

CONSTRUCTION

# Steering Construction to DOT Compliance

Follow the Rules of the Road to Protect Your Workers, Reputation and Bottom Line

Moving heavy construction equipment from Point A to Point B is a critical component of a construction project. While most firms focus on complying with Occupational Safety and Health Administration (OSHA) protocols during the transport of these machines and materials, Department of Transportation (DOT) regulations are often overlooked until a driver gets pulled over for an inspection.

Regardless of size and number of vehicles in a construction company's fleet, it's imperative to understand and adhere to DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations, which include a range of operational, safety and compliance standards. Noncompliance with these rules can result in hefty penalties, negative audits, poor safety ratings and project disruptions, which can also impact insurance costs.

## Before You Start Your Engines, Understand the Basics

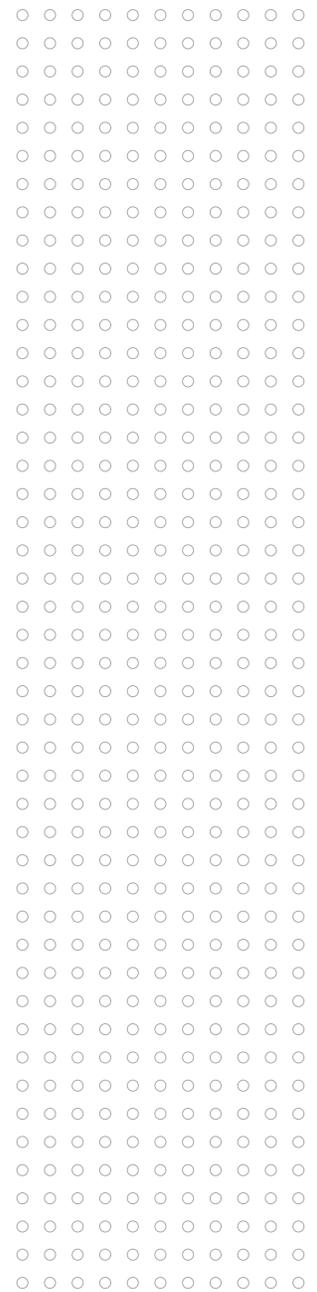
Construction companies and their workers are typically up to speed on all aspects of OSHA, but those involved with transporting heavy-duty equipment and materials should be equally well-versed in DOT's rules of the road. Regardless of whether your drivers are experienced or novice, everyone on your team — including safety professionals, managers and stakeholders — should understand DOT regulations and which rules apply to their specific area within the construction industry. This includes such regulations as vehicle weight limits, load securement, hours of service, drug testing and regular vehicle maintenance schedules.

Before anyone gets behind the wheel, it's best to review the often-overlooked basics to determine your regulatory requirements by knowing the answers to these three questions:

1. What type of fleet do you have?
2. What is your Gross Vehicle Weight Rating (GVWR) and/or Gross Combination Weight Rating (GCWR)?
3. Where can you find accurate GVWR numbers for your vehicle?

### DID YOU KNOW?

Federal Motor Carrier Safety Regulations (FMCSRs) can differ depending on vehicle weight rating when combined with trailers, or when hauling certain quantities of hazardous materials, such as fuel.



# Gross Vehicle Weight Rating (GVWR)

To comply with Federal Motor Carrier Safety Regulations (FMCSRs), it's all about the numbers. A vehicle's weight classification — **Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR)** — determines which federal regulations are mandatory, such as driver qualifications, vehicle repair/maintenance, parts/accessories necessary for safe operation and alcohol/drug testing requirements, among others.

Many construction companies operate a self-propelled or towed motor vehicle on highways to transport materials or equipment, with the GVWR or GCWR often exceeding 10,001 pounds or more, making it likely that FMCSRs apply. Some vehicles may be exempt from FMCSRs, such as farm/agriculture vehicles and certain municipal/government-owned trucks, when registered correctly.

Given the differences in regulations, it's imperative that construction companies and their employees know how to verify the weight of a truck or truck-trailer combination, which is determined by the manufacturer. Typically, a truck's GVWR and GCWR can be found on the Safety Compliance Certification Label located on the driver's door, commonly referred to as the "door jamb label." For a trailer, the Safety Compliance Certification Label can be found at the front near the hitch.

