

Bus Industry Safety Council

FMCSA Update

January 2019

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Federal Motor Carrier Safety Administration



Agenda

- Rulemaking and Guidance Update
 - Proposed rule – Bus Leasing and Interchange
 - Final rule – Driver Qualification/Diabetes Standard
 - Interim final rule – Extension of Compliance Dates for Medical Examiner's Certification Integration
 - Advance proposed rule – Driver Hours of Service
 - Guidance – Personal Conveyance
 - Final rule – Expanded Drug Testing
 - Final rule – Military Licensing and State CDL Reciprocity
 - Crash Preventability Demonstration Program
 - Unified Carrier Registration
 - Civil Penalties
- Miscellaneous Reminders and Information



Lease and Interchange of Vehicles; Motor Carriers of Passengers - Notice of Proposed Rulemaking

- Published on September 20 and comment period closed on November 19 with 17 comments.
- Proposes to revise the 2015 final rule and extend the January 1, 2019 compliance date to January 1, 2021. The extension was published on December 4, 2018.
- Proposes to narrow the applicability of the rule by excluding contracts and agreements between carriers with active passenger carrier operating authority registration.



Lease and Interchange of Vehicles; Motor Carriers of Passengers - Notice of Proposed Rulemaking

- Proposes to:
 - Return vehicle marking requirements to previous standards with slight modifications
 - Allow 48-hour delayed writing of lease during certain emergencies with or without on-board passengers
 - Remove the 24-hour lease notification requirement



Examples of Evasion and Enforcement Problems

- A carrier, that was shut down for safety reasons, continues to operate independently by representing its vehicles under the authority of an authorized carrier.
- A carrier, that lost its operating authority because it could not obtain insurance, represents its vehicles under the authority of another carrier and operates independently.
- An authorized carrier makes a verbal agreement with a private carrier to transport a group of passengers. After an accident occurs during the trip, the identity of the responsible carrier is unclear.



Final Rule - Qualification of Drivers; Diabetes Standard

- Final rule published on September 19, 2018
- Previously, insulin-treated diabetic drivers were prohibited from interstate driving unless they obtained an exemption from FMCSA
- Shifts the authority to determine whether an insulin-treated diabetic driver is medically qualified for interstate commercial driving from FMCSA to the treating clinician and the certified medical examiner





Qualification of Drivers; Diabetes Standard

- Permits drivers with a stable insulin regimen and properly controlled insulin-treated diabetes to be qualified to operate commercial motor vehicles in interstate commerce
 - Treating clinician (TC) provides the Insulin-Treated Diabetes Mellitus (ITDM) assessment form to the certified ME indicating whether the individual maintains a stable insulin regimen and proper control of his/her diabetes
 - Certified medical examiner (ME) determines whether the drivers meets FMCSA physical qualification standards
 - Certified ME may grant a Medical Examiner's Certificate for up to a maximum of 12 months



Qualification of Drivers; Diabetes Standard

- Individuals must provide the TC at least 3 months of blood glucose self-monitoring records to be eligible for a 12 month certification.
- A severe hypoglycemic episode removes the individual from driving until the TC completes a new ITDM assessment form.
- ITDM individuals who have been diagnosed with certain severe diabetic conditions are disqualified permanently from interstate commercial driving.



Extension of Compliance Dates for Medical Examiner's Certification Integration

- FMCSA delayed the compliance date its 2015 Medical Examiner's Certification Integration final rule to June 22, 2021.
- This action was taken to provide FMCSA additional time to complete certain information technology (IT) system development tasks for its National Registry of Certified Medical Examiners and provide the State Driver's Licensing Agencies sufficient time to make the necessary IT programming changes after upgrades to the National Registry.



