

# National Association of Publicly Funded Truck Driving Schools (NAPFTDS) Annual Conference, Reno, NV

April 24, 2024



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



# **PRESENTATION OVERVIEW**

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- 1) Brief Agency Overview;**
- 2) National Roadway Safety Strategy (NRSS);**
- 3) FMCSA Rulemaking Agenda Overview;**
- 4) Exemptions/Waivers (49 CFR Part 381);**
- 5) Motor Carrier Safety Planner and Other  
Helpful Websites/Tools for Information of  
Federal Rulemaking Activities**

# **“KEY” TRUCKING ISSUES**

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- **Truck driver shortage;**
- **Supply chain issues/infrastructure;**
- **Aging driver workforce/where are new drivers coming from?;**
- **Federal limitations/regulations for operating commercial motor vehicles (CMVs) in interstate commerce (i.e., individual must be 21 years of age).**

# **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

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- **Former FMCSA Administrator Robin Hutcheson left the Agency in late January 2024;**
- **Acting Deputy Administrator for FMCSA is now Sue Lawless.**

# **NATIONAL ROADWAY SAFETY STRATEGY (NRSS)**

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- **The U.S. DOT National Roadway Safety Strategy (NRSS) outlines the Department's comprehensive approach to significantly reducing serious injuries and deaths on our Nation's highways, roads, and streets;**
- **First step in working toward an ambitious long-term goal of reaching zero roadway fatalities;**
- **Safety is U.S. DOT's top priority, and the NRSS represents a Department-wide approach to working with stakeholders across the country to achieve this goal.**

# NRSS

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- **Collaborative effort between the Office of the Secretary (OST) and the Secretary of Transportation and the following Federal agencies: FMCSA; FHWA; FRA; FTA; NHTSA and PHMSA;**
- **The Infrastructure Investment and Jobs Act (IIJA) supports the funding, programs, and policy provisions described in the NRSS safety actions;**
- **Link to NRSS and other related information:  
[transportation.gov/nrss/usdot-national-roadway-safety-strategy](https://transportation.gov/nrss/usdot-national-roadway-safety-strategy)**

# SAFE SYSTEM APPROACH



# **FMCSA ACTIONS IN THE 2022 NRSS**

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- **CDL Holders' Traffic Violations - Implement the July 2021 final rule requiring State Driver Licensing Agencies (SDLAs) to develop systems for the electronic exchange of driver history record information. Work with SDLAs to improve accuracy of CDL driver records and to evaluate additional opportunities to use these more accurate records to take unsafe drivers off the road more expeditiously.**
- **CDL Holders' Drug and Alcohol Violations - Implement the October 2021 final rule requiring SDLAs to access and use information obtained through the Drug and Alcohol Clearinghouse and take licensing actions against commercial drivers who have drugs or alcohol violations in the system and are not cleared to return to duty.**



## FMCSA ACTIONS IN THE 2023 NRSS UPDATE – SAFER PEOPLE

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- **Implement new Federal and State motor carrier safety processes and policies to better identify commercial motor carrier safety risk, and to enhance the effectiveness of CMV crash reduction strategies;**
- **Address underlying factors that create barriers to the recruitment and retention of qualified CMV drivers and contribute to safety issues for CMV drivers by convening the *Women of Trucking Advisory Board (WOTAB)* and the *Truck Leasing Task Force (TLTF)* and developing specific action plans on these topics;**
- **<https://www.transportation.gov/nrss/commit-to-action>**

# **RULEMAKING OVERVIEW**

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- **Predominance of Federal Agency rulemakings will be or are already open for future public notice and comment;**
- **Encourage public to file comments to Federal proposed rulemakings; Agency must evaluate/analyze all filed comments which may help to “shape” the direction of a future rulemaking initiative.**

# **DRUG AND ALCOHOL CLEARINGHOUSE (DACH)**

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- **Mandated by Congress (MAP-21, Section 32402);**
- **Drug and Alcohol Clearinghouse (DACH 1) originally published on December 5, 2016, which established requirements for the DACH;**
- **Implemented on January 6, 2020.**

