



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

FMCSA Safety Activities and Priorities

Regulatory and Research Landscape for 2017

2017 Transportation Research Board 96th Annual Meeting
Federal Motor Carrier Safety Administration
Analysis, Research, and Technology Forum
January 10, 2017



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Office of Research and Information Technology



FMCSA Rulemaking Actions Published by Calendar Year

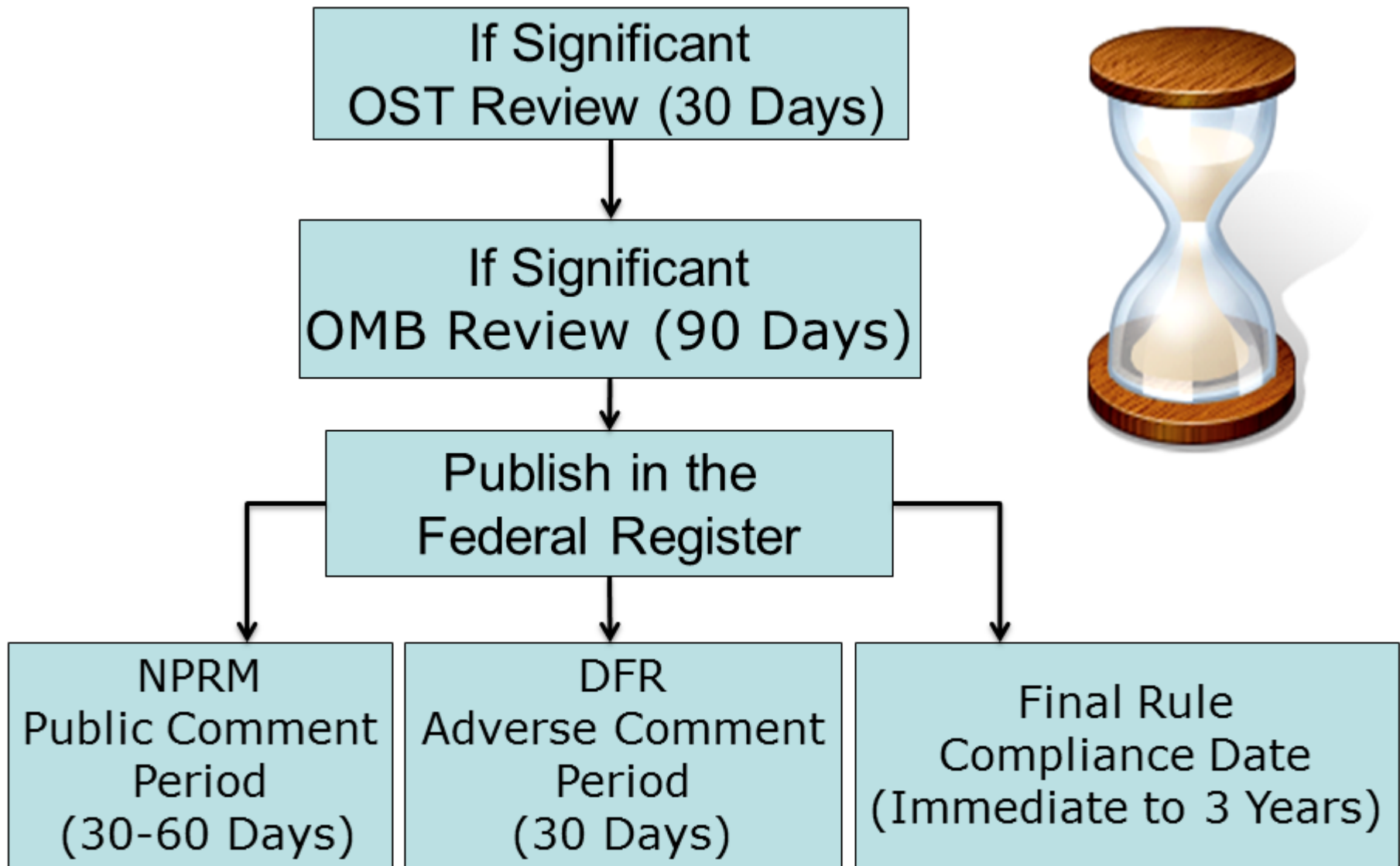
	2010	2011	2012	2013	2014	2015	2016
ANPRM	0	0	0	0	1	0	2
NPRM/ SNPRM	4	10	2	4	4	4	6
Final Rule	13	7	14	6	7	10	14
Total	17	17	16	10	12	14	22

Note: 6 in CY-2009

What Drives FMCSA Rulemaking Agenda?

- Establish minimum safety standards
 - Commercial Drivers, Commercial Vehicles, Motor Carriers
- Statutory Mandates
 - SAFETEA-LU – 26 rulemaking requirements
 - MAP-21 – 43 rulemaking requirements
 - FAST Act – 20 rulemaking requirements
- Petitions for Rulemaking
 - New Rulemaking & Reconsideration
 - Examples - Bus Leasing, Allow 1 Year Commercial Learner's Permit
- Presidential Initiatives
 - Regulatory Retrospective Review (RRR)
 - Examples - No Defect DVIRs, Electronic Signatures
- Safety Program Initiatives
 - Safety Improvements, Medical, Compatibility Rules (e.g. NHTSA), etc.
 - NTSB Recommendations

Process After FMCSA Approval



Electronic Logging Devices

- Key aspects of final rule:
 - Prescribes minimum technical standards for ELDs
 - Requires drivers who need to keep logbooks to use ELDs (limited exception)
 - Establishes explicit requirements for HOS supporting documents, specifying the number, type, and frequency
 - Prohibits harassment of drivers and establishes a complaint process for drivers, due process for carriers, and specifies civil penalties for harassment violations
- December 18, 2017 - Compliance Date:
 - Motor carriers subject to the logbook requirements (RODS) under Part 395 must ensure that drivers use ELDs
- December 16, 2019 - Grandfathering Date:
 - Motor carriers currently using automatic on-board recording devices (AOBRDs) to satisfy the RODS requirement must transition to ELDs

