

Bus Industry Safety Council Education Session

Federal Motor Carrier Safety Administration Update

July 2, 2020

Loretta G. Bitner, Chief
Commercial Passenger Carrier Safety Division

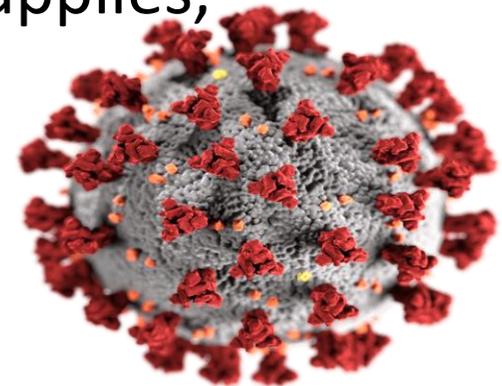


COVID-19 Resources

FMCSA Coronavirus (COVID-19) Information & Resources

National Emergency Declaration

- Extended through July 14, 2020 for immediate transportation of essential supplies, essential services and provides necessary relief from the Federal Motor Carrier Safety Regulations (FMCSRs) for motor carriers and drivers.
- Granted emergency relief from Parts 390 through 399 of the FMCSRs, except as restricted. (more narrow listing of categories of supplies, equipment, and persons)
- <https://www.fmcsa.dot.gov/COVID-19>



COVID-19 Resources

Does Not grant relief from:

- 49 CFR § 392.2 - State laws and regulations, including speed limits and other traffic restrictions.
- 49 CFR § 392.3 - Operation of a CMV while a driver's ability or alertness is so impaired, fatigue or ill.
- 49 CFR §§ 392.80 and 392.82 – prohibited from texting and using a hand-held mobile phone while driving.
- Must report any recordable crash occurring while operating under declaration, within 24 hours, to the FMCSA Division Office where domiciled.



COVID-19 Resources

Does Not grant relief from:

- No exemption from Drug & Alcohol use/testing (49 CFR Part 382), CDL (49 CFR Part 383), financial responsibility (insurance) (49 CFR Part 387), HazMat regulations (49 CFR Parts 100-180), weight requirements, or any other regulations not specifically exempted under 49 CFR § 390.23.
- Out-of-service motor carriers or drivers are not eligible for the relief granted by this declaration.
- Direct assistance terminates when a driver or CMV is used in interstate commerce or dispatched to transport cargo or provide services that are not in support of emergency relief efforts related to COVID-19.
 - A driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying - 10-hour break is required when returning to normal operations



COVID-19 Resources

A red circular sign with a diagonal slash through it, with the word "ALCOHOL" written in black capital letters inside the circle.

Three-Month Waiver in Response to the Economic Consequences of the COVID-19 Public Health Emergency

To Relieve Employers of Commercial Motor Vehicle Drivers Subject to 49 CFR Part 382 from Certain Pre-Employment Testing Requirements

- <https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-economic-consequences-covid-19-public-health-emergency>



COVID-19 Resources

Pre-employment

The Pre-employment waiver covers employers of drivers subject to the requirements of 49 CFR part 382 for the period beginning at 12:01 a.m. (ET) on June 5, 2020, and continuing through 11:59 p.m. on September 30, 2020.

Employers must:

- (1) Verify driver participated in the controlled substances testing (***within 90 days***) specified in § 382.301(b)(2)(i) and (ii) and had no recorded violations of another DOT agency's controlled substances use regulations within the previous 6 months;
- (2) Comply with the Clearinghouse pre-employment query requirement set forth in 49 CFR 382.701(a);



COVID-19 Resources

Pre-employment

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Employers must:

- (3) Not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse pre-employment query demonstrates that the driver is prohibited from doing so,
- (4) Complete the investigations and inquiries required by 49 CFR §§ 40.25, 382.413, and 391.23;



COVID-19 Resources

Pre-employment

The Pre-employment waiver covers employers of drivers subject to the requirements of 49 CFR part 382 for the period beginning at 12:01 a.m. (ET) on June 5, 2020, and continuing through 11:59 p.m. on September 30, 2020.

Employers must:

- (5) Accident Notification within 5 business days of an accident.
- (6) FMCSA reserves the right to revoke this waiver due to drivers' involvement in accidents or employers' failure to comply with the terms of this waiver.



COVID-19 Resources

Pre-employment

Summarize...

- If you never took your driver out of the random pool, you are good to go.
- If you did take the driver out of the random pool, and it's been 30-90 days, you still re-qualify the driver, *back ground inquiries, DACH query, BUT* no pre-employment test required.
- If out of the pool more than 90 days – Full re-qualify, must do pre-employment test.