# DACH 1

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- **Types of queries: Pre-Employment (full query); Annual (limited or full query);**
- **A query is a check of the DACH to ensure a CDL driver is not prohibited from performing safety-sensitive functions (such as operating a CMV) due to a drug/alcohol program violation;**
- **All queries require driver consent and if refused the query cannot be conducted; driver prohibited from performing safety-sensitive functions for that employer unless and until driver consents to the query.**

# DACH PART 2

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- **FMCSA issued a final rule in late 2021 to prohibit SDLAs from issuing, renewing, upgrading, or transferring a CDL, or CLP, for individuals prohibited under current regulations from driving a CMV due to controlled substance and alcohol program violations;**
- **The non-issuance requirements of DACH Part 2 are intended to keep these drivers off the road until they comply with return-to-duty (RTD) requirements.**

# DACH PART 2

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- **Amended DACH Part 1 to require SDLAs to downgrade CDL for driver who has violated the drug and alcohol use and testing prohibitions in 49 CFR part 382, subpart B.**

# DACH PART 2

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- **The CDL downgrade defined as the removal of the CDL privilege from the driver's license, remains in effect until the driver complies with RTD requirements (49 CFR part 40, subpart O);**
- **SDLAs will have electronic access to the CLP/CDL holder or applicant's CMV operating status in the DACH. SDLAs will receive this information by querying the DACH or by receiving electronic notification from FMCSA.**

# DACH PART 2

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- **Final rule published on October 7, 2021; States must come into full compliance by November 18, 2024.**



# DACH PART 3

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- **Based on experience in administering the DACH requirements, FMCSA plans to propose changes to streamline and improve error-correction procedures, queries, and consent requirements;**
- **Future NPRM now under development to be published for notice and comment.**

# DACH

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- **The Clearinghouse now notifies employers if there is a change to a driver's Clearinghouse record for up to 12 months following the pre-employment or last annual query;**
- **Employers will be notified via email when a driver with a query has new information on his or her record.**

# DACH INFORMATION

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- <https://clearinghouse.fmcsa.dot.gov/FAQ> - Weblink to lots of information on the Clearinghouse with many FAQs on the following topics and more:
  - General
  - Registration
  - CDL Downgrades
  - Queries/Consent Requests
  - Reporting Violations
  - Service Agents
  - Driver Data
  - Return-to-duty

# DACH INFORMATION

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- Here is the link to a job aid relating to the DACH and driver training schools:
- <https://clearinghouse.fmcsa.dot.gov/Resource/Index/User-Roles-Student-Driver-Training-Provider>

# **CDL TESTING FLEXIBILITIES NPRM**

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- **NPRM published on February 2, 2024, on CDL Testing Flexibilities [Docket #FMCSA-2023-0115];**
- **Responded to petitions for rulemaking from the ATA and New Hampshire DOT;**
- **Comment period closed April 2, 2024, over 600 filed comments received.**

# CDL TESTING FLEXIBILITIES NPRM

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- **Proposes to increase flexibility for SDLAs and CDL applicants by expanding applicants' ability to take a CDL skills test in a State other than their State of domicile;**
- **Permitting a CLP holder who has passed the CDL skills test to operate a 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.**

# CDL TESTING FLEXIBILITIES NPRM

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- **Remove the requirement that CMV drivers must have a “P” 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;**
- **Proposes to require 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.**

# CDL TESTING FLEXIBILITIES NPRM

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- **Next steps – now that comment period has closed the Agency must review and analyze all filed comments to the NPRM;**
- **Will ultimately lead to the publication of a Final Rule in the Federal Register;**
- **Was opposition to the proposed rule in the filed comments.**



# CDL TESTING STANDARDS

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- **CDL Standards; Incorporation by Reference of a New State Procedures Manual;**
- **Proposed rule would incorporate by reference the expected updates to manuals published by the American Association of Motor Vehicle Administrators (AAMVA). FMCSA would amend its rules to update the current incorporation by reference, including the State Procedures Manual for the Commercial Driver's License Information System (CDLIS) as referenced in 49 CFR 384.107;**
- **Next step – publication of NPRM – will be open for industry and comment.**

