

Update on FMCSA Rulemakings and Programs



AGENDA

- COVID-19 Response
- Hours of Service
- ELDs
- Drug & Alcohol Clearinghouse
- Training Provider Registry

Actions Taken in Response to the COVID-19 Public Health Emergency



FMCSA RESPONSE: TO COVID-19

Emergency Declaration No. 2020-002

Issued March 2020 with subsequent extensions

Latest extension remains in effect until 11:59 P.M. (ET), August 31, 2021 with a review on July 1, 2021

Emergency Declaration No. 2020-002 addresses national emergency conditions that create a need for immediate transportation of essential supplies in support related to COVID-19 and is limited to transportation of

- (1) livestock and livestock feed;
- (2) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (3) vaccines, medical supplies and equipment for the administration of vaccines, related to the prevention of COVID-19;
- (4) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; and
- (5) food, paper products and other groceries for emergency restocking of distribution centers or stores

FMCSA's intention to wind down the exemptions granted under this Emergency Declaration and related COVID-19 regulatory relief measures to the extent possible.

FMCSA RESPONSE: TO COVID-19

CDL Waiver

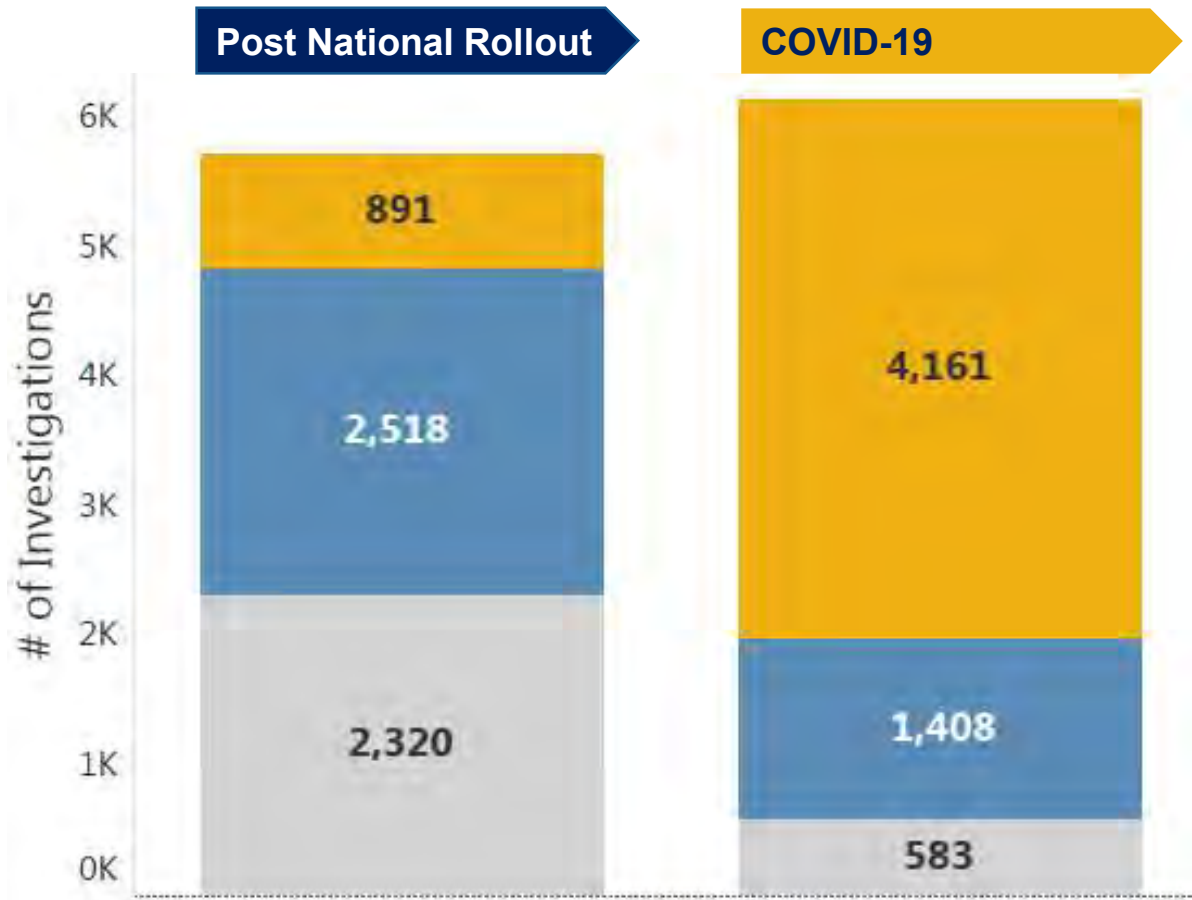
- Effective June 1, 2021, and extended until August 31, 2021
- Extends the validity of those CLPs, CDLs and non-CDL drivers of commercial drivers set to expire on or after March 1, 2020, through August 31, 2021
- Medical certificates that expired on or after March 1, 2021, are valid until August 31, 2021
- As Canada and Mexico issue notices extending the validity date of the license States should recognize it
- FMCSA intends to review the status of this waiver as of July 1, 2021, and may take action to terminate the waiver sooner if conditions warrant