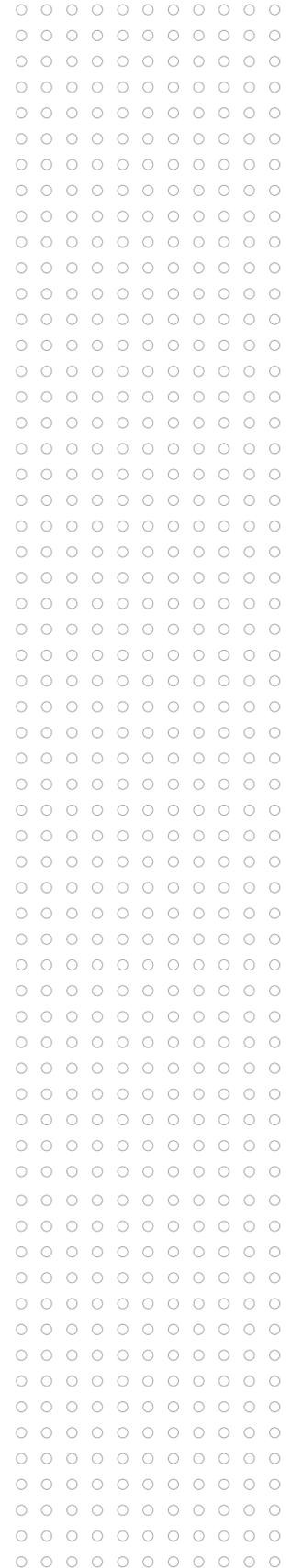
Do not rely on GVWRs found on your Department of Motor Vehicles registration papers or on your insurance vehicle list.

Once you know the correct GVWR and GCWR, you can determine regulatory stipulations for:

- Driver qualifications
- DOT Drug & Alcohol Program compliance
- Interstate vs. intrastate requirements
- Vehicle requirements

The next step is to look into the standards for securing equipment. The DOT maintains many specific rules regarding the proper use of tiedowns and transport of cargo that comes in contact with front-end structures on commercial motor vehicles. Other regulations prohibit the use of unmarked or unrated anchor points and define a minimum number of tiedowns per load weight.

These standards also outline rules for transporting dressed lumber and building products, metal coils, concrete piles, hook lift containers and boulders.



## Know Your Drivers

FMCSRs don't just apply to trucks, trailers and cargo — the regulations also outline requirements for drivers. Before a driver can operate any commercial motor vehicle (CMV), the construction company must have on file:

- A completed driver application.
- Proof of medical qualifications.
- Proof that the medical examiner who performed the DOT physical is on the National Registry of Certified Medical Examiners.
- A road test and road test certificate or the equivalent as allowed under §391.33 (a road test certificate from a previous employer issued in the last three years or a commercial driver's license).
- An inquiry to previous employers for safety performance history.
- Motor Vehicle Record (MVR).

All these records must be kept in the driver's qualification (DQ) file before operating any type of CMV.

If the driver will be operating a commercial vehicle that requires a commercial driver's license (CDL), additional requirements must be met before the driver is permitted on public roadways. For these drivers, the carrier must have on file:

- A copy of the signed receipt for the company's drug and alcohol policy.
- Verified negative results from a pre-employment drug test.
- An entry-level driver training certificate for drivers who have fewer than one year of verifiable experience driving CDL-required vehicles when hired.
- A full query conducted through the FMCSA Drug & Alcohol Clearinghouse.

## Complying with the FMCSA

Meeting FMCSA compliance requirements is critical. During a compliance review, the FMCSA will score your construction company using a safety fitness standard. The agency looks at noncompliance of regulations and the company's overall safety management processes.

### DID YOU KNOW?

Numerous transportation regulations apply when a truck and trailer surpass 10,001 pounds in combined weight.

Many factors can impact a safety rating, including:

- Adequacy of safety management controls.
- Frequency and severity of driver/vehicle regulatory violations.
- Number and frequency of out-of-service driver/vehicle violations.
- Increase or decrease in similar types of violations discovered during safety or compliance reviews.
- Number and severity of violations of CMV and motor carrier safety rules, regulations, standards and orders that are issued by a state, Canada or Mexico and compatible with federal rules, regulations, standards and orders.

Following a compliance review, the FMCSA provides:

- A list of deficiencies discovered during the audit with the expectation that the company will take corrective actions.
- A safety rating based on the safety fitness model.

The FMCSA will send a written notification of the safety rating to the company within 30 days following the completion of the compliance review. The ratings are also publicly available through the [SAFER website](#).