# **SPEED LIMITERS**

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- **An Advance Supplemental Notice of Proposed Rulemaking (SNPRM) seeking public comment on the speed limiter rulemaking was published on May 4, 2022;**
- **The Agency explained that it is pursuing a carrier-based approach rather than the OEM approach used in the National Highway Traffic Safety Administration's and FMCSA's jointly issued NPRM published in September 2016;**
- **FMCSA received more than 15,600 responses to the notice and Agency currently drafting an SNPRM;**
- **Highly contentious issue; DRIVE-Act legislation.**

# **AUTOMATIC EMERGENCY BRAKING (AEB)**

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- **Joint NPRM was published July 6, 2023;**
- **Docket number FMCSA 2022-0171 and NHTSA 2023-0023 for accessing NPRM and all filed comments;**
- **NHTSA's proposal would cover performance standards for AEB systems on heavy trucks and accompanying test procedures for measuring the performance of the AEB systems in NHTSA compliance testing.**

# **AUTOMATIC EMERGENCY BRAKING (AEB)**

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- **FMCSA's proposal would cover motor carriers' responsibility to maintain the AEB;**
- **Next step Final Rule publication.**

# **SAFE INTEGRATION OF ADS-EQUIPPED CMVs**

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- **FMCSA would propose amendments to ensure the safe introduction of automated driving systems (ADS)-equipped CMVs;**
- **The proposed changes to the CMV operations, inspection, repair, and maintenance regulations prioritize safety and security, promote innovation, foster a consistent regulatory approach to ADS-equipped CMVs, and recognize the difference between human operators and ADS.**

# **SAFE INTEGRATION OF ADS-EQUIPPED CMVs**

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- **In a February 1, 2023, Supplemental Advance Notice of Proposed Rulemaking (SANPRM) requested public comment about factors the Agency should consider in amending the FMCSRs to establish a regulatory framework for ADS-equipped CMV operations;**
- **Agency previously published an ANPRM on May 28, 2019, seeking comments on FMCSRs that may need to be amended, revised, or eliminated to facilitate the safe introduction of ADS-equipped CMVs onto the Nation's roadways;**
- **Next step is NPRM which will also be open for industry notice and comment.**

# **ELECTRONIC LOGGING DEVICES (ELD) REVISIONS**

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- **ELD rules have been in effect for several years -- many lessons learned by FMCSA, State enforcement personnel, ELD vendors, and industry which can be used to streamline and improve the clarity of the regulatory text and ELD specifications;**
- **There are also technical modifications responsive to concerns raised by affected parties that could improve the usability of ELDs;**
- **ANPRM published September 16, 2022; next step publication of NPRM [Docket #FMCSA-2022-0078].**

# **ELECTRONIC LOGGING DEVICES (ELD) REVISIONS**

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- **Agency already solicited comment on ways to improve the clarity of current regulations on ELD use and address certain concerns about the technical specifications raised by industry stakeholders;**
- **Seeking comment in five specific areas in which the Agency is considering changes: applicability to pre-2000 engines; addressing ELD malfunctions; the process for removing ELD products from FMCSA's list of certified devices; technical specifications; and ELD certification.**



# **SAFETY FITNESS PROCEDURES**

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- **Agency published August 29, 2023, ANPRM seeking information on how the Agency might use data/resources more effectively to identify unfit motor carriers and to remove them from the Nation's roadways [Docket #FMCSA-2022-0003];**
- **Seeking public comment about the use of available safety data, including inspection data, in determining carrier fitness to operate CMVs and also on possible changes to the current three-tier (Satisfactory; Unsatisfactory; Conditional) safety fitness rating structure.**

# **SAFETY FITNESS PROCEDURES**

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- **Proposed rulemaking would also include a review of the list of FMCSRs that the Agency uses in its safety fitness rating methodology (49 CFR Part 385);**
- **Future NPRM on Safety Fitness Procedures is next step in the process.**