FMCSA RESPONSE; TO COVID-19

- Investigators **leveraged Offsite and Remote Onsite Investigations** to conduct a similar number of investigations each month in FY 2020, even as the COVID-19 response took effect
- FMCSA's COVID-19 guidance enabled the Field to remotely investigate some carriers not normally eligible (Vehicle Maintenance BASIC and High-Risk carriers)
- Offsite and Remote Onsite Focused Investigations **do not hamper Safety Investigators' ability to discover violations** and Acute/Critical Violations



Investigation totals



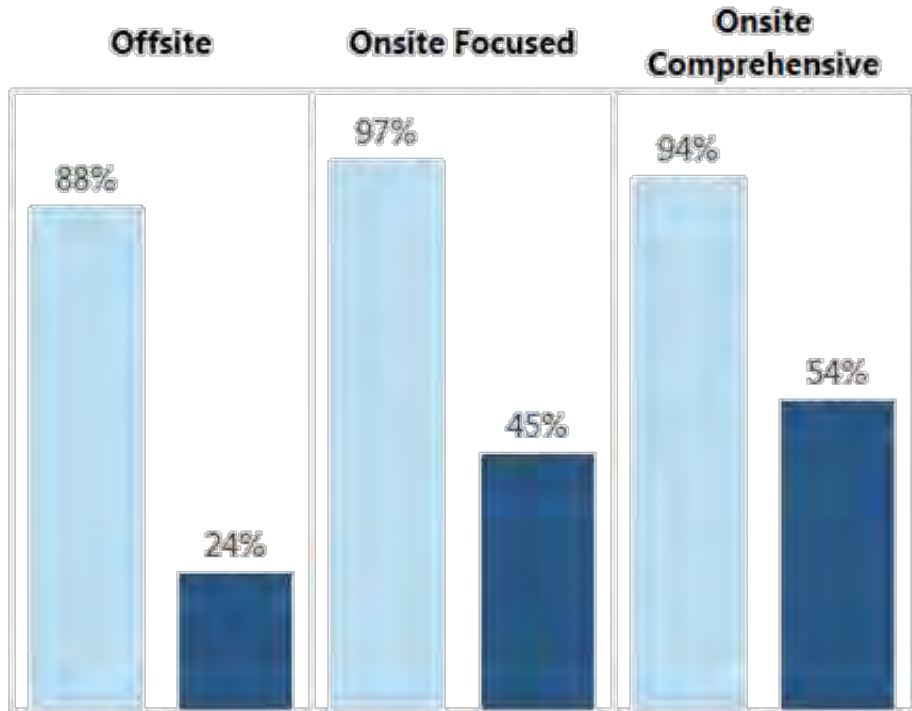
# Investigations FY 2020	
Offsite	5,052
Onsite Focused	3,926
Onsite Comprehensive	2,903
Total	11,881

