

TRUCK DRIVING



Christopher Chaney
Coalinga College

Truck Driving

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Detailed Licensing

Licensing

A detailed breakdown of this resource's licensing can be found in [Back Matter/Detailed Licensing](#).

CHAPTER OVERVIEW

1: Pre and Post Trip Inspections

Introduction

Conducting thorough pre-trip and post-trip inspections is a critical responsibility for commercial motor vehicle (CMV) operators to ensure the safety and reliability of their vehicles. This section, A1.1.3, teaches driver-trainees the procedures for pre-trip and post-trip inspections as specified in §§ 392.7 and 396.11, including en route vehicle inspections and appropriate inspection locations.

Learning Objectives

By the end of this unit, trainees will be able to

1. Identify the critical components of a pre-trip and post-trip inspections according to federal and state regulations.
2. Identify and report vehicle defects and deficiencies.

Key Concepts

The key concepts in this section include pre-trip, post-trip, and en route vehicle inspections to ensure CMV safety and compliance with regulations.

Relevant Regulations

California state and federal regulations mandate strict adherence to inspection protocols for CMV operators to ensure road safety. These include:

- **49 CFR § 392.7:** Requires drivers to inspect specific parts and accessories to ensure they are in good working order before operating the vehicle.
- **49 CFR § 396.11:** Requires drivers to complete a written post-trip inspection report identifying any vehicle defects or deficiencies.
- **California Vehicle Code Section 2802:** Outlines the requirements for vehicle inspections and the responsibilities of drivers and motor carriers.

Detailed Content

Driver-trainees must be proficient in conducting pre-trip inspections, which involve a comprehensive check of the vehicle to ensure it is safe for operation. The following areas are required as part of the vehicle inspection test at the DMV. This section will serve as a visual aid for the pre-trip inspection. Details can be found in the Commercial Driver's License Supplemental Handbook [DL 650, California Commercial Driver Handbook](#) and will be demonstrated during lab. This section will serve as a visual aid for trainees to master the outside portion of the inspection for the DMV exam and should be used with the inspection sheet given in class.

[1.1: Front of Vehicle Engine Area](#)

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1.1: Front of Vehicle Engine Area



As I approach the truck I am looking for

- Fluid leaks; not puddles of water, oil, or fuel
- Truck is sitting level side to side and front to rear
- 1. Headlights; lenses are clear, clean, not broken or missing
- 2. Clearance and signal lights; lenses are clean, amber in color, not broken or missing

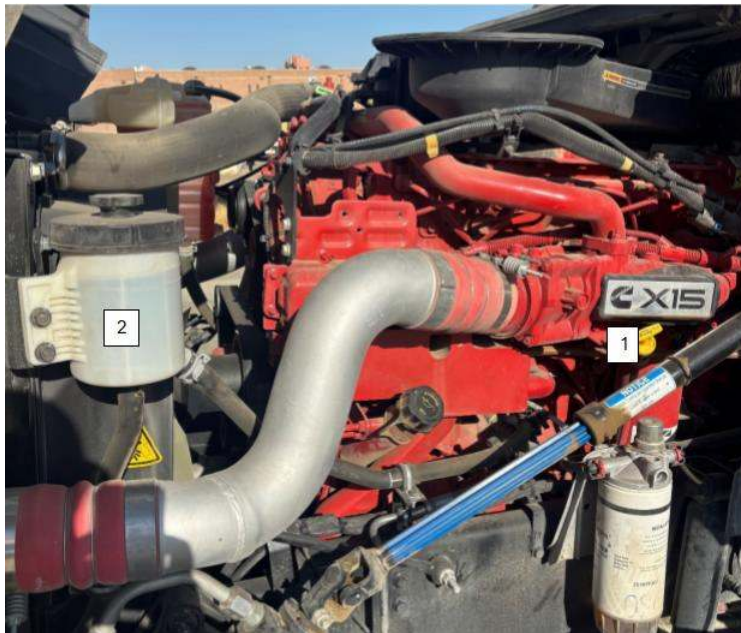
Engine Compartment (passenger side):



- 1. Washer fluid level is adequate

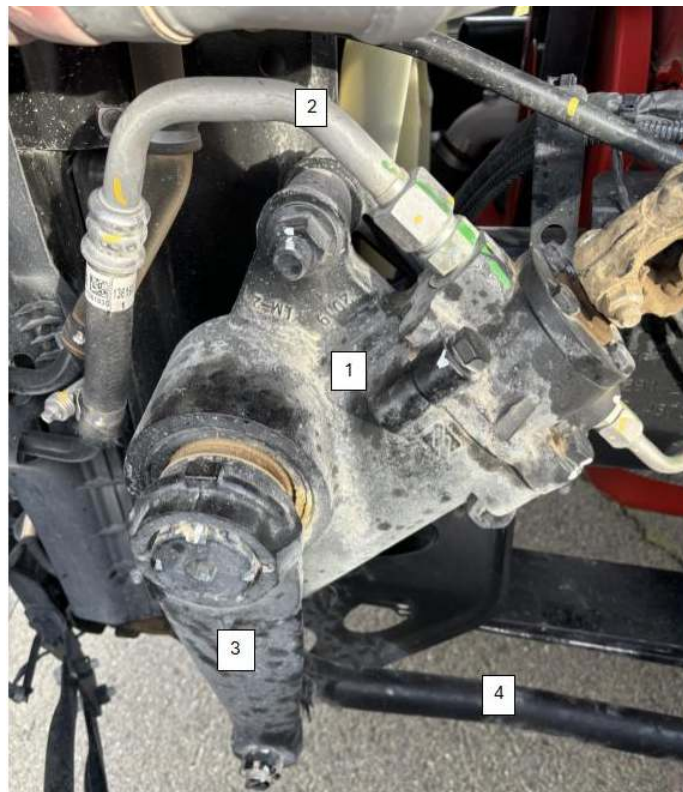
- 2. Coolant level between the min and max marks
- No hose leaks; fuel, oil or water
- No air leaks