Extension of Compliance Dates for Medical Examiner's Certification Integration

The following is postponed to 2021:

1. FMCSA electronically transmitting information about driver identification and medical examination results and restrictions for CDL holders to State Driver Licensing Agencies (SDLAs)
2. FMCSA electronically transmitting medical variance information for commercial drivers to SDLAs



Extension of Compliance Dates for Medical Examiner's Certification Integration

The following is postponed to 2021:

3. SDLAs posting information about medical examination results and restrictions for CDL holders on the Commercial Driver's License Information System
4. Motor carriers no longer being required to verify that CDL and Commercial Learner's Permit drivers were certified by a certified medical examiner listed on the National Registry



FMCSA's Medical Program

If you have a question about FMCSA's medical program, please send an e-mail to:

FMCSAMEDICAL@DOT.GOV



Advance Proposed Rule: Hours of Service

Two specific areas pertinent to passenger carriers are under consideration for revision --

- Expanding the current 100 air-mile exemption from keeping a record of duty status (log) for drivers from being released from work within 12 consecutive hours to 14 consecutive hours
- Extending the current driving prohibition after 15 on-duty hours by two additional hours when a driver encounters adverse driving conditions



Personal Conveyance Guidance

What is personal conveyance?

- The movement of a commercial motor vehicle (CMV) for personal use while **off-duty**.
- A driver may record time operating a CMV for personal conveyance as off-duty **only when the driver is relieved from work and all responsibilities for performing work by the motor carrier.**



Personal Conveyance Guidance

Motor Carrier's Responsibilities:

- Ensure driver is in compliance with the hours of service regulations - not operating a vehicle while ill or fatigued - regardless of the amount of driving and working time.
- A carrier may have policy that is more restrictive than the regulation and guidance.
 - Time and/or distance
 - Not allow personal conveyance at anytime



Personal Conveyance Guidance

Driver's Responsibilities:

- Record start and end time of personal conveyance
- Comply with hours of service regulations
- Do not drive while fatigued



Personal Conveyance Guidance

What about ELDs?

The ELD rule requires ELDs have:

- A Personal Conveyance (PC) feature, or
- If motor carrier chooses to not configure a driver account with the PC special driving condition, the driver may annotation the beginning and end of driving time used for PC



Personal Conveyance Guidance

Proper Use:

1. Time spent traveling to a **nearby, reasonable, safe location** to obtain required rest.
 - Must be at first available rest stop
2. Time spent traveling from a driver's enroute lodging (such as a motel) to restaurants and entertainment facilities.



Personal Conveyance Guidance

More proper uses:

3. Commuting between the driver's terminal and his or her residence.
4. Moving a passenger vehicle at the request of a safety official during the driver's off-duty time.
5. Time spent transporting personal property while off-duty.



Personal Conveyance Guidance

6. Time spent traveling in a motorcoach or other passenger vehicle **without passengers** to enroute lodging or to restaurants and entertainment facilities and back to the lodging.
 - In this scenario, the driver can claim PC provided the driver is **off-duty**.
 - Other off-duty drivers may be on board the vehicle and are not considered passengers.



Personal Conveyance Guidance

Improper Use:

1. The movement of a motorcoach or other passenger vehicle to enhance the operational readiness of the company. For example, **bypassing available resting locations** to get closer to the next planned stop or destination.
2. Time spent driving a motorcoach or other passenger vehicle to a facility **for vehicle maintenance**.
3. Continuation of an interstate trip to fulfill a business purpose, including operating an empty bus to pick up another passenger group or **repositioning a bus at the direction of the company**.



Personal Conveyance Guidance

Other improper uses:

4. Time spent **driving a passenger vehicle while passenger(s) are on board**. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
5. After being placed out of service for exceeding a driving/hours of service limitation, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.



Personal Conveyance Guidance

More improper uses:

6. Time spent traveling to a company's terminal after boarding or deboarding passengers.
7. Time spent operating a passenger vehicle when luggage is stowed, the passengers have gotten off the vehicle, and **the driver has been directed to deliver the luggage.**



Personal Conveyance Guidance

Personal conveyance does not reduce the driver's or company's responsibility to operate safely.