- Offsite
- Onsite Focused
- Onsite Comprehensive

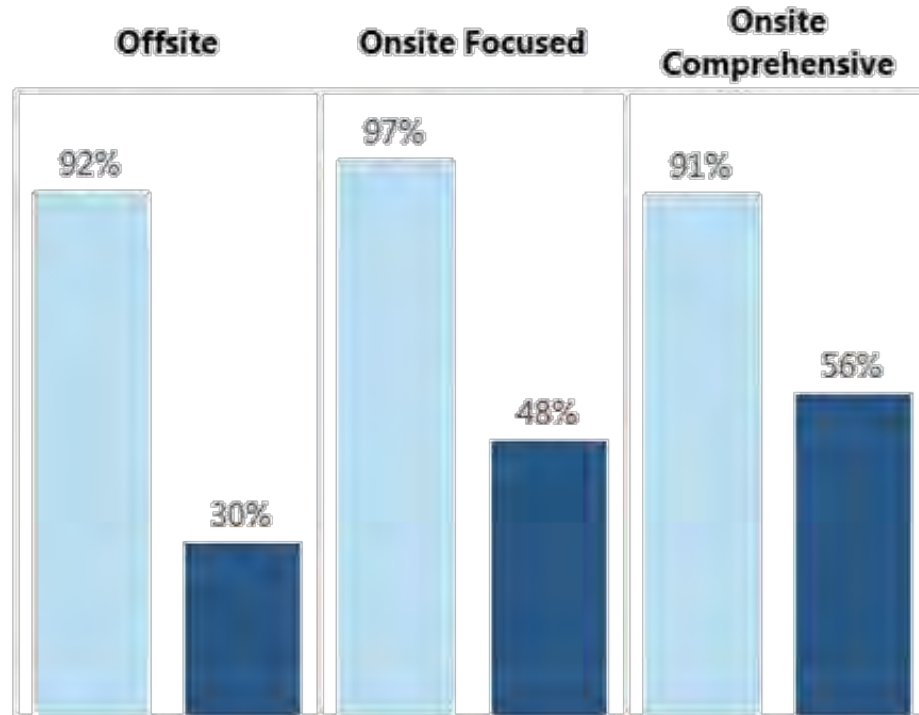


VIOLATION RATES DURING REMOTE INVESTIGATIONS

Post National Rollout
(Oct. 1, 2019-Mar. 17, 2020)



COVID-19
(Mar. 17-Sep. 30, 2020)



■ Violation Rate
■ Acute/Critical Violation Rate





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



Hours of Service

Hours of Service (HOS) Final Rule

- FMCSA published a revised HOS final rule on June 1, 2020
- Effective Date: **September 29, 2020**
- HOS final rule changes the following 4 provisions