Engine Compartment (driver side):

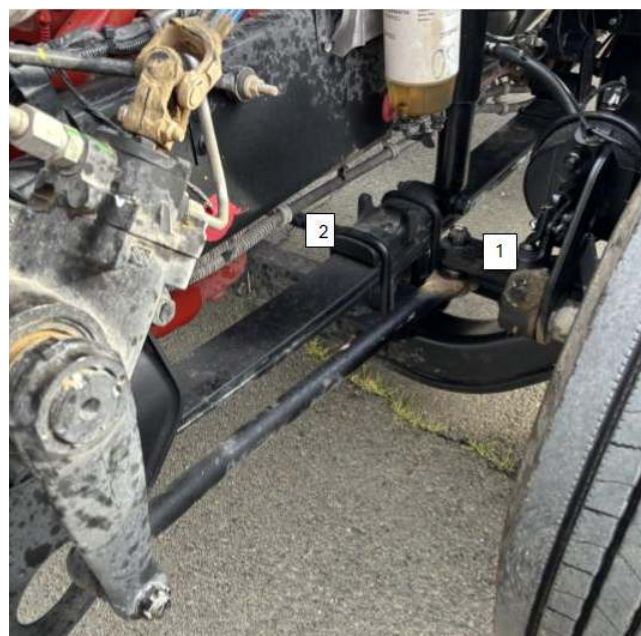


- 1. Engine oil level; between the add and full marks
- 2. Power steering fluid; between the min and max marks, no hose leaks
- No hose leaks; fuel, oil or water
- No air leaks

Steering System:



- 1. Steering box; securely mounted, no loose or missing nuts and bolts, no leaks
- 2. Steering hoses and connections not cracked, worn or leaking
- 3. Pitman Arm
- 4. Drag link



- 1. Upper steering arm (lower is not visible in this picture)
- 2. Tie rod
- Inspect that there are no missing nuts, bolts or cotter keys
- Inspect that the joints and sockets are not worn or loose

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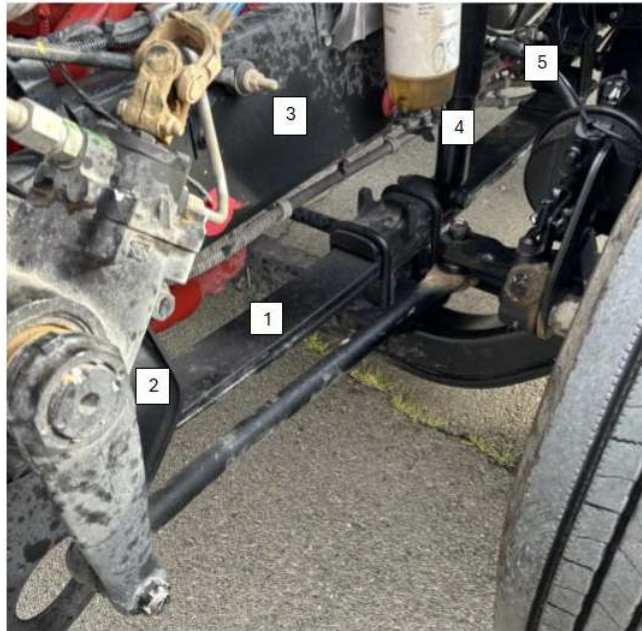
1.2: Steering Axle

Tires:



- 1. Tire pressure: 100 psi checked with a gauge
- Tire condition: no cuts or damage to the tread or side wall that expose body plies
- 2. Valve stem: cap in place, accessible, not damaged or broken
- 3. Tread depth: no less than 4/32's of an inch, checked with a tread depth gauge
- 4. Rims: not cracked, bent, or weld repaired
- Stud and bolt holes: not elongated, no loose or missing nuts or bolts
- 5. No missing lug nuts
- 5. Lug nuts are not loose, no signs of rust trails or shiny threads which may show looseness
- 5. No broken studs