Personal Conveyance Questions

E-mail: mcpsd@dot.gov

Personal Conveyance Website:

<https://www.fmcsa.dot.gov/regulations/hours-service/personal-conveyance>



Expanded Drug Testing

- The U.S. Department of Transportation issued a final rule that expands the Department's current drug testing panel to include certain semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxymorphone, and oxycodone) to its drug testing panel for DOT-regulated industries.
- This is a direct effort to enhance safety, prevent opioid abuse, and combat the nation's growing opioid epidemic.
- Employers were required to test for these highly abused opioids beginning on January 1, 2018.



Military Licensing and State CDL Reciprocity

- Final rule published on September 28, 2018
- State Driver Licensing Agencies are allowed, but not required, to waive requirements for the commercial learner's permit knowledge test for certain individuals who are or were regularly employed within the last year in a military position that requires or required the operation of a commercial motor vehicle.
- State Driver Licensing Agencies may waive the test required for a passenger carrier (P) endorsement with proof of training and experience.



Crash Preventability Demonstration Program

- On August 1, 2017, FMCSA began accepting data review requests into its Crash Preventability Demonstration Program through DataQs.
- Crashes eligible must have occurred on or after June 1, 2017.
- The Program is expected to last a minimum of 24 months.
- Studies show crash involvement is a strong indicator of future crash risk.



Crash Preventability Demonstration Program

- The Program allows FMCSA to gather data to examine the feasibility, costs, and benefits of making crash preventability determinations on certain types of crashes.
- FMCSA will use the information to evaluate if these preventability determinations improve the Agency's ability to identify the highest-risk motor carriers.



Crash Preventability Demonstration Program

The following crash types are eligible:

1. When the vehicle was struck by a motorist driving under the influence
2. When the vehicle was struck by a motorist driving the wrong direction
3. When the vehicle was struck in the rear
4. When the vehicle was struck while legally stopped or parked
5. When the vehicle was struck by an individual committing or attempting to commit suicide by stepping or driving in front of the vehicle



Crash Preventability Demonstration Program

The following crash types are eligible:

6. When the vehicle sustained disabling damage after striking an animal in the roadway
7. When the crash was a result of an infrastructure failure, falling trees, rocks, or other debris
8. When the vehicle was struck by cargo or equipment from another vehicle



Unified Carrier Registration Plan - Final rule

- This rule establishes reductions in the annual registration fees collected for the registration years 2019, 2020 and thereafter.
- For the 2019 registration year, fees will be reduced below the 2017 registration fee level by 18.62 percent.
- Beginning with the 2020 registration year, fees will be reduced below the 2017 level by approximately 9.9 percent.
- The reduction of the current 2019 registration year fees range from approximately \$11 to \$10,282 per entity, depending on the number of vehicles owned or operated by the affected entities.
- The reduction in fees for 2020 and subsequent registration years range from approximately \$5 to \$3,899 per entity.
- This final rule was effective December 28, 2018.



Department of Transportation Final Rule

- In accordance with the Federal Civil Penalties Inflation Adjustment Act (FCPIAA) Improvements Act of 2015, this final rule provides the 2018 inflation adjustment to civil penalty amounts that may be imposed for violations.
- FMCSA's civil penalties affected by this rule are located in 49 CFR part 386, Appendices A and B.
- New penalty is the previous penalty $\times 1.02041$
- The 1990 FCPIAA and the 2015 Act require federal agencies to adjust minimum and maximum civil penalty amounts for inflation to preserve their deterrent impact. The 2015 Act amended the formula and frequency of inflation adjustments.
- Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment.
- Effective November 27, 2018.



Reminders

- ✓ Update your USDOT Number Registration by the biennial deadline - include your e-mail address
- ✓ Monitor your company's CSA SMS data
- ✓ Have a plan to provide demand responsive accessible motorcoach service (ADA regulations)
- ✓ Check your operating authority and insurance filing status if you have not done so recently



ETA: The Motor Carrier Safety Planner

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[HOME](#) [CHAPTERS](#) [RESOURCES & FORMS](#) [MY SAFETY PLANNER](#) [HELP](#)



The Motor Carrier Safety Planner

This online guide provides simple explanations and templates to help companies that operate CMVs understand and comply with Federal safety regulations.