Short-Haul
Exception



Adverse Driving
Conditions
Exception



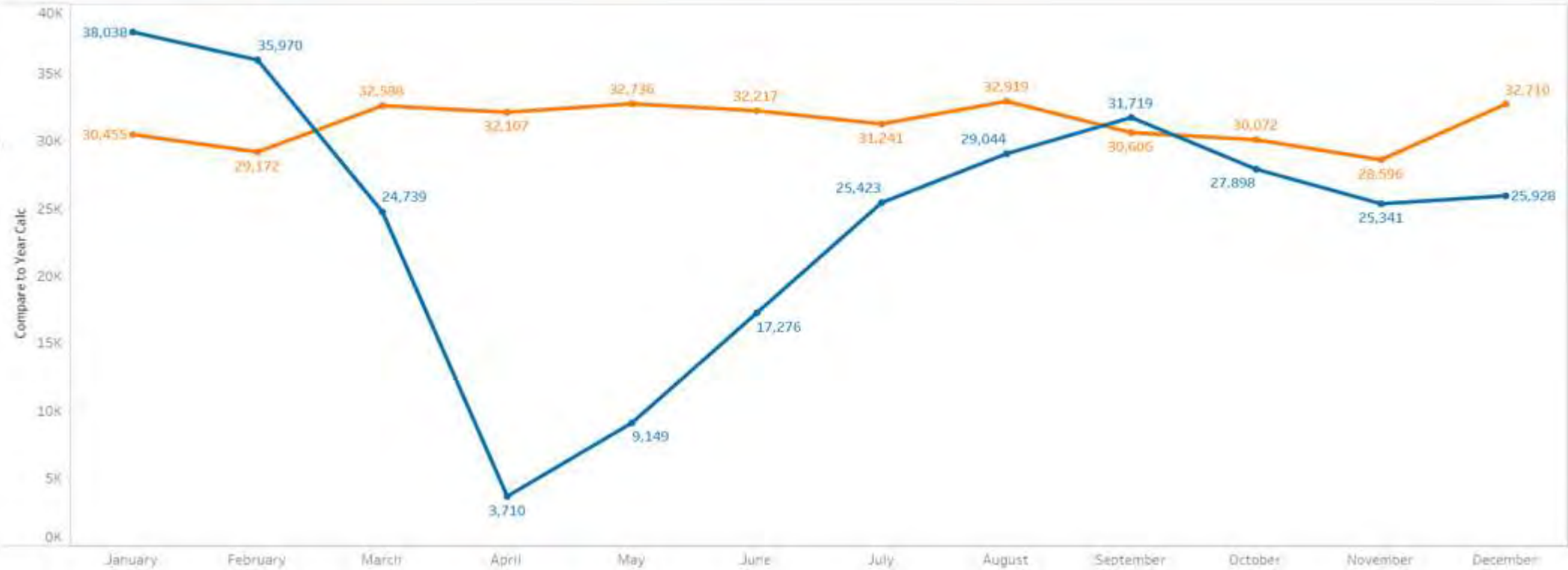
30-Minute Break
Requirement



Sleeper Berth
Provision



Roadside Inspections: HOS Violations 2019 vs 2020



Total Inspections

2019 375,419

2020 294,235

Inspections were lower by 22%

Electronic Logging Devices (ELDs)



ELD Providers



Drivers and Motor Carriers



Enforcement Partners

ELD Violations Cited During Investigations