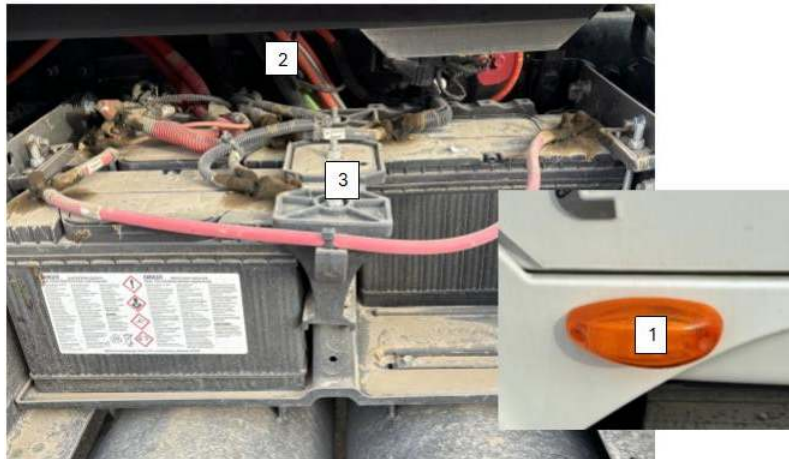
Front Suspension and Brake (Driver side):



- 1. Springs: no missing, shifted, cracked, or broken leaf springs
- 2. Spring brackets: secured, not cracked, broken or missing any parts, no loose or missing nuts and bolts
- 3. Frame: no cracks, broken welds, holes or damage to frame members, no loose or missing nuts and bolts
- 4. Shock absorber: secure, no damage or leaks, no loose or missing nuts and bolts
- 5. Brake hoses and lines: not pinched, cracked, worn or frayed, couplings and fittings secure, no air leaks
- Brake contaminates: lining and drums free of grease, oil, and debris

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1.3: Side of Vehicle



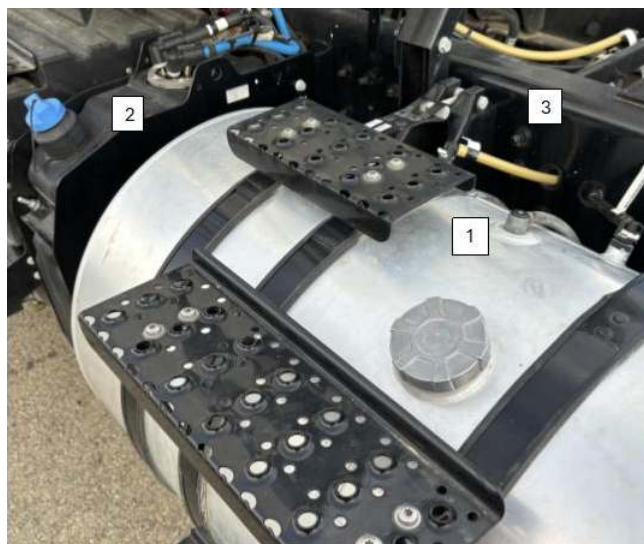
- 1. Clearance and signal lights: amber in color, clean, not broken or missing
- 2. Electrical system cables and lines are secure, not cracked or worn
- 3. Batteries are secure, connections are tight and no excessive corrosion
- Battery box cover is secure, batteries are not visible

Traffic Monitoring Device:



- Mirrors: clean, not cracked, brackets are not bent, mounted securely, no missing parts

Fuel Tank:

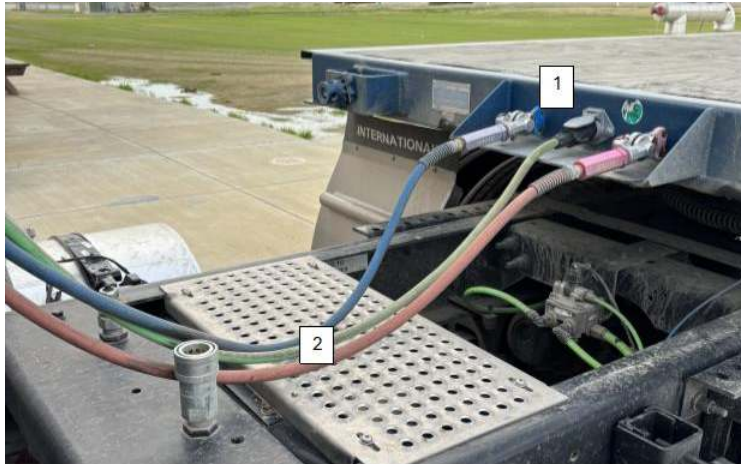


- 1. Fuel tank and brackets: securely mounted, cap is tight, no leaks from tanks or lines
- 2. DEF tank and brackets: securely mounted, cap is tight, no leaks from tanks or lines
- 3. Frame: no cracks, broken welds, holes or damage to frame members, no loose or missing nuts and bolts

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1.4: Combination Vehicles Only

Air and Electric Lines/Connectors



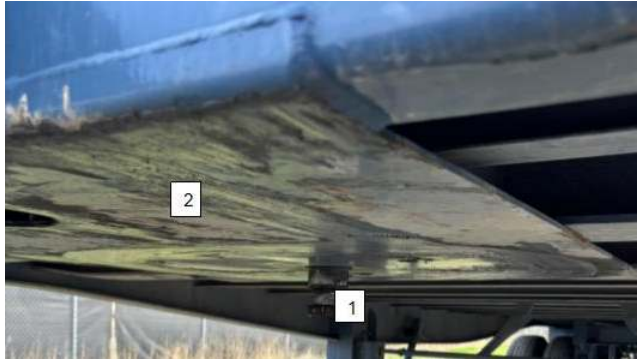
- 1. Air and electric connectors on the truck and trailer are seated and sealed, not damaged and locked in place
- 2. Air hoses and electric lines are not cut, cracked, chafed, spliced, taped or worn, no air leaks
- Not tangled, crimped or pinched, or dragging against the truck or ground

