

**IBT  
Safety and Health  
Department**

**Regulatory Update – FMCSA Regulations**

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**Overview**

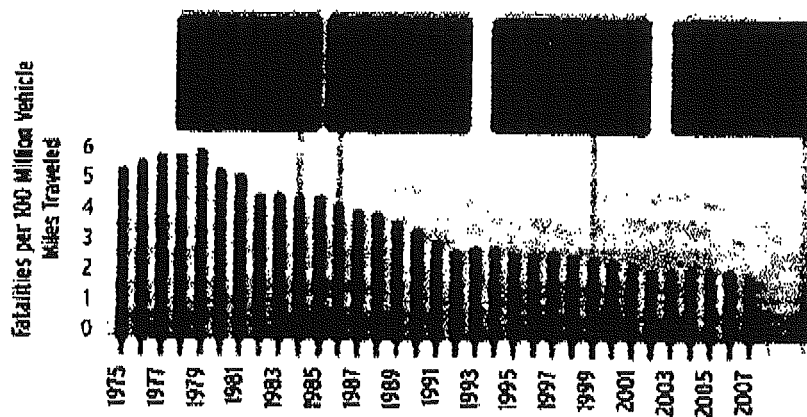
- Compliance, Safety, Accountability
- Hours of Service
- Tank Haul Definition and Endorsement
- Electronic On-Board Recording Devices
- Restricted Use of Cellular Phones
- Medical Qualifications
  - Exemption Programs
    - Diabetes
    - Vision Waiver Program
  - National Registry of Medical Examiners
  - Drug Testing
  - Combining the Medical Certificate with the Commercial Driver's License
  - Sleep Apnea

# CSA COMPLIANCE, SAFETY, ACCOUNTABILITY

The Federal Motor Carrier Safety Administration's  
Safety Management System for Carriers and Drivers

## Commercial Motor Vehicle Fatalities

Rate of Commercial Motor Vehicle Fatalities is Leveling Off

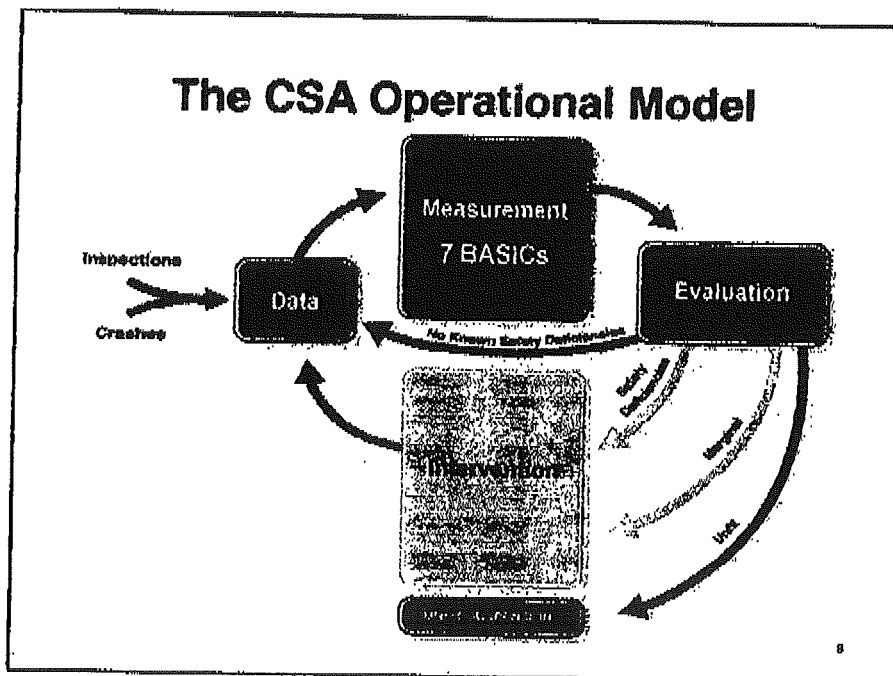
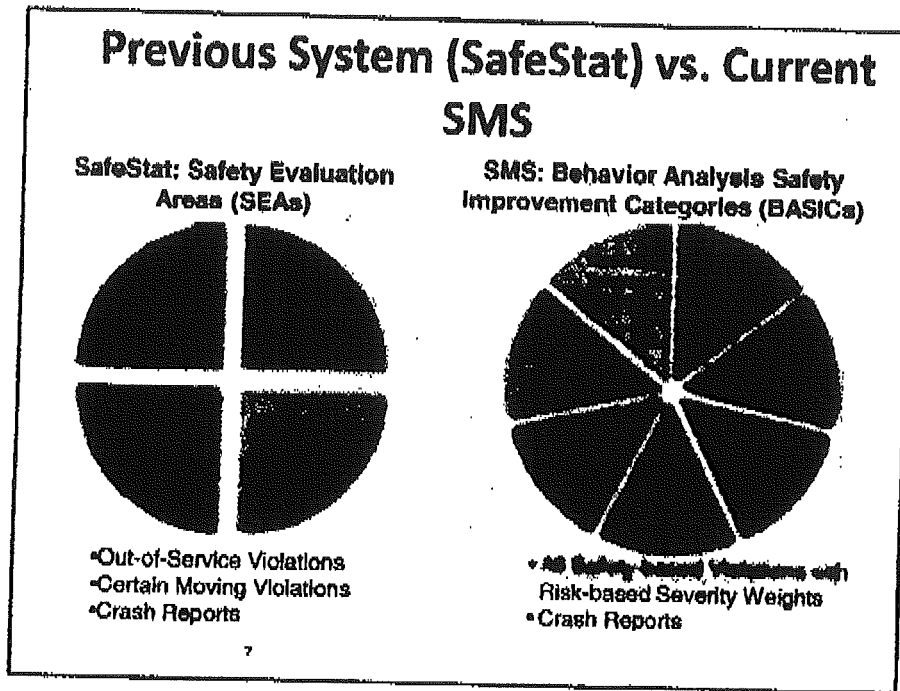