Drug & Alcohol Clearinghouse

- Reporting:
 - Employers/Service Agents must report positive tests/refusals
 - Employers must report actual knowledge of DUIs
 - Labs must report annual summary of activity
- Searching:
 - Employers check pre-employment and annually for all drivers
 - State Driver License Agencies check before issuing CDL
 - NTSB access during crash investigation
- Retention:
 - Record removed at end of 5 years if return-to-duty completed
 - Record retained indefinitely if return-to-duty not completed
- Final Rule published December 5, 2016
- Compliance Date January 6, 2020

Entry-Level Driver Training

- February 2015 – May 2015: Negotiated Rulemaking
- Theory and Behind-the-Wheel Curricula Required
- Providers will be listed on a Training Provider Registry
- Training providers will complete an identification report and provide a biennial update
- Training providers will submit driver training certification information to FMCSA
- FMCSA will transmit the driver training certification information to the State Driver Licensing Agency
- Final Rule published December 8, 2016
- Compliance Date February 7, 2020

Safety Fitness Determination

- Revised methodology would determine when a motor carrier is “unfit” and provide the Agency with the ability to issue proposed ratings based on:
 - The carrier’s safety performance in relation to the Behavioral Analysis and Safety Improvement Categories (BASICs);
 - An investigation; or
 - A combination of safety performance and investigation information.
- NPRM published January 21, 2016
- Public comment period ended June 23, 2016
- Agency is analyzing comments and will incorporate findings of National Academy of Science study required by the FAST Act

Obstructive Sleep Apnea

- FMCSA and FRA jointly issued an ANPRM to gather information about:
 - The prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in rail and highway transportation
 - The potential economic impact and safety benefits associated with regulatory actions that would result in transportation workers in these positions, who exhibit multiple risk factors for OSA, undergoing evaluation by a healthcare professional with expertise in sleep disorders, and subsequent treatment
- ANPRM published March 10, 2016
- Public comment period ended July 8, 2016
- Agency analyzing comments to determine next steps

Remaining MAP-21 Rulemakings

- Unified Registration System 2
- Employer Notification System Minimum Standards
- New Entrant Proficiency Examination
- Financial Security of Brokers and Freight Forwarders
- Highway Routing Disclosures

Fixing America's Surface Transportation Act

- Enacted on December 4, 2015 (PL114-94)
- 5-Year bill sets FMCSA authorization funding levels through FY 2020.
- MCSAP grant programs restructured beginning in FY 2017 along with an increase in MCSAP funding.
- Operating expense authorization levels slightly increased through FY 2020.
- Significant number of Agency mandates:
 - Rulemakings (20) – 14 completed to date!
 - Working Groups (5)
 - Research Studies (4)
 - Reports to Congress (14)
 - Program Changes

FAST Act – Omnibus Rules

- Omnibus Final Rule published July 22, 2016
 - HOS Exemptions
 - 5206(b)(1) - Applications (construction, bees, livestock)
 - 5507 - Electronic Logging Device Requirements (RV's)
 - 5519 - Operators of High Rail Vehicles
 - 5521 - Ready Mix Concrete Vehicles
 - 5522 - Transportation of Construction Materials and Equipment
 - Other Exemption Issues
 - 5206(a) - Applications (up to 5 years for new exemptions)
 - 5524 - Pipeline Welding Truck Exemptions
 - 7208 - Hazardous Materials Endorsement (farmers exempt)

- Grants Omnibus Final Rule published October 14, 2016
 - Grants Issues
 - 5101(a) - Grants to States (eligibility and other issues)
 - 5107(a) - Maintenance of Effort Calculation/Waiver
 - 5518 - Covered Farm Vehicles (“no funding withholding” issue)

FAST Act – Other Rulemakings

- 5205 - Inspector Standards – Policy issued Dec. 2015
- 5301 - Windshield Technology
 - Allows safety technologies to be placed in swept area of windshield
 - Final Rule published September 23, 2016
- 5401(a) - Opportunities for Veterans
 - One year transition period and duty station accommodation
 - Final Rule published October 13, 2016
- 5401(c) - Opportunities for Veterans (2)
 - Military CDL reciprocity for knowledge and skills testing
 - Rulemaking Team drafting NPRM
- 5403 - Medical Certification of Veterans
 - Veterans Administration doctors on National Registry
 - NPRM published December 1, 2016

FAST Act – Other Rulemakings

- 5106(b) - New MCSAP Allocation
 - Work Group established to recommend new formula to S1
 - Full rewrite of Part 350 drafted in late calendar year 2017
- 5107(c) - New Maintenance of Effort Calculation
 - Full rewrite of Part 350 drafted in late calendar year 2017
- 5402 (a) - Drug Free Commercial Drivers
 - Hair testing allowed for pre-employment and random testing
 - HHS and ODAPC will have to complete work first
- 5501(b) - Delays in Goods Movement
 - Collect data on driver delays at shipper facilities

Other Rulemaking Activities

- Civil Penalty Inflation (Statutory Requirement)
- UCR Fees Update (Statutory Requirement)
- CLP Allowed for 1-Year (Petition)
- Bus Leasing Rule Amendments (Petition)
- E-Signatures (RRR)
- Bus Seat Belts (Program – Companion NHTSA Rule)
- Diabetes (Program – Medical)
- Certification of Safety Auditors (Program – IFR in place)
- HM Endorsement/Patriot Act (Statutory – IFR in place)