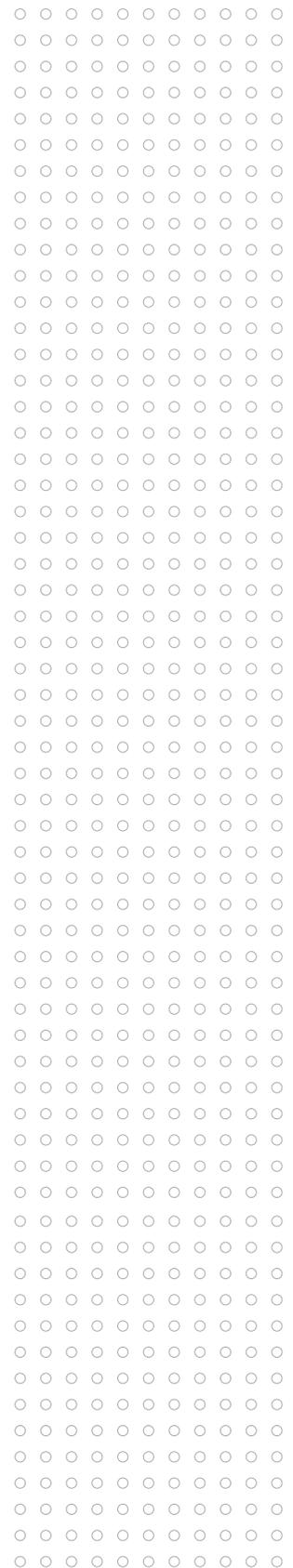
Companies that receive a “Conditional” or “Unsatisfactory” safety rating will receive guidance from the FMCSA about how they can improve their rating. These ratings often impact auto liability insurance.

A safety rating of “Unsatisfactory” is notice that the FMCSA has made a preliminary determination that the company could be suspended from operating certain vehicles and is unfit to continue operating vehicles above certain GCWR limits.

## Second Chances for Poor Safety Ratings

If a company receives a “Conditional” or “Unsatisfactory” rating, it may request a rating change at any time by submitting a written request to the FMCSA Service Center responsible for the geographic region where the company’s main business is located.

The FMCSA will expect to see a Safety Management Plan (SMP) to address the violations discovered during the compliance review. Based on the contents of the plan, the FMCSA may issue an improved safety rating.



# Know Your Safety Ratings

The FMCSA assigns one of three possible ratings.

## Satisfactory:

- ✓ Complies with safety fitness standards.
- ✓ Has safety management controls.
- ✓ Continues to operate.

## Conditional:

- ✗ Complies with safety fitness standards.\*
- ✗ Has safety management controls.
- ✓ Continues to operate.

## Unsatisfactory:

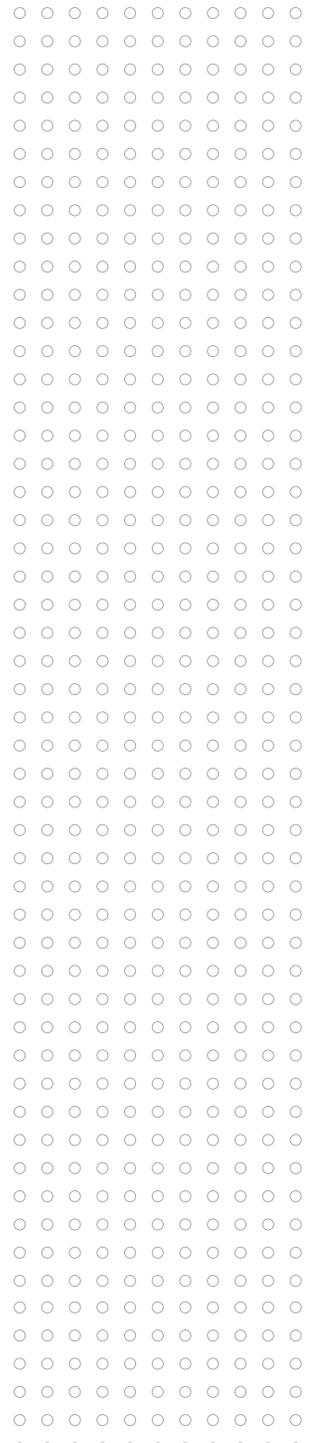
- ✗ Complies with safety fitness standards.
- ✗ Has safety management controls.
- ✗ Continues to operate.

\* Deficient in some areas

## Let HUB Help

Remember, a “Conditional” or “Unsatisfactory” safety rating can have an adverse impact on your insurance program. Many underwriters are unable to quote coverage for safety ratings less than “Satisfactory.”

HUB Construction and Transportation specialists and risk services professionals are uniquely qualified to assist with the safety rating appeal process. Working with you and any recent DOT investigation report, we can help you draft a Safety Management Plan (SMP) that describes the action(s) taken to address the deficiencies outlined in your last investigation report.



