

Tuesday, July 14, 2015

1:40PM – 2:40PM



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# PREPARING FOR UPCOMING FMCSA RULES

**Presenter:**

**John Seidl**

FMCSA Consultant

IT'S ALL  
ABOUT  
SAFETY.



# IT'S ALL ABOUT SAFETY.

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262-672-0986

John Seidl  
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Romero contended he was within the speed limit traveling southbound on the I-5 before Oso Parkway, but there simply wasn't enough space to avoid collision when traffic suddenly stopped ahead of him. A CHP investigation alleged he was driving 60-70 mph, too fast for conditions, and was inattentive.

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Jorge Miguel Romero, 38, of Apple Valley, pleaded no contest to three misdemeanor counts of vehicular manslaughter for the May 4, 2007 crash that killed 5-year-old Kyle, 4-year-old Emma and 2-year-old Katie Coble.



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# Preparing for Upcoming FMCSA Rules

- Electronic Logging Devices
- Entry Level Driver Training
- Safety Fitness Determination
- Drug and Alcohol Clearinghouse
- Coercion of Drivers and Carriers
- 34 Hour Restart
- 30 Minute Break

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# Preparing for Upcoming FMCSA Rules

- Crash Determination
- Changes to CSA in June 2015
- Speed Limiter
- Electronic Stability Control Systems
- Fuel Eff Standards
- DATA Qs
- DVIR

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# Electronic Logging Devices

- Final Rule September 30, 2015 or
- Final Rule November 2015
  - Ava Herman, manager of FMCSA's regulatory development
  - Effective two years after its publication date.
  - Feb. 16 session Technology & Maintenance Council Meeting.
- Summary
  - Performance and design standards
  - Mandatory use of these devices
  - HOS supporting documents; and
  - Harassment resulting from the mandatory use of ELDs.

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"One second of him falling asleep, and we will suffer for the rest of our lives,"



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Investigators said Spencer had fallen asleep at the wheel after he had driven at least nine hours more than allowed under federal rules.

Spencer pleaded guilty last year and was given an eight-year prison sentence.

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Laura J. Van Ryn



Elizabeth A. Smith



Monica Felver



Laurel E. Erb



Bradley J. Larson

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# Entry Level Driver Training

- NPRM October 15, 2015
- Final meeting of Advisory Committee
- Issued a 106-page report
- Training
  - CDL applicants be trained for both Class A & B CDL applicants
  - Passenger, hazmat and school bus endorsements.
  - Refresher-course training
- Registry of FMCSA-certified Entry Level Driver Training Providers

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# Safety Fitness Determination

- NPRM September 17, 2015
  - Performance in relation to the BASICs
  - an investigation
  - CSA Phase 3
- On-site compliance review
- Small fraction of carriers (approximately 12,000)
- [49 U.S.C. 31144](#), which directs the Secretary of Transportation to "determine whether an owner or operator is fit to operate a commercial motor vehicle" and to "maintain by regulation a procedure for determining the safety fitness of an owner or operator."

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# Drug and Alcohol Clearinghouse

- Final Rule December 14, 2015
- Conduct pre-employment searches
- Annual searches on current drivers
- Report Information to Clearinghouse
  - Truck and bus companies
  - Medical Review Officers
  - Substance Abuse Professionals
  - USDOT drug and alcohol testing laboratories
- Report those that:
  - Fail a test
  - Refuse to submit to a test, and
  - Successfully completes a substance abuse program and is legally qualified to return to duty.

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# Coercion of Drivers and Carriers

- Final Rule September 25, 2015
- Prohibiting carriers, shippers, brokers and others from coercing drivers:
  - Drive beyond hours of service limits
  - Violation of other federal rules
- Report coercion to the agency
- FMCSA Responds

# 34 Hour Restart

- Rollback will stay in effect until
  - FMCSA produces its report, or
  - Sept. 30, 2015
- Whichever is later
- Lawsuits
  - 70 Hours
  - 98 Hours
  - 84 Hours

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# 30 Minute Break

## Exemptions:

- Short Haul Drivers
- Livestock Haulers
- Oversize/overweight loads Haulers
- DOE drivers hauling sensitive radioactive materials.
- Oregon logging operations get exemption from mandatory 30-minute break.
- And so on!

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# Crash Determination

- FMCSA study: Crash accountability analysis expensive, would not improve CSA
- Not Open to Public
- “Prevent Crashes and Save Lives”
- Preventable vs. Non Preventable

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# Changes to CSA in June 2015

- Changing Intervention Thresholds
- Segmenting Hazmat Compliance



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# Speed Limiter

- NHTSA/FMCSA Joint Rulemaking
- August 20, 2015 NPRM
- Decrease an estimated 1,115 fatal crashes

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# Electronic Stability Control Systems

- NHTSA/FMCSA Joint rulemaking – FMVSS No 136
- Greater than 26K
- Each year
  - Prevent 1729 crashes
  - Prevent 649 injuries
  - Prevent 49 fatalities
  - Prevent 56% of rollovers when no obstacle struck or when vehicle leaves road

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# Fuel Eff Standards

- NPRM projected for March 31, 2015
- Date has passed
- Speed Limiter Rule

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# DATA Qs

- Obtain Roadside Inspections
- Citations
- Be Aggressive!

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# DVIR

- Critical Violation Still
- Roadsides
- Defect Known to the Driver at end of Day

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# QUESTIONS

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