## FMCSA Expectations

- **Changing the way FMCSA will assess carrier safety**
  - Identifies unsafe carrier and driver behaviors that lead to crashes
  - Uses all safety-based roadside inspection violations
  - Evaluates/tracks driver performance individually
- **Changing how FMCSA addresses carrier safety issues**
  - Reaches more carriers earlier and more frequently
  - Improves efficiency of investigations
    - Focuses on specific unsafe behaviors
    - Identifies root causes
    - Defines and requires corrective actions

## FMCSA Expectations

- **Changing how FMCSA promotes safety**
  - Forces carriers/drivers to be accountable for their safety performance
    - Demands and enforces safe on-road performance
  - Makes more complete safety performance assessments publicly available

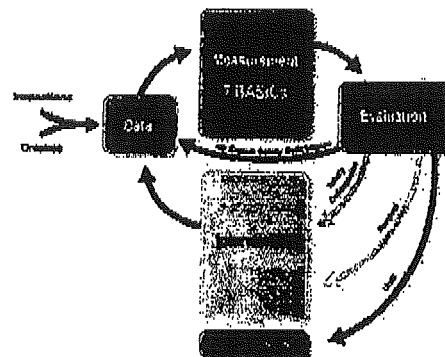


## CSA Core Component #1

### 1. Data

– Gather 24 months of on-road safety event data to create a safety event history

- Inspections
  - Compliance Review
  - Roadside
- Crashes



## CSA Core Component #2

### 2. Safety Measurement System (SMS)

- Assesses safety of carriers and CMV drivers based on factors that lead to crashes
  - 7 Behavior Analysis and Safety Improvement Categories (BASICs)
    - Unsafe Driving
    - Hours-of-Service Compliance
    - Driver Fitness
    - Controlled Substances/Alcohol
    - Vehicle Maintenance
    - Hazardous Materials Compliance
    - Crash Indicator

**CSA Core Component #2**

**2. Safety Measurement System (SMS)**

- **Unsafe Driving**
  - Speeding, reckless driving, improper lane change, and inattention
  - Using a hand-held mobile telephone while operating a CMV (weight=10)
- **Hours of Service Compliance**
  - HOS RODS, and operating a CMV while ill or fatigued
- **Vehicle Maintenance**
  - Brakes, lights, and other mechanical defects, failure to make required repairs, and improper load securement
  - Inoperative/defective hazard warning lamp (weight=6)

**CSA Core Component # 3**

**3. Evaluation** →

- Determination of Carrier Safety Performance
  - No safety deficiencies
  - Deficiencies requiring intervention
- Determination of Carrier Safety Rating
  - Proposed Rulemaking

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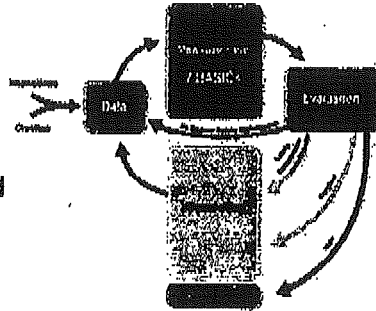
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## CSA Core Component # 4

### 4. Interventions



- Early contact
  - Warning letter
  - Targeted roadside inspections
- Investigation
  - Off-site investigation
  - On-site investigation – focused & comprehensive
  - Cooperative Safety Plan
  - Notice of Violation (NOV)
  - Notice of Claim (NOC)
  - Settlement Agreement



## CSA: What it Means to You as a Driver

**CSA puts more emphasis on drivers than the previous enforcement model:**

- **ALL** violations found during Roadside Inspections count toward carrier and driver safety measurement according to vehicle or driver violation type.
- BASIC information/scores will be sent to roadside inspectors as a tool in the decision of whether to inspect and what level to inspect a specific CMV
  - Roadside Inspectors will see carrier information/scores
  - Roadside Inspectors will not see driver measurement information

## **CSA: What it Means to You as a Driver**

**Safety Investigators will be able to see the safety performance history of drivers when they are conducting a carrier investigation**

- This information is not available to carriers
- Assessment includes the entire history of the driver
- Assessment is a tool for investigators to use in sampling and to issue NOCs/NOVs to drivers based on performance
- Drivers will not be rated (i.e. unfit) under CSA.