Fifth Wheel Skid Plate



- 1. Fifth wheel skid plate: securely mounted to the vehicle by the fifth wheel platform (2), not cracked or broken, no excessive wear

Kingpin, Apron and Gap



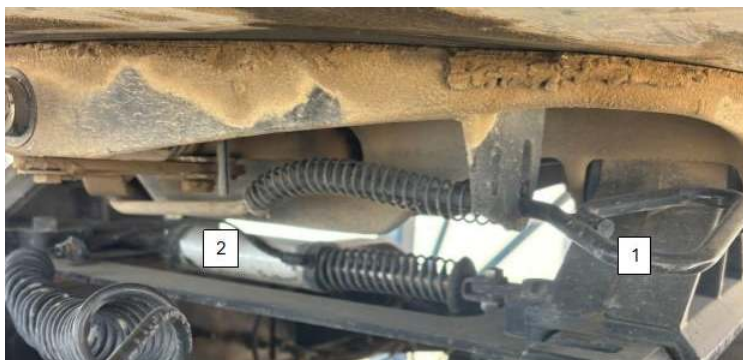
- 1. Kingpin: in place, not bent, damaged or worn
- 2. Apron: not bent cracked or broken
- Inspect that the trailer is laying flat on the fifth wheel skid plate, no space between the apron and fifth wheel
- Inspect that the fifth wheel is properly lubricated

Locking Jaws



- 1. Locking jaws: fully secured around the kingpin, no play between kingpin and locking jaws

Release Arm and Sliding Fifth Wheel Pins



- 1. Release arm: in the engaged position
- 2. Sliding fifth wheel pins: not damaged and fully engaged

Air Ride Suspension



- 1. Air ride suspension: secure, not damaged, and not leaking

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1.5: Tractor Only

Landing Gear and Clearance



- Landing gear (1): fully raised, no missing parts, crank handle (2) secured, support frame (3) and landing pads (4) not damaged
- Fifth wheel is positioned properly so that the tractor frame will clear the landing gear during turns



- 1. Front marker light: amber in color, clean not broken or missing



- 1. Frame: no cracks, broken welds, holes or damage to the frame members, no loose or missing nuts and bolts

- 2. Trailer floor, no breaks or holes
- 3. Reflective tape present and affixed securely to the trailer

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1.6: Rear of Trailer



- Lights: stop lights (1), turn signals (1), clearance (2), and marker (3) are red in color, clean not broken or missing
- 4. Reflective tape present and affixed securely to the trailer

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CHAPTER OVERVIEW

2: Control systems and Dashboard

Basic Operations: Section 3: Control Systems/Dashboard

Introduction

Understanding vehicle control systems and the dashboard is fundamental for any commercial motor vehicle (CMV) operator. This section, A1.1.2, introduces driver-trainees to vehicle instruments, controls, and safety components.

 By the end of this unit, trainees will be able to:

1. Correctly read and interpret vehicle gauges and instruments.
2. Properly use vehicle safety components such as safety belts and mirrors.
3. Identify, locate, and explain the function of primary and secondary vehicle controls

Key Concepts

The key concepts in this section include the use of vehicle instruments, controls, and safety components to ensure safe and efficient CMV operation.

Relevant Regulations

Both state and federal regulations emphasize the importance of understanding vehicle control systems for CMV operators to ensure road safety. These regulations include:

- FMCSA regulations on the proper use and maintenance of vehicle safety components.
- California Code of Regulations Title 13, Section 1213, which details requirements for vehicle equipment and safety components.

Detailed Content

Driver-trainees must become proficient in reading vehicle gauges and instruments. These include the speedometer, tachometer, fuel gauge, oil pressure gauge, temperature gauge, and air pressure gauges, among others. Accurate reading of these instruments is crucial for maintaining vehicle performance and safety.

Safety components such as safety belts and mirrors are essential for driver and passenger protection. Trainees must understand how to properly adjust and use these components to ensure maximum safety.

[2.1: Primary Controls](#)

[2.2: Secondary Vehicle Controls](#)

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2.1: Primary Controls

Engine Controls:



- **Key Switch:** Operates like a key switch in your car, it is a four position switch with the following positions. Older trucks will not have a start position, this will be replaced by a starter button.
 - Accessory - In this position all electrical accessories will operate.
 - Off - In this position the truck is off and no electrical accessories will operate.
 - Run - This is the position the key will be in when the truck is running, all electrical accessories will operate.
 - Start - This position is only used to start the truck, once started the key will automatically return to the run position.



- **Starter Button:** Used to start the engine, this is more common on older trucks.
- **Cruise Control:** Used to maintain a steady speed without using the accelerator pedal.



- **Steering Wheel:** Used to control the direction of the vehicle.



