Regulatory Update

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U.S. Department of Transportation Federal Motor Carrier Safety Administration



Safe Integration of Automated Driving Systems (ADS)-Equipped Commercial **Motor Vehicle (CMV)**

- NPRM (RIN: 2126-AC17)
- FMCSA would propose amendments to certain Federal Motor Carrier Safety Regulations (FMCSRs) to ensure the safe introduction of automated driving systems (ADS)-equipped commercial motor vehicles (CMVs) onto the Nation's roadways.
- The proposed changes will advance FMCSA's safety mission by proposing motor carrier operational safety requirements that would reduce risk associated with the deployment of ADS-equipped CMVs in covered operations in interstate commerce.
- The supplemental advanced notice of proposed rulemaking (SANPRM) was published on February 1, 2023. The comment period closed on March 20, 2023. 183 comments were received. The NPRM was submitted to OMB in December 2023 and is currently under review.
- Next the proposed rule will publish in the Federal Register and Regulations.gov for public comment.

Automatic Emergency Braking Systems (AEB)

Final Rule (RINs: 2126-AC49 and 2127-AM36)

- This joint rulemaking of the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier administration (FMCSA) will finalize the proposal to require and/or standardize equipment performance for automatic emergency braking (AEB) systems on heavy trucks.
- The rulemaking is expected to establish performance standards and motor carrier maintenance requirements for AEB systems on heavy trucks and accompanying test procedures for measuring the performance of the AEB systems in NHTSA compliance testing and FMCSA's-motor carriers' responsibility to maintain the AEB.
- The NPRM was published July 6, 2023. FMCSA received 413 comments and NHTSA received 687 comments to their docket. NHTSA and FMCSA continue to draft the final rule with NHTSA as the lead drafting agency.

- This rulemaking would amend FMCSA property carrier broker rules in response to petitions for rulemaking.
- The proposed rule will consider issues set out by the petitioners such as:
 - requiring property brokers to provide an electronic copy of each transaction record automatically within 48 hours after the contractual service has been completed and;
 - prohibit brokers from including any provisions in their contracts that requires a motor carrier to waive its rights to access the transaction records; and/or exempting the broker from having to comply with the transparency requirement.
- The Fall Unified Agenda projects an NPRM in October 2024.

Commercial Driver's License Requirements: Increased Flexibility for Testing and for Drivers after Passing the Skills Test

NPRM (RIN: 2126-AC46)

- FMCSA proposes to increase flexibility for State Driver Licensing Agencies (SDLAs) and commercial driver's license (CDL) applicants by:
 - expanding applicants' ability to take a CDL skills test in a State other than their State of domicile;
 - permitting a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a commercial motor vehicle (CMV) on public roads without having a qualified CDL holder in the passenger seat; and
 - eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP.
- The NPRM also proposed, among other changes, that:
 - third-party knowledge examiners be subject to the training, certification, and record check standards currently applicable to State knowledge examiners; and
 - third-party knowledge testers be subject to the auditing and monitoring requirements now applicable to third-party skills testers.
- Comment period closed on April 4, 2024. We received 646 comments.

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DOT/FMCSA	RIN: 2126-AC17	Publication ID: Fall 2023	
Title: Motor Carrier Operation of Automated Driving System (Abstract:	ADS)-Equipped Commercial Motor Vehicles		
FMCSA proposes to amend certain Federal Motor Carrier Sal commercial motor vehicles (CMVs) onto the Nation's roadway safety and security, promote innovation, foster a consistent re FMCSA has taken several actions to solicit information on iss in 2017 and a 2018 Request for Comments Concerning Fede Automated Driving Systems-Equipped Commercial Motor Vel meet with various developers and other stakeholders.	/s. The proposed changes to the CMV operation gulatory approach to ADS-equipped CMVs, and ues relating to the testing and integration of ADS ral Motor Carrier Safety Regulations (FMCSRs)	ns, inspection, repair, and maintenance r d recognize the difference between huma S-equipped CMVs, including holding liste) Which May Be a Barrier to the Safe Tes	regulations prioritize an operators and ADS. ening sessions beginning sting and Deployment of
Agency: Department of Transportation(DOT)	Priority: Other Signif	ficant	
RIN Status: Previously published in the Unified Agenda		Ilemaking: Proposed Rule Stage	
Major: Undetermined	Unfunded Mandates	s: Undetermined	
CFR Citation: <u>49 CFR 393</u> <u>49 CFR 382</u> <u>49 CFR 383</u> <u>49</u> Legal Authority: <u>49 U.S.C. 31136</u>	<u>1 CFR 390 49 CFR 392 49 CFR 396</u>		
Legal Deadline: None			
Timetable:			
Action	Da	ate FR Cite	e
ANPRM	05/28/2019	84 FR 24449	
ANPRM Comment Period End	07/29/2019		



Rule Details

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Agency Rule List - Fall 2023