## **SAFETY FITNESS PROCEDURES – 49 PART 385**

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- **Appendix A to Part 385 – Explanation of Safety Audit Evaluation Criteria;**
- **Appendix B to Part 385 – Explanation of Safety Rating Process includes a list of all Acute and Critical Violations that factor into a motor carrier's safety rating;**
- **Three ratings – Satisfactory; Unsatisfactory and Conditional.**

# UNIFIED REGISTRATION SYSTEM (URS)

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- **Proposes to implement several provisions of MAP-21 that relate to the FMCSA's Unified Registration System (URS) as well as update and codify the Agency's procedures for granting, suspending, and revoking registration;**
- **Would apply to all entities required to register under the Agency's commercial or safety jurisdiction. Many of the proposed provisions codify existing Agency practices, while others improve on existing processes and procedures;**
- **Rule will achieve greater transparency, uniformity, efficiency, and predictability with respect to granting, suspending, or revoking registration; future NPRM will be published.**

# FRANCIS SCOTT KEY BRIDGE COLLAPSE

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- **Governor of Maryland declared a state of emergency the day of the collapse, March 26;**
- **Under federal rules, declarations from state governors can only be issued for two weeks at a time, so Maryland's declaration was set to expire on April 8. In a notice published April 4, FMCSA said the state of Maryland and the Maryland Motor Truck Association asked the agency to extend the emergency relief granted to truck drivers providing direct assistance to the emergency;**
- **“Because emergency conditions, including the sudden and significant disruption of distribution operations, have not abated,” the agency is extending the declaration for a month, through May 8.**

# FRANCIS SCOTT KEY BRIDGE COLLAPSE

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- **FMCSA said in the extension, direct assistance includes:**
- **Transportation related to the immediate restoration of essential services at the Port of Baltimore**
- **Transportation of commodities re-routed due to the disruptions to vessel traffic into the Port, subject to the restrictions and conditions set forth in the extension**
- **Transportation of fuel (gasoline, ethanol, propane, natural gas, and heating oil) from Maryland's Curtis Bay terminal for delivery to specified locations within Maryland.**
- **“Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries, after the initial threat to life and property has passed, or mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration.”**
- **Under the terms of the extension, qualified drivers are exempt from the maximum driving time hours of service regulations in 49 Code of Federal Regulations 395.3.**

# FRANCIS SCOTT KEY BRIDGE COLLAPSE

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- <https://www.fmcsa.dot.gov/newsroom/baltimore-bridge-collapse-update-emergency-declaration-extension-issued-fmcsa>
- **Link on FMCSA website to all of the information regarding the Emergency Declaration extension, including Frequently Asked Questions (FAQs) and other information.**

# EXEMPTIONS, WAIVERS, PETITIONS

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- **Agency gets numerous requests for Exemptions, Waivers, and Petitions from industry;**
- **All Federal procedures for filing a request, and Agency responsibility in responding are found in 49 CFR Part 381;**
- **Exemptions can be granted for up to 5 years, and can be renewed; Waivers are for normally 90 days and are more short term;**
- **Drafted and published in the Federal Register and open for notice and comment;**
- **“Key” point – applicant must demonstrate “equivalent level of safety” if to potentially be granted the request.**



# WAIVERS

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- **FMCSA has statutory authority to issue waivers from Federal safety regulations provided the waiver, with its terms and conditions, would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver:**

**(1) for a period not in excess of 3 months;**

**(2) limited in scope and circumstances;**

**(3) for nonemergency and unique events; and,**

**(4) subject to such conditions as the Agency may impose.**

# MOTOR CARRIER SAFETY PLANNER

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- **For years, carriers have relied on FMCSA’s “A Motor Carrier’s Guide to Improving Highway Safety” to understand the FMCSRs and how to comply;**
- **FMCSA has updated and renamed this important guide, making it easier to search and customize the content by presenting it as an interactive website called “The Motor Carrier Safety Planner”;**
- **Guide is available to anyone, but carriers with an FMCSA Portal account have the added capability to create a customized version of the guide called “My Safety Planner” to save chapters and forms, and make highlights and notes about the content most relevant to their operations;**
- **Motor carriers and drivers are responsible for knowing and complying with all applicable FMCSRs. The information on this website, when effectively applied, will contribute to safer motor carrier operations and roadways.**