COVID-19 Resources

CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles

- Extends until September 30, 2020, CDLs due for renewal on or after March 1, 2020 and CLPs that are due for renewal on or after March 1, 2020, without requiring the CLP holders to retake the general and endorsement knowledge tests.
- Waives requirement that CLP holders wait 14 days to take the CDL skills test.
- Waives requirement that CDL holders, CLP holders, and non-CDL drivers have a medical examination and certification, (proof of a valid MEC and/or required medical variance issued for 90 days or longer and that expired on or after March 1, 2020.)



COVID-19 Resources

CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles

- Waives providing the State Driver Licensing Agency with an original or copy of a subsequent medical examiner's certificate and any required medical variance (provided they have proof of medical certification or medical variance that expired on or after March 1, 2020)
- Waives requirement for the State Driver Licensing Agency to change the medical certification status to "not certified" at expiration of the medical examiner's certificate or medical variance, (provided they have proof of a valid MEC or variance that expired on or after March 1, 2020.)



COVID-19 Resources

CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles

- Waives the requirements the State Driver Licensing Agency initiate a downgrade upon the expiration of the medical examiner's certificate or medical variance (proof of a valid medical certification or medical variance that expired on or after March 1, 2020).
- FMCSA continues to recognize the validity of commercial driver's licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States.



COVID-19 Resources

Commercial Learners Permit Waiver

- FMCSA issued a new three-month waiver in response to the COVID-19 Emergency - for States and Commercial Learners Permit (CLP) holders operating commercial motor vehicles.
- Allows a CLP driver to operate a commercial motor vehicle alone without having a CDL holder in the front seat with the learner permit holder.
- Benefit - will allow CLP drivers to continue their training with the closures of state departments of motor vehicle facilities.



COVID-19 Resources



CDL Skills Test Examiner Waiver

- Effective July 1, 2020 and expires **either** on September 30, 2020, or upon the revocation of the President's Declaration of National Emergency
- Waives the CDL knowledge test examiner training requirements in 49 CFR §§ 384.228(b)-(c) for certain third party CDL skills test examiners.
- Allows State authorized third party skills test examiners, who have maintained a valid CDL test examiner certification and previously completed a CDL skills test examiner training course that satisfies the requirements of 49 CFR § 384.228(d), to administer the CDL knowledge test without completing a CDL knowledge test training course.



COVID-19 Resources

Cross-Border Transportation - Issued June 19, 2020

- Q – Does the July 1, 2020, FMCSA Waiver issued in response to the COVID-19 Emergency also apply to foreign drivers operating in the United States with commercial driver’s licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States?
- A – Yes. In accordance with 49 CFR 383.23(a)(1) and 391.41(a)(1)(i), FMCSA continues to recognize the validity of commercial driver’s licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, in accordance with 49 CFR part 383, when such jurisdictions issue a similar notice or declaration extending the validity date of the medical examination and certification and/or validity of the corresponding commercial driver’s license due to interruption to government service resulting from COVID-19.



COVID-19 Resources

Cross-Border Transportation - Issued June 19, 2020

- Q. Does FMCSA's June 15, 2020 Notice of Enforcement Policy Regarding Expiring Driver's Licenses and Medical Examiner's Certificates during the COVID-19 National Emergency also continue to recognize the validity of commercial driver's licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, in accordance with 49 CFR part 383, when such jurisdictions issue a similar notice or declaration extending the validity date of the medical examination and certification and/or validity of the corresponding commercial driver's license due to interruption to government service resulting from COVID-19?
- A. Yes



Compliance Reviews During COVID-19

- **Issued May 19, 2020**
- During COVID-19, FMCSA will conduct compliance reviews by leveraging all available technology to access information and records to limit exposure risk for the regulated community and safety investigators.



Compliance Reviews During COVID-19

- FMCSA will conduct compliance reviews and assign safety ratings even though there is no “on-site” component.
 - Safety investigators can follow all procedures in 49 CFR part 385 without physically visiting carrier’s business.
 - Does not compromise FMCSA’s safety mission.
 - Motor carriers access and transmit information through FMCSA portal and upload documents in a secure environment. (May also fax or email documents to FMCSA if they cannot access the portal.)
 - Use email and telephone and video calls as a substitute for in-person interaction.



CDC Links

- Guidance for bus system operators and employees:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/bus-transit-operator.html>
- Guidance for fixed facility personnel:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/transit-station-workers.html>
- Guidance for maintenance shop personnel:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/transit-maintenance-worker.html>
- Workspace safety practices for Essential Workers (including transportation and logistics, per DHS/CISA):
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>
- Cleaning and sanitization procedures for public transportation vehicles:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/disinfecting-transport-vehicles.html>
- Cleaning and sanitization procedures for transportation (and other) facilities:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>
- Decision tree for transit agencies planning to resume operations:
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/MassTransit-DecisionTree.pdf>



Understanding the HOS Changes



Short-Haul Exception

- Passenger Carriers using the short-haul exception are not required to use a RODS or ELDs, (§395.1(e)(1))
- HOS final rule:
 - Extends maximum driving distance allowed under the short-haul exception from a 100 to a 150 air-mile radius
 - Extends maximum duty period from 12 to 14 hours
- **Compliance date is September 29, 2020, not before.**



Short-Haul Exception



- No other provisions of the short-haul exception changed for passenger carriers.