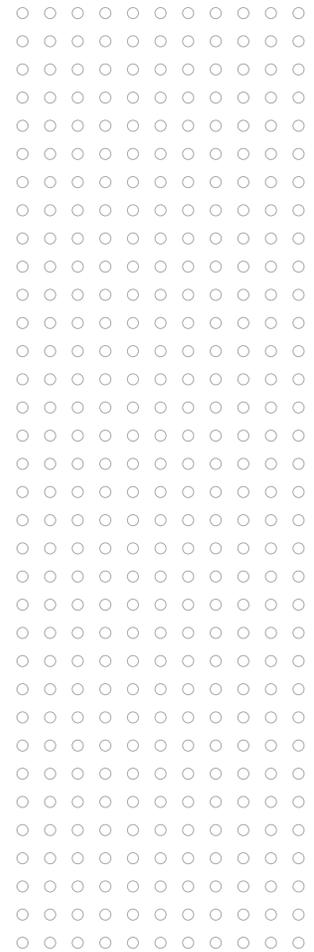
The submitted SMP should include:

- Steps taken to identify the deficiencies.
- Mechanisms put in place to correct shortcomings and stop the violations from recurring (e.g., policies and procedures, assigned roles and responsibilities, improved auditing, etc.).
- Company training or use of outside experts to assist in training.
- A statement, accompanied by documentation, showing that a deficiency has been corrected.

Once the plan and supplemental information is assembled, it can be sent to the appropriate FMCSA Service Center for review and decision.

Being proactive can make all the difference in an evaluation. Online platforms such as **HUB Drive Online** can help you remain compliant with state and federal regulations and improve your overall safety performance. This program integrates your data, risk management programs, licensing and permitting certificates into a single dashboard, making it easier for you to manage your fleet and keep your drivers safe.

In addition, your broker can help you evaluate your program and implement changes to improve the likelihood of a "Satisfactory" rating in the event of an evaluation.



# Stay Informed on Trucking Regulations

The FMCSA recently implemented critical modifications that address issues from driver compliance to overall road safety. Noteworthy changes include higher fines and an oral-fluid drug testing option.

In addition, there are many new proposals to enhance safety, accountability and efficiency in the works.

## Updates include:

- **Broker & Freight Forwarder Financial Responsibility (effective January 16, 2024)**. Brokers/freight forwarders are required to maintain a \$75,000 surety bond in readily available assets and must provide evidence of such to register with the FMCSA. Full compliance date is January 16, 2025.
- **CDL Downgrades for Drug & Alcohol Violations (effective November 18, 2024)**. Drivers with a “prohibited” status in the FMCSA’s Drug & Alcohol Clearinghouse will lose or be denied their state-issued commercial driving privileges.
- **Higher Fines (effective December 28, 2023)**. DOT increased fines by 1.03241%.

## Proposals to watch:

- **Hair Testing**. Proposal to introduce hair testing for illegal drugs, offering longer detection windows and increased accuracy as an alternative to traditional screening methods.
- **Automated Driving Systems (ADS)**. Regulatory oversight and standards for ADS are expected to provide rules around safe deployment and operation of automated vehicles.
- **Electronic Truck Identification**. Expect advancements in electronic truck identification for brokers and freight forwarders aimed at improving tracking and monitoring systems for streamlined logistics.
- **CDL Training**. Ongoing discussions on potential revisions to CDL training requirements continue, focusing on enhancing the safety and competency of CDL holders.

Contact HUB International’s [construction](#) or [transportation](#) insurance specialists to learn more about how to ensure that your construction fleet is adhering to DOT regulations.

# Strategic support that puts you in control.

When you partner with us, you're at the center of a vast network of experts who will help you reach your goals. With HUB, you have peace of mind that what matters most to you will be protected — through unrelenting advocacy and tailored solutions that put you in control.

For more information on how to manage your insurance costs and reduce your risk, contact a HUB construction insurance specialist.

[hubinternational.com/construction](https://hubinternational.com/construction)

---

## Ready for tomorrow.

Risk & Insurance | Employee Benefits | Retirement & Private Wealth



*This information is provided for general information purposes only. HUB International makes no warranties, express, implied, or statutory, as to the adequacy, timeliness, completeness, or accuracy of information in this document. This document does not constitute advice and does not create a broker-client relationship. Please consult a HUB International advisor about your specific needs before taking any action. Statements concerning legal matters should be understood to be general observations and should not be relied upon as legal advice, which we are not authorized to provide.*