- **Steering Wheel Adjustment:** When unlocked the steering wheel can be tilted or telescoped for maximum driver comfort.



- **Accelerator Pedal:** Controls the vehicle's speed by increasing fuel flow to the engine.

- **Foot Brake Control Valve** also referred to as the **service brake, foot valve or treadle valve**: Engages the service brakes to slow down or stop the vehicle.
- **Clutch Pedal (for manual transmissions)**: Disengages the engine from the drivetrain to allow for shifting gears. The clutch pedal has four basic positions.
 - Engage - When the pedal is fully released the clutch is engaged which means the engine is connected to the drive train.
 - Free Play - The first $\frac{3}{4}$ - 2 inches of clutch travel before the clutch is disengaged. If the clutch pedal has no free play the clutch needs to be adjusted or replaced.
 - Disengaged - When the clutch pedal is depressed past the free play to about 1 inch shot of the floor, at this point the engine is disconnected from the drive train.
 - Clutch Brake - When the clutch pedal is fully depressed the clutch brake is engaged this stops the rotation of the transmission so that the truck can be put into first gear or reverse. Failure to engage the clutch brake will cause grinding when putting the truck in gear. Additionally depressing the clutch fully when shifting between gears can cause damage to the clutch brake.
- **Transmission Controls:**



- **Shifter**: Used to change gears in the transmission
- **Range Selector**: Located on the front of the shifter, used to switch between high and low range.
- **Splitter**: Used to split single gears between high and low also referred to as direct and overdrive. Splitters are found on 13, 15, and 18 speed transmissions, the color of the splitter determines the transmission: 13 speed is red, 15- speed is blue, and 18 speed is gray.



- **Trailer Brake Control Valve also the hand valve or trolley valve:** Engages the service brakes on the trailer only. The valve should never be used in place of the parking brake, improper use can cause the trailer to skid and possibly jackknife.



- **Parking Brake Control Valve (Yellow):** Used to operate the parking brakes on the tractor only, parking brakes should only be activated when the vehicle is at a complete stop.
- **Trailer Air Supply Valve (Red):** Used to supply air to the trailer to release the parking brakes. The valve should never be operated when no trailer is connected, if the trailer was to become disconnected the valve will close automatically.



- **Antilock Brakes:** Anti-lock Braking Systems (ABS) are designed to prevent the wheels from locking up during braking. This is crucial for maintaining steering control and reducing the risk of skidding, especially on slippery surfaces. ABS uses sensors to monitor wheel speed and, if it detects a potential lock-up, it modulates the brake pressure to allow the wheels to keep rotating. This system enhances vehicle safety by improving stopping distances and ensuring better vehicle stability and control under heavy braking conditions. ABS has been mandatory on all new commercial trucks in the U.S. since 1997.



- **Auxiliary Brakes and Retarders:** Auxiliary brakes and retarders on commercial trucks are additional systems designed to improve braking performance and reduce wear on the primary brakes. They are essential for maintaining control and safety, especially on long descents and in heavy traffic. Here's a breakdown:

1. **Engine Brakes:** These include systems like the Jake Brake (Jacobs Engine Brake), which modifies the engine's exhaust valve operation to create back pressure, slowing the vehicle by converting the engine into a power-absorbing air compressor.
2. **Exhaust Brakes:** These work by restricting the flow of exhaust gases, creating back pressure that slows the engine and the vehicle. This type of braking is less powerful than engine brakes but still effective in providing additional stopping power.
3. **Retarders:**

- **Hydraulic Retarders:** Use the resistance of a fluid, usually oil, to create a braking force. They are integrated into the transmission or driveline and provide continuous braking without relying on friction.
- **Electric Retarders:** Generate braking force through magnetic resistance. When activated, they create a magnetic field that slows down the drivetrain, providing smooth and consistent braking.

These systems help in maintaining vehicle control, especially in situations where the primary brakes might overheat or fail, thereby enhancing overall safety and extending the lifespan of the primary braking system.



- **Differential Lock:** The differential lock enables even power distribution between each drive tire on a single drive axle.
- **Interaxle Differential Lock:** The interaxle differential lock or power divider enables equal power to be distributed between each of the drive axles on a truck with two drive axles. Some trucks are equipped with both a power divider and differential locks.

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2.2: Secondary Vehicle Controls

- **Lights:** Lights are necessary for safe vehicle operation both day and night.



- **Light Controls:** Used to turn lights on and off.
- **Lamp Check:** The 2023 International LTD that you will be training on is equipped with a lamp check that can be used to check all lights on the truck and trailer.



- **Turn signals:** Used to alert other drivers of your intentions when driving.



- **4-way flashers:** Used to warn other drivers of a hazard.



- **Mirrors:** External mirrors are used to monitor traffic while driving on public roads and highways. Mirrors are also important when backing and maneuvering the trail.



- **Mirror Heaters and Adjustment:** Many modern trucks are equipped with power adjust mirrors just like your automobile, you should adjust your mirrors prior to starting your drive. Mirror heat is important to use in cold weather to keep ice from building up and obstructing your vision.