<https://csa.fmcsa.dot.gov/safetyplanner>

- Simple explanations and templates to help carriers understand and comply with the Federal Motor Carrier Safety Regulations.
- Includes forms, a glossary, and links to related resources.
- With an FMCSA Portal account, create personalized versions of the *Motor Carrier Safety Planner* with your own bookmarks, highlights, and notes.
- Watch the *Customizing a Safety Planner* video tutorial on the *Help* page to learn how to build your own planner, and then tell us what you think of this new tool by clicking the blue *Submit Feedback* button on every page.





My Safety Planner

Chapters

HIDE CHAPTERS

CHAPTER 1

Introduction

CHAPTER 2

Registration Requirements

CHAPTER 3

How FMCSA Monitors Motor Carrier Safety

CHAPTER 4

Operational Requirements

CHAPTER 5

Vehicle Requirements

CHAPTER 6

Driver Requirements

CHAPTER 7

Passenger Transportation

CHAPTER 8

Hazardous Materials Transportation

CHAPTER 9

Mexico-Domiciled Motor Carriers

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- 1.0 Introduction
- 1.1 Who is FMCSA?
- 1.2 What are Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs) and Where are They Published?
- 2.1 Getting Started as a Motor Carrier
- 2.2 Registering—Obtaining a U.S. DOT Number (390.200T, 390.19T, 385.301T, 392.9a)



My Notes

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- 2.3 Obtaining Operating Authority (365) - Note in 2.3
- 2.2 Registering—Obtaining a U.S. DOT Number (390.200T, 390.19T, 385.301T, 392.9a) - Section 2.2



My Highlights

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- 2.1 Getting Started as a Motor Carrier - ...quirements: Identify and comply with FMCSA registration requirements based on their type of operation: U.S...
- 5.1.1 Brake Systems (Part 393 Subpart C) - ... air or vacuum. See 49 CFR 393.51 for full requir...
- 5.1 Parts and Accessories Needed for Safe Operation (393) - ...tional safety. See Marking of Self-Propelled CMVs and Intermodal Equipment for information about what business information must be displayed on carrier equipment.



My Forms

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- Accident Register
- Compliance Questionnaire



New ELD Website and eRODS

Welcome to the ELD Home Page

Electronic logging devices (ELDs) are intended to create a safer work environment for drivers of commercial motor vehicles, and make it easier and faster to accurately track, manage, and share data on driving and off-duty time.

ELD providers, motor carriers and drivers, and FMCSA enforcement partners all have vital roles in ensuring a smooth ELD implementation. See the links below to access ELD news and information specifically for you.

View the List of Registered, Self-Certified ELDs

View the official list of devices that have been registered with FMCSA and self-certified by providers as compliant with the ELD rule.

[View List](#)



ELD Providers

Access all the information you need to develop, test, and register your electronic logging device.



Drivers and Motor Carriers

Are you subject to the ELD rule? Learn about the rule and download resources to help you and your company use ELDs to track your hours of service.



FMCSA Enforcement Partners

Review FMCSA training materials on ELD exemptions, the AOB RD grandfather clause, requesting and reviewing HOS data, and more.

[Submit Feedback](#)





ELD Website

- <https://eld.fmcsa.dot.gov/>
- Access ELD information by three areas
 - Providers
 - Motor Carriers and Drivers
 - Enforcement Officials
- eRODS Tutorial





Sign up for ELD Updates at [FMCSA.dot.gov](https://www.fmcsa.dot.gov)

- Click on more resources for motor carriers tab to link to the FMCSA.DOT page and sign up for email updates.

Electronic Logging Devices

NOTE: The information provided on this website is to help promote understanding of and compliance with the ELD rule - it is not a substitute for the [specific requirements documented in the rule](#).



**Sign up for ELD
email updates**



**Sign up for Agricultural
email updates**



Contacting FMCSA

Contact the FMCSA Commercial Passenger Carrier
Safety Division by e-mail at:

mc-ecp@dot.gov



Thank You

Any questions?