Department of Transportation

<u>Agency</u>	Agenda Stage of Rulemaking	Title	RIN
DOT/OST	Proposed Rule Stage	Credit Program Regulations Update	2105-AE69
DOT/OST	Proposed Rule Stage	Processing Buy America and Buy American Waivers Based on Nonavailability	2105-AE79
DOT/OST	Proposed Rule Stage	Revisions to Department of Transportation Employee Testimony Regulations	2105-AE85
DOT/OST	Proposed Rule Stage	Updates to the Privacy Act	2105-AE87
DOT/OST	Proposed Rule Stage	Appeal Process for Employer-Decided Refusals	2105-AE93
DOT/OST	Proposed Rule Stage	Procedures for Considering Environmental Impacts	2105-AE97
DOT/OST	Proposed Rule Stage	Electronic Signatures, Forms and Records Storage for Drug and Alcohol Testing Records	2105-AF01
DOT/OST	Proposed Rule Stage	Reporting of Data on Number of Passengers Transported and/or Enplaned on Branded Codeshare Flights of U.S. Air Carriers	2105-AF02
DOT/OST	Proposed Rule Stage	Transportation for Individuals With Disabilities; Adoption of Accessibility Standards for Pedestrian Facilities in the Public Right-of-Way	2105-AF05
DOT/OST	Proposed Rule Stage	Equitable Access to Transit Facilities	2105-AF07
DOT/OST	Proposed Rule Stage	Transportation for Individuals With Disabilities; Service Animals and Technical Corrections	2105-AF08
DOT/OST	Proposed Rule Stage	Transportation for Individuals With Disabilities; Adoption of Accessibility Standards for Buses and Vans	2105-AF09
DOT/OST	Proposed Rule Stage	Periodic Reviews of Basic Essential Air Service Levels	2105-AF13
DOT/OST	Proposed Rule Stage	Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs	2105-AF14
DOT/OST	Proposed Rule Stage	Family Seating in Air Transportation	2105-AF15

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Tuesday, March 19th

Current Issue	79 documents from 37 agencies (230 Pag 60 Notices 8 Proposed Rules 11 Rules		
Dublic Inspection	Special Filing updated on 4:15 PM on Monday, March 18, 2024 1 document from 1 agency 1 Notice	Regular Filing updated on 8:45 AM on Tuesday, March 19 122 documents from 45 agencies 106 Notices 1 Presidential Docu 6 Proposed Rules 9 Rules	
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Note: Documents older than 1994 are	not searchable but can be found by FR citatic	n.	

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Exemption From Operating Authority Regulations for Providers of Recreational Activities

A Rule by the Federal Motor Carrier Safety Administration on 02/26/2024

PUBLISHED DOCUMENT

AGENCY:

Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION:

Final rule.

SUMMARY:

FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person that provides recreational activities within

DOCUMENT DETAILS

Printed version: PDF

Publication Date: 02/26/2024

Agencies: Department of Transportation Federal Motor Carrier Safety Administration

Dates: This final rule is effective April 26, 2024.

Effective Date: 04/26/2024

Document Type: Rule

Document Citation: 89 FR 13984 activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person that provides recreational activities within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines *recreational activities* to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM).

DATES:

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This final rule is effective April 26, 2024.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than March 27, 2024.

FOR FURTHER INFORMATION CONTACT:

Mr. Antonio Harris, Registration, Licensing and Insurance Division, Office of Research and Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–2964; *antonio.harris@dot.gov*. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

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SUPPLEMENTARY INFORMATION:

FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

04/26/2024

Document Type: Rule

Document Citation: 89 FR 13984

Page: 13984-13998 (15 pages)

CFR: 49 CFR 372

Agency/Docket Number: Docket No. FMCSA-2023-0007

RIN: 2126-AC57

Document Number: 2024-03782

DOCUMENT DETAILS

DOCUMENT STATISTICS

Page views: 200 as of 03/19/2024 at 10:15 am EDT

DOCUMENT STATISTIC

ENHANCED CONTENT

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Providers of Recreational Activities FMCSA-2023-0007 Supporting Documents: = America Outdoors Association

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of Wine, Distilled Spirits, and Malt Beverages with Alcohol Content, ...

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PROPOSED RULE	Comment Period Ends: 14 Days			
proposed Rule commercial Driver's License Requirements: Increased Flexibility for Testing and for Drivers after assing the Skills Test sted by the Federal Motor Carrier Safety Administration on Feb 2, 2024				
Comment View Related Comme	ents (430)			
Document Details	Browse Posted Comments 430			
FMCSA-2023-0115-0001	Content Action			
Comments Received 430 More Details -	Notice of proposed rulemaking (NPRM). Summary			
Document Details	FMCSA proposes to increase flexibility for State Driver Licensing Agencies (SDLAs) and commercial driver's license (CDL) applicants by expanding applicants' ability to take a CDL skills test in a State other than their State of domicile; permitting a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a commercial motor vehicle (CMV) on public roads without having a qualified CDL holder in the passenger seat; eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP. The NPRM also proposes to remove the requirement that CMV drivers must have a passenger (P)			
Comment Due Date 🕜 Apr 2, 2024	endorsement to transport CMVs designed to carry passengers, including school buses, when the vehicle is being transported in a driveaway-towaway operation and the vehicle is not carrying any passengers. Additionally, FMCSA proposes to require that third-party			
Federal Register Number 😮 2024-01710	knowledge examiners be subject to the training, certification, and record check standards currently applicable to State knowledge examiners and third-party knowledge testers be subject to the auditing and monitoring requirements now applicable to third-party skills testers. The NPRM responds to petitions for rulemaking from the American Trucking Associations (ATA) and the New Hampshire Department of Transportation (NHDOT), as discussed below. FMCSA believes these proposals would improve the efficiency and			
CFR 💡 49 CFR Parts 383 and 384	convenience of CDL issuance and improve highway safety by further ensuring the integrity of third-party CDL knowledge testing.			
Topic(s) Administrative Practices and Procedures; Alcohol Abuse; Drug Abuse: Drug Testing; Highway Safety;	Comments must be received on or before April 2, 2024. Addresses			

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