- **Heater, Air Conditioner, and Defroster:** The heater, air conditioner, and defroster controls are used to control the temperature inside the truck. In addition, the defroster is an important safety component that helps to keep the windows clear for driver safety. When performing your vehicle inspection the defroster AND floor heat will be checked as a critical component.



- **Electric/City Horn:** The electric horn serves as a warning device for other drivers more commonly used at slower speeds or in the city. In some instances, you may be required to sound the horn prior to moving the vehicle. This is a critical component and will be checked as part of the vehicle inspection
- **Air/Highway Horn:** The air horn serves as a warning device for other drivers more commonly used at high speeds or on the highway. In some instances, you may be required to sound the horn prior to moving the vehicle. This is a critical component and will be checked as part of the vehicle inspection.

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2.3: Instruments



- **Speedometer:** The speedometer will tell you the speed that the vehicle is traveling.



- **Tachometer:** The tachometer will tell you the speed of the engine in revolutions per minute (RPM). If you notice in the picture it shows “× 100” that means that the numbers on the tachometer are the number times 100 for example 5 equals 500.

The tachometer is **THE MOST IMPORTANT GAUGE** when up-shifting and down shifting the truck.



- **Fuel Gauge:** The fuel gauge will tell you how much fuel is in your tanks, remember commercial trucks can have different size tanks so remember a half tank is not the same in every truck.



- **DEF (Diesel Exhaust Fluid) Gauge:** The DEF gauge will tell you how much DEF is in your tank; DEF tanks can range from 5 to 20 gallons. You may need to fill the tank daily depending on size and the type of driving you are engaged in, stop and go driving will cause the truck to burn more DEF.



- **Voltmeter:** The voltmeter gives you a reading on charging system voltage and should be between 13 and 14 volts. If the voltmeter is at 12 or less this could indicate that the alternator is not working properly.



- **Ammeter:** The ammeter measures current flow in amperes and is an important tool to indicate if the alternator is operating properly. Ammeters are not a standard feature on all commercial trucks.



- **Air Pressure Gauge:** The air pressure gauge or gauges indicate the air pressure in the primary and secondary air systems. In this picture the primary is indicated by a "1" and the secondary by a "2". The gauges pictured also have a low air indicator that will come on before the pressure in that system fall below 55psi. During normal operation the gauges should operate between 90 and 140 psi. The air pressure gauges are used during the brake inspection portion of the pre-trip inspection.



- **Oil Pressure Gauge:** The oil pressure gauge gives you the reading on the engine oil pressure, this is important to keeping the engine lubricated and operating properly. During normal operation the gauge should read between 20 and 50 psi.



- **Coolant Temperature Gauge:** The coolant temperature gauge gives you on a reading the temperature of engine coolant, this is important to keep the engine operating properly. During normal operation the gauge should read between 180 and 200 degrees.



- **Engine Oil Temperature Gauge:** The engine oil temperature gauge gives you a reading on the temperature of the engine oil. During normal operation the gauge should read at a temperature slightly higher than the coolant temperature. This gauge is not standard on all commercial trucks.



- **Exhaust Pyrometer Gauge:** The pyrometer gauge measures the temperature of exhaust gases when they are leaving the engine. During normal operation when the truck is loaded the gauge should read between 800 and 1100 degrees. Pyrometers were much more common on older trucks but can be found on some newer units.



- **Transmission Temperature Gauge:** The transmission temperature gauge measures the temperature of the oil in the differential. Under normal operating conditions the gauge should read between 175 and 225 degrees. This gauge is not standard on all commercial trucks.



- **Axle Temperature Gauge:** The rear axle temperature gauge measures the temperature of the oil in the differential. Under normal operating conditions the gauge should read between 150 and 200 degrees. This gauge is not standard on all commercial trucks.

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2.4: Practical Application and Testing

In practical scenarios, trainees must demonstrate their ability to read and interpret vehicle gauges accurately. They should practice adjusting and using safety belts and mirrors to ensure proper fit and maximum visibility. Trainees should also engage in exercises that involve identifying and using both primary and secondary controls in a controlled environment.

Training should include hands-on activities such as:

- Simulated driving sessions to practice using vehicle controls.
- Identifying and explaining the function of each control in the cab of a CMV.
- Role-playing scenarios to practice the use of turn signals, headlights, and other secondary controls.

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2.5: Summary

Understanding and correctly using vehicle control systems and the dashboard is essential for safe and efficient CMV operation. Proper training on reading gauges, using safety components, and operating primary and secondary controls ensures that driver-trainees are well-prepared to handle various driving conditions and maintain vehicle safety.

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CHAPTER OVERVIEW

3: Employee Protection Under the Surface Transportation Assistance Act (STAA)

Understanding Your Rights as a Commercial Motor Vehicle Professional

Learning Objectives

By the end of this chapter, you will be able to:

- Understand the purpose and scope of the Surface Transportation Assistance Act (STAA)
- Identify what constitutes protected activity under STAA
- Recognize forms of retaliation and adverse employment actions
- Know how to file a complaint if you experience retaliation
- Understand the investigation process and available remedies

Introduction

As a professional commercial motor vehicle (CMV) driver, you play a critical role in transportation safety. The Surface Transportation Assistance Act of 1982 (STAA), as amended, provides important legal protections for drivers, mechanics, freight handlers, and other transportation employees who report safety violations or refuse to operate vehicles under unsafe conditions. This federal law, enforced by the Occupational Safety and Health Administration (OSHA), ensures that you can prioritize safety without fear of retaliation from your employer.