# MOTOR CARRIER SAFETY PLANNER

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- <https://www.fmcsa.dot.gov/safety/carrier-safety/motor-carrier-safety-planner>, Weblink to “Motor Carrier Safety Planner” with Chapters on the following topics and more:
  - Registration
  - How FMCSA Monitors Motor Carrier Safety
  - Operational Requirements
  - Vehicle Requirements
  - Driver Requirements
  - Passenger Transportation
  - Hazardous Materials Transportation
  - Mexico-domiciled carriers

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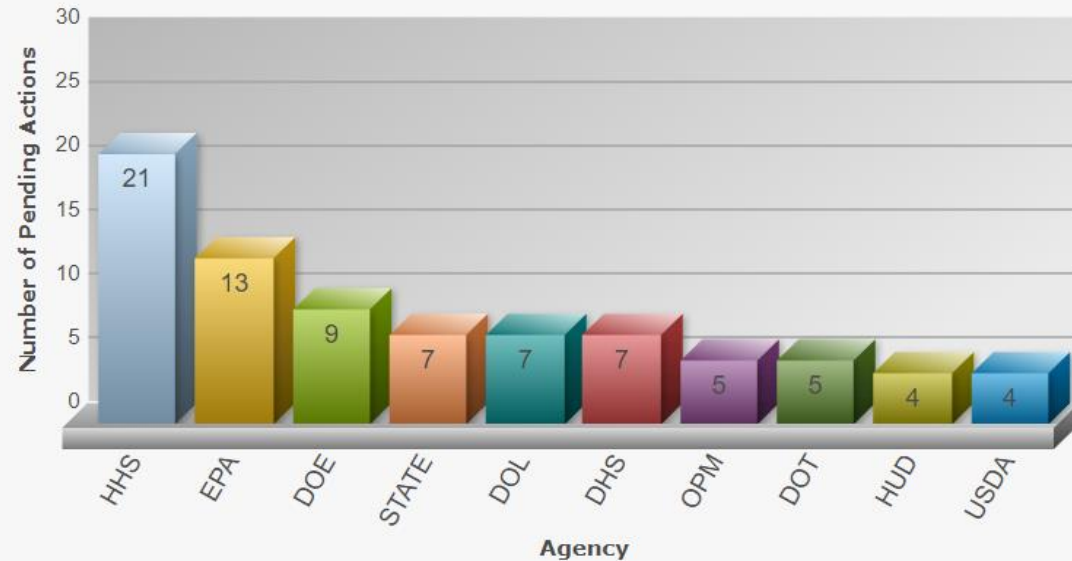


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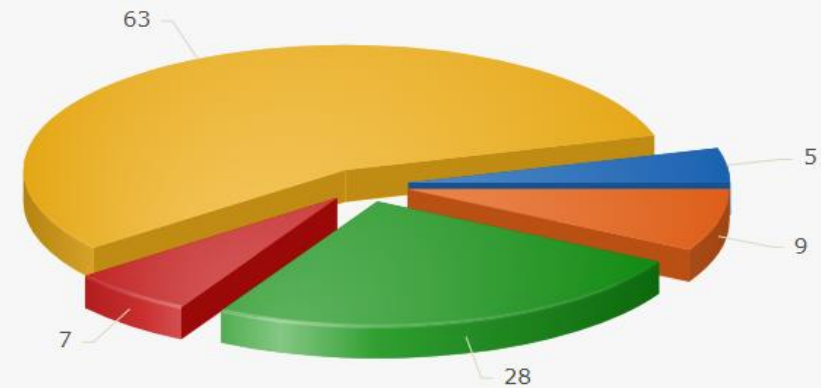
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# QUESTIONS??

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