To use the short-haul exception, the CMV driver must:

- Operate within a 150 air-miles radius
 - Start and end shift in the same location / Not exceed 10 hours driving
- Not exceed a maximum duty period of 14 hours
- Have at least 8 hours off between shifts
- Include the start and end times and the total hours on-duty on the time record for the day



Short-Haul Exception

- While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an ELD, they can use a time record instead.
- The motor carrier must record the driver's time in, time out, and total number of hours per day.
 - Time must include the total time for the 7 preceding days (1st time/intermittently)
 - Records must be maintained for 6 months



Short-Haul Exception

- When a driver no longer meets the exception, (drives too far or works too many hours), the driver must complete a paper record of duty status or use an ELD for the day (§395.8)
 - If driver is required to complete a record of duty status:
 - 8 or fewer days within the last 30 days then the driver can use paper record of duty status with a graph grid.
 - More than 8 days within the last 30 days then the driver must use an ELD to record time for that day.



Adverse Driving Conditions Definition

HOS final rule:

- 1 Extends the duty day by 2 hours** when adverse driving conditions are encountered
 - In addition to the 2 hours of driving time already allowed, and **applies to both:**
 - **Passenger carrier 10-hour driving limit ([§395.5\(a\)\(1\)](#))**
 - **Passenger carrier 15-hour on-duty limit ([§395.5\(a\)\(2\)](#))**
- 2 Updates the **adverse driving conditions definition**** to include the role of the driver



Adverse Driving Conditions Definition

Previous

Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, **none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun**

New

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions **that were not known, or could not reasonably be known, to:**



a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or



a motor carrier immediately prior to dispatching the driver



Adverse Driving Conditions Exception

EXAMPLE

A driver is 15 miles from his destination when there is a gravel spill on the bridge ahead (the bridge is the only access to the destination)

- Driver has 1 hour left of driving time and 1 hour left in the driving day
- Driver can stop at the next exit (for up to 2 hours) until the road is clear, and still have time to get to the destination without violating HOS rules

Drivers should annotate, and include details about, the adverse driving condition in their log or Electronic Logging Device (ELD)



When do the changes take effect?



Drivers and carriers must operate under the HOS final rule starting on the **September 29, 2020**, and not before

Training Provider Registry Website

Why is FMCSA implementing the Training Provider Registry?

- Mandated by MAP-21, Entry-Level Driver Training will improve road safety by ensuring that all entry-level drivers receive comprehensive training from a self-certified training provider prior to obtaining a CDL, upgrade, or endorsement.

How will the Training Provider Registry work?

- ***On February 7, 2022***, when the Registry is fully operational, the website will:
 - Provide CDL applicants with the official list of entry-level driver training providers.
 - Allow training providers to register, be added to the list and maintain their listing - training provider registration is scheduled to be available in Summer 2021.
 - Receive information from registered training providers certifying a driver's successful completion of entry-level driver training.
 - Retain driver training information and relay it to State Driver Licensing Agencies (SDLAs).



Training Provider Registry Website

How will States be required to use the Training Provider Registry?

- Beginning on February 7, 2022, States will use the Training Provider Registry to ensure necessary entry-level driver training is completed prior to administering relevant tests.
- This includes: skills test for applicants to obtain a Class A or Class B CDL for the first time, upgrade an existing Class B to a Class A CDL, obtain a school bus (S) or passenger (P) endorsement for the first time; and the knowledge test for applicants to obtain a hazardous materials (H) endorsement for the first time.

How do I find out more about the registry?