[3.1: What is the Surface Transportation Assistance Act?](#)

[3.2: Who is Protected Under the STAA?](#)

[3.3: What Constitutes Retaliation?](#)

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3.1: What is the Surface Transportation Assistance Act?

The STAA was enacted by Congress to encourage employee reporting of noncompliance with safety regulations governing commercial motor vehicles. Congress recognized that employees in the transportation industry are often best able to detect safety violations and yet, because they may be threatened with discharge for cooperating with enforcement agencies, they need express protection against retaliation for reporting these violations.

The law specifically prohibits employers from retaliating against employees who engage in protected activities related to commercial motor vehicle safety, health, or security matters.

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3.2: Who is Protected Under the STAA?

Covered Employees Include:

- Drivers of commercial motor vehicles (including independent contractors when personally operating a commercial motor vehicle)
- Mechanics
- Freight handlers
- Any individual not an employer, who directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier

Important: The term includes an individual formerly performing the work described above or an applicant for such work. This means you're protected even if you're a former employee or job applicant.

What is a Commercial Motor Vehicle? A "commercial motor vehicle" means a truck, van or bus that has a gross vehicle weight (GVW) of at least 10,001 pounds, or is designed to transport more than 10 passengers including the driver; or is used in transporting hazardous material.

Protected Activities Under STAA

The law protects you when you engage in any of the following activities:

Safety Complaints and Reports:

- Making a complaint to the USDOT about violations, or possible violations, of commercial vehicle safety regulations
- Making a complaint to your employer about violations, or possible violations, of commercial vehicle safety regulations
- Filing a complaint alleging such retaliation

Participation in Legal Proceedings:

- Testifying at a union grievance hearing or arbitration hearing where the subject involves violations of commercial vehicle safety regulations
- Participating in government investigations
- Filing a complaint related to a violation of a commercial motor vehicle safety regulation

Refusal to Operate Unsafe Vehicles:

- Refusing to drive when you are ill, because you would be violating hours-of-service regulations, or because you believe your load is unsafe
- Refusing to drive a commercial vehicle when impaired due to illness or fatigue
- Refusing to drive a vehicle that exceeds highway weight restrictions
- Refusing to drive when it would violate safety regulations

Important Legal Standards:

- Protected activity is interpreted broadly by the Department of Labor and courts. For example, if you call the Department of Transportation (USDOT) about a safety violation, that is protected activity, even if your complaint was later found to be in error.
- Oral as well as written complaints are protected because in many cases truck drivers are out on the road and the only way they can communicate immediate concerns about violations of safety and security regulations is via CB radio or phone.

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3.3: What Constitutes Retaliation?

Retaliation can take many forms. Employers are prohibited from taking adverse employment actions against you for engaging in protected activities. Examples include:

Direct Adverse Actions:

- Termination or discharge
- Suspension or layoff
- Demotion or reduction in pay
- Transfer to less desirable assignments
- Where a verbal or written warning is part of a progressive discipline system, then the warning constitutes adverse action

Indirect Adverse Actions:

- Bad job references or blacklisting by former employers
- Creating a hostile work environment
- Even if there is merely a notation made in an employee file, it may qualify as retaliation
- Harassment or intimidation

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3.4: How to File a Complaint

If you believe you have been retaliated against for engaging in protected activity, you have the right to file a complaint with OSHA.

Filing Requirements:

- An employee who believes that he or she has been retaliated against by an employer in violation of STAA may file, or have filed by any person on the employee's behalf, a complaint alleging such retaliation
- No particular form of complaint is required. A complaint may be filed orally or in writing
- If the complainant is unable to file a complaint in English, OSHA will accept the complaint in any other language

Critical Deadline:

- Within 180 days after an alleged violation of STAA occurs, any employee who believes that he or she has been retaliated against in violation of STAA may file a complaint
- The date of the postmark, facsimile transmittal, electronic communication transmittal, telephone call, hand-delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office will be considered the date of filing

Where to File:

- The complaint should be filed with the OSHA office responsible for enforcement activities in the geographical area where the employee resides or was employed, but may be filed with any OSHA officer or employee

How to File:

- Online: Use OSHA's Online Whistleblower Complaint Form
- By Phone: Call your local OSHA office
- In Writing: Mail, fax, or email a letter describing your complaint
- In Person: Visit your local OSHA office

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3.5: The Investigation Process

Once you file a complaint, OSHA will conduct an investigation:

Initial Steps:

- After considering all the relevant information collected during the investigation, the Assistant Secretary will issue, within 60 days of the filing of the complaint, written findings as to whether there is reasonable cause to believe that the respondent has retaliated against the complainant in violation of STAA

Investigation Activities:

- OSHA interviews witnesses from both sides
- OSHA may encourage settlement discussions
- OSHA reviews documentation and evidence

Possible Outcomes:

- If the Assistant Secretary concludes that there is reasonable cause to believe that a violation has occurred, the Assistant Secretary will accompany the findings with a preliminary order providing relief

Available Remedies

If OSHA finds that retaliation occurred, several remedies may be ordered:

Employment Remedies:

- Reinstatement of the complainant to his or her former position with the same compensation, terms, conditions and privileges of the complainant's employment
- A requirement that the respondent take affirmative action to abate the violation

Financial Remedies:

- Payment of compensatory damages (backpay with interest and compensation for any special damages sustained as a result of the retaliation, including any litigation costs, expert witness fees, and reasonable attorney fees which the complainant has incurred)

Legal Standards for Proving Retaliation

To succeed in a STAA complaint, you must generally prove:

1. **Protected Activity:** You engaged in activity protected by STAA
2. **Adverse Action:** Your employer took an adverse employment action against you
3. **Causation:** The protected activity contributed to the adverse action

Burden of Proof:

- The respondent may avoid liability if it "demonstrates by clear and convincing evidence" that it would have taken the same adverse action in any event
- Clear and convincing evidence is evidence indicating that the thing to be proved is highly probable or reasonably certain

Types of Evidence:

- Temporal proximity between the protected activity and the adverse action
- An employer's failure to follow normal procedures, use of false evidence, changing explanations, or a pattern of adverse actions after employees engage in protected activity
- Evidence that discredits the respondent's proffered reasons for the adverse action, demonstrating instead that they were pretexts for retaliation

Administrative Law Judge Process

If either party objects to OSHA's initial decision, the case may proceed to an Administrative Law Judge (ALJ) for a formal hearing. This provides additional due process protections and a full legal review of the case.

Special Considerations for Commercial Drivers

Hours of Service Protection: You are specifically protected if you refuse to drive because operating would violate hours-of-service regulations. Driver fatigue is a major safety concern, and the law recognizes your right to refuse unsafe dispatch orders.

Equipment Safety: When you report frozen brakes on a trailer or other mechanical defects, this constitutes protected activity under STAA, and you cannot be retaliated against for reporting such safety concerns.

Load Safety: You have the right to refuse to drive if you believe your load is improperly secured, overweight, or otherwise unsafe without fear of retaliation.

Best Practices for Drivers

1. **Document Everything:** Keep records of safety concerns, complaints made, and any adverse actions taken by your employer.
2. **Report Promptly:** Address safety concerns as soon as they arise, and file any retaliation complaints within the 180-day deadline.
3. **Use Multiple Channels:** You can report safety concerns to both your employer and government agencies - both are protected activities.
4. **Know Your Rights:** Understanding STAA protections empowers you to prioritize safety without fear.
5. **Seek Help:** Contact OSHA or legal counsel if you believe you've experienced retaliation.

Frequently Asked Questions

Q: What if my complaint about a safety violation turns out to be wrong? A: Protected activity includes reporting violations even if your complaint was later found to be in error. Good faith reporting is protected.

Q: Can I be fired for refusing to drive when I'm too tired? A: No. Refusing to drive a commercial vehicle when impaired due to illness or fatigue is specifically protected under STAA.

Q: Does STAA protect independent contractors? A: Yes, STAA covers independent contractors when personally operating a commercial motor vehicle.

Q: What if I'm worried about being blacklisted by my former employer? A: The employee protection provisions of STAA also protect employees from retaliation by former employers. Thus, a bad job reference, or blacklisting, may be actionable if it was motivated by the employee's protected activity.

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3.6: Conclusion

The Surface Transportation Assistance Act provides crucial protections that allow you to prioritize safety without fear of retaliation. As a professional driver, you are often the first line of defense in identifying and addressing safety hazards. Understanding your rights under STAA empowers you to speak up about safety concerns, refuse unsafe dispatch orders, and participate in the enforcement of safety regulations.

Remember: Safety should never be compromised for productivity or profit. The law is on your side when you make safety-conscious decisions. If you experience retaliation for engaging in protected activity, don't hesitate to file a complaint with OSHA within 180 days.

Your commitment to safety protects not only you and your cargo, but also every other vehicle sharing the road. The STAA ensures that doing the right thing is also the legally protected thing.

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3.7: Key Contacts

- **National OSHA Office:** 1-800-321-OSHA (6742)
- **OSHA Whistleblower Protection Program:** www.whistleblowers.gov
- **Local OSHA Office:** [Your instructor will provide local contact information]
- **Online Complaint Filing:** www.osha.gov/whistleblower/WBComplaint

Chapter Review Questions

1. What is the primary purpose of the Surface Transportation Assistance Act?
2. List five examples of protected activities under STAA.
3. What is the deadline for filing a retaliation complaint with OSHA?
4. What types of remedies are available if retaliation is found to have occurred?
5. Can you file a complaint if you're no longer employed by the company that retaliated against you?
6. What standard of evidence must an employer meet to defend against a retaliation claim?
7. Is refusing to drive due to fatigue a protected activity? Why or why not?
8. Can complaints be filed in languages other than English?

This chapter is based on 29 CFR Part 1978 and related federal regulations. For the most current information, always consult the official Code of Federal Regulations and contact OSHA directly with specific questions about your situation.

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