yes**

Does an exemption apply? If so, what exemption applies? **No – did not return to reporting location and transported a commodity not listed in the exemptions.**

Scenario M:

A logger has a one ton pickup/service truck which weighs more than 10,000#. He uses the truck to get from his shop in Cook to a sale he is operating on in the Virginia Area.

Does the truck driver need time records or a log book? **Yes**

Does an exemption apply? If so, what exemption applies? **No**

Scenario N:

A logger has a one ton pickup/service truck which weighs more than 10,000#. He uses the truck to get from his shop in Cook to his daughter's basketball game in Virginia.

Does the driver need time records or a log book? **No**

Does an exemption apply? If so, what exemption applies? **N/A**

Scenario O:

A logger moves pulpwood from the wood yard at his shop to a mill.

Does the truck driver need time records or a log book? **Yes**

Does it matter if the distance from his shop to the mill is greater than 100 miles? **No**

Does an exemption apply? If so, what exemption applies? **No**

Scenario P:

A contract for hire owner/operator moves pulpwood from a logger's wood yard at the logger's shop to a mill.

Does the truck driver need time records or a log book? **Yes**

Does it matter if the distance from his shop to the mill is greater than 100 miles? **No**

Does an exemption apply? If so, what exemption applies? **No**

Scenario Q:

A load of bolts from the North Shore is trucked to a sawmill in SE MN.

Does the truck driver need time records or a log book? **No**

Scenario R:

What if the trucker passes through WI briefly on WI 35 while on his way to the mill in SE MN?

Does the truck driver need time records or a log book? **Yes**

Scenario S:

A logger has a bulk fuel tank (more than 119 water gallons) in the back of his pickup. The tank is half full and he uses the truck to travel from Isabella to a dealership in Superior, WI to pick up some parts.

What laws apply? **All regulations would apply and the bulk fuel tank (more than 119 water gallons) would require placarding. Needs a CDL, D & A testing, \$1,000,000 insurance, accident reporting, DQ files, logbooks, annual inspection, daily inspection, maintenance files, HM driver training, HM registration to transport HM in Minnesota, HM registration from PHMSA (Pipeline and Hazardous Material Safety Administration), shipping papers, placarding, and security plan.**

Scenario T:

A logger has a bulk fuel tank (more than 119 water gallons) in the back of his pickup. The tank is full and he uses the truck to travel from Park Rapids to a dealership in Bemidji to pick up some parts.

What laws apply? **All regulations would apply and the bulk fuel tank (more than 119 water gallons) would require placarding. Needs a CDL, D & A testing, accident reporting, DQ files, logbooks, annual inspection, daily inspection, maintenance files, HM driver training, HM registration to transport HM in Minnesota, HM registration from PHMSA (Pipeline and Hazardous Material Safety Administration), shipping papers, placarding, and security plan.**

Scenario U:

A logger has a 100-gallon diesel fuel tank in the back of his pick-up truck having less than 10,000 GVWR. The tank is partially full when he uses the truck to go to a timber sale in Mellon, WI.

What laws apply? **Basically none. The fuel tank can not leak. The truck is not subject to regulations as it is less than 10,000 GVWR. The diesel fuel is non-bulk combustible liquid transportation and as such exempt from the HM regulations. The transportation of HM in less than 10,000 GVWR vehicles is exempt from insurance requirements.**

Scenario V:

A truck driver keeps a can of WD-40 unsecured (lying on the floor, under the seat etc.) in the cab of his truck.

Is this a hazardous material? **Yes**

Is this a material of trade? **No (not until it is secured)**

What rules apply? **Shipping papers and emergency response information.**

What if the can of WD-40 was secured (in a storage compartment, tool box, strapped in, etc.) in the cab of the truck?

Is this a hazardous material? **Yes**

Is this a material of trade? **Yes**

What rules apply? **Driver must be aware that he has a hazardous material on board.**