- Sign up to receive information via the website: <https://tpr.fmcsa.dot.gov/>



Statistics – As of June 1

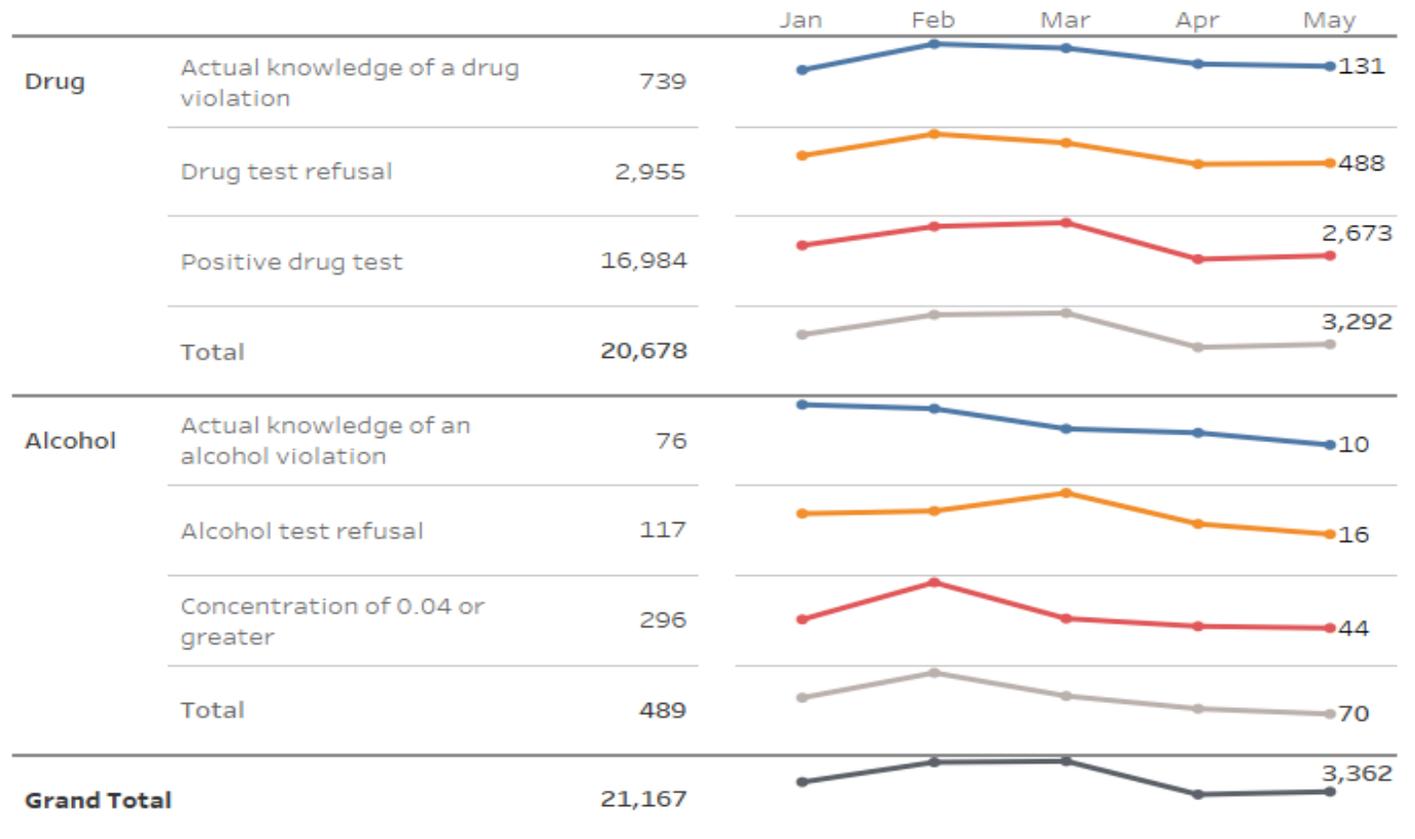
- Number of registrations: over 1 Million
 - Over 835,000 CDL drivers registered
- Number of queries conducted: over 900,000
- Total violations reported: over 21,000

Violations Reported to the Clearinghouse

Violations

Total

Monthly Trend



Violations reported or modified through May 2020, as of 8:00 AM on 6/1/2020.

Statistics – As of June 1

Violations Reported to the Clearinghouse

Positive drug tests account for 80% of the total violations reported.

SUBSTANCES IDENTIFIED IN POSITIVE DRUG TESTS as of 6/1/2020:

- Not Identified 39
- 6-Acetylmorphine 113
- Amphetamine 2,108
- Cocaine Metabolite (BZE) 3,192
- Codeine 149
- DILUTE 945
- HYC 418
- HYM 363
- Marijuana Metabolite (Δ 9-THCA) 10,388
- MDA 11
- MDMA 20
- Methamphetamine 2,184
- Morphine 171
- OXYC 452
- OXYM 556
- PCP 47

Visit the Clearinghouse website:
<https://clearinghouse.fmcsa.dot.gov>
Subscribe for email updates
Read frequently asked questions (FAQs)

Contact clearinghouse@dot.gov if you have an
unanswered question.

LEASE AND INTERCHANGE FINAL RULE



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

- Final Rule published on August 14, 2019
- Supersedes the 2015 Final Rule
- Compliance date is January 1, 2021
- Affects **some** subcontracting or “farming out”

LEASE AND INTERCHANGE FINAL RULE

If your company –

- is subject to FMCSA's safety regulations, and
- hires or does business with other passenger carriers that do not have an active operating authority registration with FMCSA

[Read this new rule!](#)



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

Questions or Input

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

mc-ecp@dot.gov