Investigations with at least one ELD-related violation

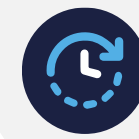
	Jan 2021	Feb 2021	Mar 2021
All Investigations	891	1,028	1,184
Investigations with ELD Violations	96	113	128
Percent of Investigations with ELD Violations	10.8%	11.0%	10.8%

ELD Violations Cited During Investigations

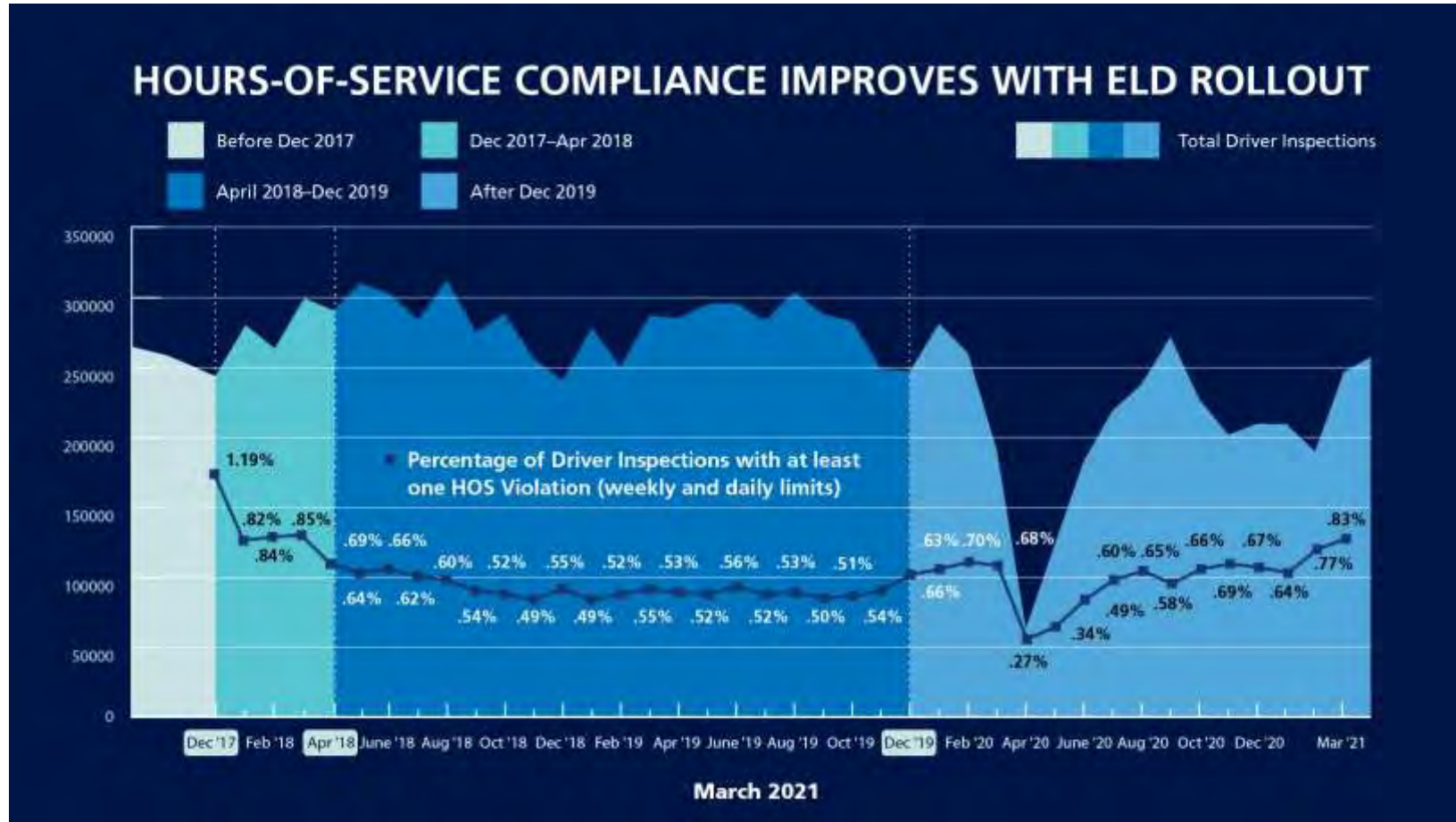
Top 5 ELD violations cited during Investigations
January 2021-March 2021