## **CSA: What Can You Do?**

- Member Actions
  - Thorough pre-trip and post-trip inspections
  - Document problems with CMV or load
    - Don't operate a vehicle that does not comply with the regulatory requirements
  - Comply with the law and regulations
    - Operating a CMV
    - Maintain valid CDL and medical card
  - Familiarize yourself with worker rights per contract and regulations



# Hours of Service Regulation

## Revised December 2011

Provision	Current Rule	Final Rule - Effective July 1, 2013
Daily Driving Time	12 Hours of Driving followed by 10 hours of off-duty	No change
Limitations on minimum "34-hour restarts"	None	(1) Must include two periods between 1 a.m. - 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None, except as defined by other rule provisions	Must take every 8 hours. At least have 10 minutes rest off-duty every 8 hours. (49 CFR 392.401) Rest breaks may be taken in increments of 15 minutes.
		<b>Final Rule Effective February 27, 2012</b>
On-duty time	Includes any time in CMV except sleep	Does not include any time sleeping in a parked CMV in a sleeping property securing CMV. Does not include up to 1 hour of passenger and immediate help or other communications from emergency teams. Also applies to passenger carrying drivers.
Penalties	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to

### 34-Hour Restart Provision

- Any period of 7/8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours.
- The rule limits the use of the "34-hour restart" to once a week (168 hours)
- The restart must include 2 night periods between 1 and 5 AM.

### 34-Hour Restart Provision

- §395.3 (c)(1) and (c)(2) Through June 30, 2013 a period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. After June 30, 2013 any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours that includes two periods from 1 a.m. to 5 a.m.
- §395.3 (d) After June 30, 2013, a driver may not take an off-duty period of 34 hours to restart the calculations of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period.

## Rest Breaks

- If a driver has been on duty for more than 8 consecutive hours since a period of off duty then he/she is required to take a 30 minute break before resuming driving duties.
- §395.3(a)(3)(i) A driver may drive a total of 11 hours during the 14-hour period. (ii) After June 30, 2013 driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

## Penalties

- Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.

## Tank Endorsement

### New Definition

## Tank Endorsement

- Tank Vehicle means:
  - designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons
  
  - a tank with an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis

## Tank Endorsement

- **Intermediate Bulk Container (IBC):**
  - The new definition is to include an IBC if the aggregate capacity exceeds the 1,000 gallon threshold
  
- **Compliance Date: July 8, 2014**

## Tank Endorsement

- In order to obtain a tank vehicle endorsement, each applicant must have knowledge covering the following:
  - a) Causes, prevention, and effects of cargo surge on motor vehicle handling;
  - b) Proper braking procedures for the motor vehicle when it is empty, full and partially full;
  - c) Differences in handling of baffled/compartmented tank interiors versus non-baffled motor vehicles;
  - d) Differences in tank vehicle type and construction;
  - e) Differences in cargo surge for liquids of varying product densities;
  - f) Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;
  - g) Proper use of emergency systems; and
  - h) For drivers of DOT specification tank vehicles, retest and marking requirements; and
  - i) Operating practices and procedures not otherwise specified.

## Electronic On-Board Recording Devices

Proposed Rulemaking

### Electronic On-Board Recording Devices

- FMCSA recently withdrew the Final Rule that was challenged in court by the OOIDA
  - OOIDA protested that use of EOBR technology could be used to harass drivers
- Discussion during MCSAC advised the agency to limit rulemaking to only tracking HOS compliance
- Agency will revisit rulemaking and focus on HOS compliance

**Cell Phone Ban:  
Limiting the Use of Wireless  
Communication Devices**

It's very easy  
to comply with the  
new rules:

**No  
REACHING  
No  
HOLDING  
No  
DIALING  
No  
TEXTING  
No  
READING**

**No call,  
No text,  
No ticket!**

**Restricted Use of Cell Phone  
Effective  
January 3<sup>rd</sup>, 2012**

Rulemaking restricts a CMV driver from:

1. Holding a mobile telephone for a voice call
2. Dialing a mobile telephone by pressing more than a single button; OR
3. Reaching for a mobile phone in an unacceptable and unsafe manner