Violation Code	Violation Description
395.30(a)	Carrier failed to ensure that the driver's ELD record is accurate.
395.22(j)	Carrier failed to electronically produce ELD records upon request.
395.32(c)(1)(ii)	Carrier failed to review records of unidentified driving and/or assign the record to the appropriate driver to correctly reflect the driver's hours of service.
395.32(c)(1)(i)	Carrier failed to review records of unidentified driving and/or annotate the record explaining why the time is unassigned.
395.11(c)	Failing to retain supporting documents as required by § 395.11(c).

Hours-of-Service Violations

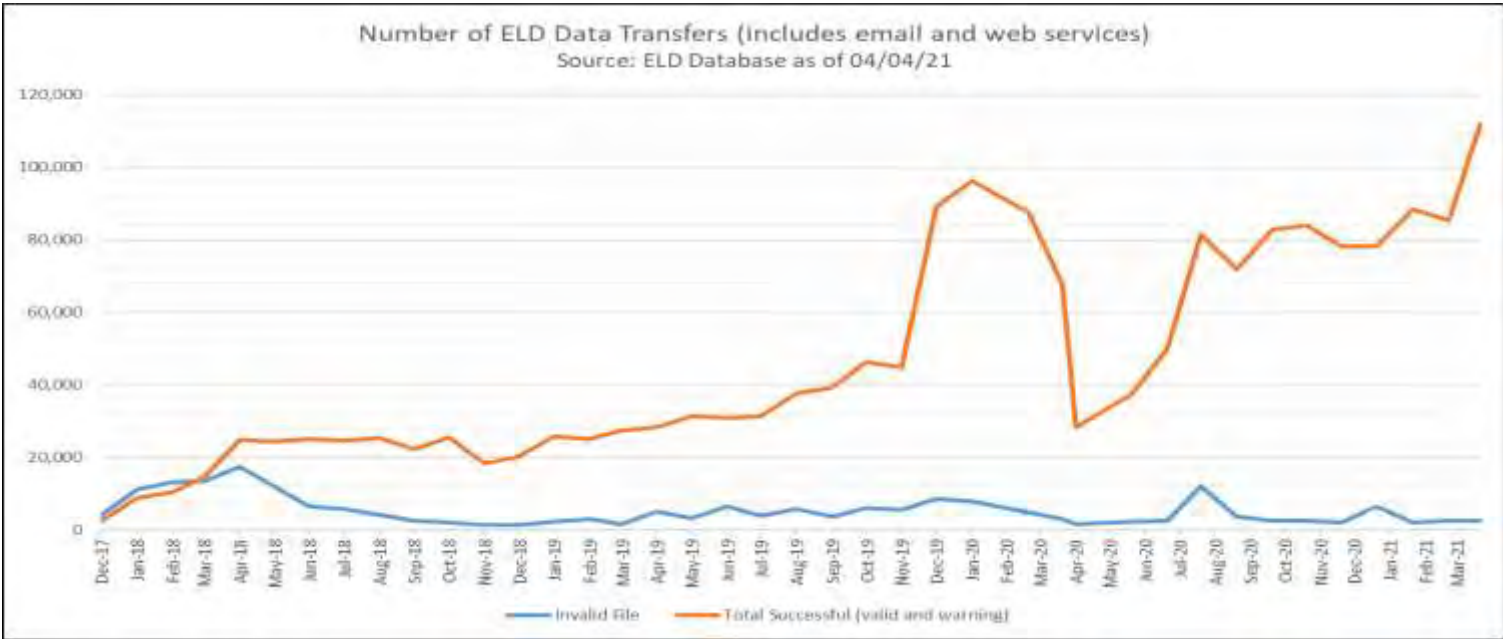


Graph illustrates that the rate of driver inspections resulting in at least one Hours-of-Service Violation has decreased significantly between December 2017 and March 2021



Transfers of ELD Output Files To FMCSA by Web-Based Methods (Web Services, Email & Bluetooth)

	Jan 2021	Feb 2021	Mar 2021	Total Since December 2017
Total Transfers	90,379	87,792	114,318	2,036,944
Percent Successful	97.8%	97.4%	97.8%	89.9%



DRUG & ALCOHOL CLEARINGHOUSE



Statistics – March 2021 Summary Report

- Number of registrations: 2.1 million
 - 1.9 million CDL drivers registered
- Number of queries conducted: over 5.8 million
- Total violations reported: over 70,000
- CY2021 total violations reported: 14,691

Violations Reported to the Clearinghouse



March 2021 Summary Report

Positive drug tests account for 81% of the total violations reported to the Clearinghouse

SUBSTANCES IDENTIFIED IN POSITIVE DRUG TESTS
(as of 4/1/2021)

Substance	2020	2021	# Tests Identified (Total since Jan 6, 2020)
Marijuana Metabolite (Δ9-THCA)	29,511	7,750	37,261
Cocaine Metabolite (BZE)	7,940	1,908	9,848
Methamphetamine (MET/MAMP)	5,187	1,323	6,510
Amphetamine (AMP)	4,953	1,311	6,264
DILUTE	2,398	687	3,085
Oxymorphone (OXYM)	1,372	322	1,694
Oxycodone (OXYC)	1,106	264	1,370
Hydrocodone (HYC)	1,082	241	1,323
Hydromorphone (HYM)	1,000	225	1,225
Morphine (MOP)	443	80	523
Codeine (COD)	386	85	471
6-Acetylmorphine (6-AM)	302	47	349
Phencyclidine (PCP)	137	36	173
Ecstasy (MDMA)	65	14	79
Not Identified	43	0	43
Methylenedioxyam- phetamine (MDA)	30	10	40
All substances	55,955	14,303	64,273

Note: More than one substance can appear in a positive drug test

Drivers in the Return-to-Duty (RTD) Process As of 04/01/2021

RTD STATUS	# DRIVERS
All Drivers (with at least 1 violation)	64,846
Drivers in Prohibited Status	54,237
RTD Process Not Started	41,029
Substance Abuse Professional (SAP) Request Sent	497
SAP Designation Confirmed	1,211
SAP Request Declined	205
Initial SAP Assessment Complete	2,676
Determined Eligible for RTD Testing	8,619
Drivers in Not-Prohibited Status*	10,609
RTD Test with Negative Results	10,609
Follow-Up Testing Plan Complete	0



TRAINING

PROVIDER REGISTRY

MINIMUM TRAINING REQUIREMENTS FOR
Entry-Level Commercial Motor Vehicle Operators



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

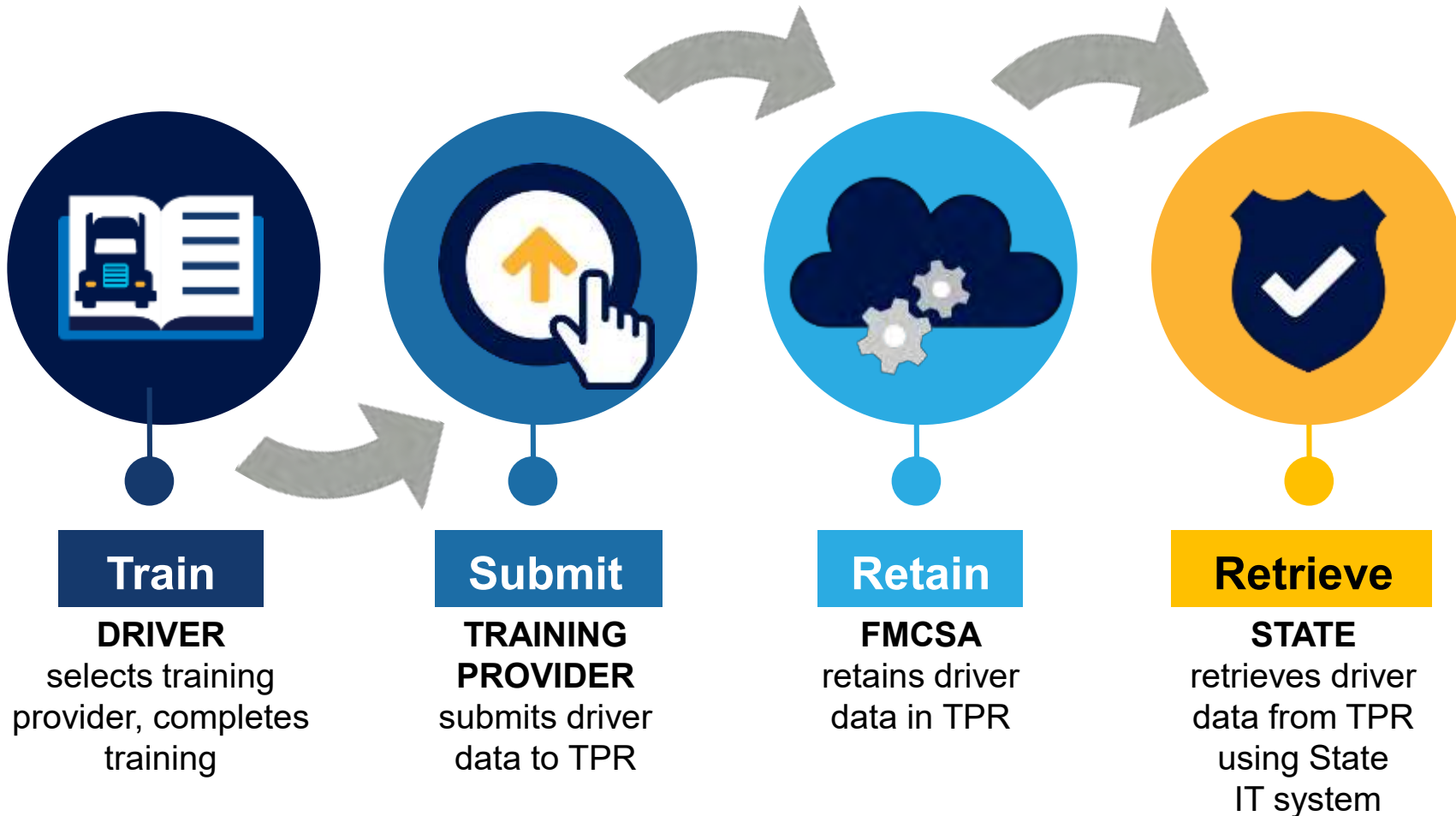
What are CDL applicants required to do?

Beginning February 7, 2022:

- Entry-level drivers must complete the applicable ELDT from a provider listed on the **Training Provider Registry**, prior to taking relevant CDL skills or knowledge test



How will States access driver data?



Upcoming milestones

- Fall/Winter 2020: Released IT Specifications & Testing Tools
- Summer 2021: FMCSA's Training Provider Registry open registration
- February 7, 2022: ELDT regulation compliance

