

Significant Regulatory and Related Activities: FMCSA

Final rules:

RIN 2126-AB25

Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment

SUMMARY: FMCSA amends its December 17, 2008, final rule implementing section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The 2008 final rule makes intermodal equipment providers (IEPs) subject to certain Federal Motor Carrier Safety Regulations (FMCSRs), and establishes shared safety responsibility among IEPs, motor carriers, and drivers. These amendments create a fifth marking option for identifying the IEP responsible for the inspection, repair, and maintenance of items of intermodal equipment (IME) in response to a petition for reconsideration from the Intermodal Association of North America (IANA); clarify regulatory text and correct an inadvertent error in response to a petition for reconsideration from the Ocean Carrier Equipment Management Association (OCEMA); and extend the deadline for IEPs, motor carriers, and drivers operating IME to comply with certain provisions pertaining to driver-vehicle inspections in response to a petition filed by OCEMA.

RIN 2126-AB16

Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes

SUMMARY: On March 17, 2009, FMCSA published a notice in the Federal Register (74 FR 11318) extending the effective date of its January 16, 2009 final rule entitled “Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes” until June 15, 2009. This allowed for the solicitation of additional public comments on the final rule and gave the incoming Administration sufficient time to consider and respond to comments. After reviewing the one comment that was received, FMCSA decided to allow the January 19, 2009 final rule to go into effect.

RIN 2126-AA25

General Jurisdiction Over Freight Forwarder Service

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) amends its regulations to require all surface freight forwarders to issue a receipt or bill of lading on each shipment for which they arrange transportation of freight by commercial motor vehicle in interstate commerce. This regulatory change implements amendments enacted in the ICC Termination Act of 1995 (ICCTA). While the current rule concerning receipts or bills of lading applies only to household goods freight forwarders, the new rule applies to both household goods and non-household goods freight forwarders.

DATES: Effective May 6, 2009.

NPRM:

RIN 2126–AB19

Fees for the Unified Carrier Registration Plan and Agreement

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule would establish annual registration fees and a fee bracket structure for the Unified Carrier Registration (UCR) Agreement for the calendar year beginning on January 1, 2010, as required under the Unified Carrier Registration Act of 2005, enacted as Subtitle C of Title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended.

DATES: Comment period was extended from Sept 18 to Sept 28, 2009.

ANPRM:

RIN 2126–AB17

New Entrant Safety Assurance Process: Implementation of Section 210(b) of the Motor Carrier Safety Improvement Act of 1999

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests comment on the methods the Agency should consider implementing to provide further assurance that a new applicant carrier is knowledgeable about the applicable safety requirements before being granted New Entrant authority. We are considering whether to implement a proficiency examination as part of our revised New Entrant Safety Assurance Process and seek information concerning issues that should be considered in the development and use of such an examination. In addition, the Agency requests comments on other alternatives to a proficiency examination to complement the assurances already in place that new entrant carriers are knowledgeable about applicable safety requirements. This notice responds to issues raised by Advocates for Highway and Auto Safety (Advocates) regarding new entrant applicant knowledgeability.

DATES: Send your comments on or before October 26, 2009.

In progress, see //regs.dot.gov: Federal Motor Carrier Safety Administration

Drivers of Commercial Motor Vehicles: Limiting the Use of Wireless Communication Devices. This rulemaking would ban text messaging and restrict the use of cell phones while operating a commercial motor vehicle. This rulemaking is in response to Federal Motor Carrier Safety Administration-sponsored studies that analyzed safety incidents and distracted drivers. This rulemaking would also address the National Transportation Safety Board's "Most Wanted List" of safety recommendations. NPRM anticipated February 2010.

Electronic On-Board Recorders for Hours-of-Service Compliance – Final Rule anticipated March 2010.

EOBR and HOS supporting documents. This rulemaking would consider follow-on revisions to the EOBR rule anticipated to be issued in early 2010. In the new EOBR initiative, FMCSA also would consider addressing the Hours of Service supporting documents requirements. NPRM anticipated December 2010.

Unified Registration System – SNPRM publication anticipated May 2010.

Certification of Safety Auditors, Safety Investigators, and Safety Inspectors – NPRM anticipated December 2010.

Limitations on the Issuance of Commercial Driver Licenses with a Hazardous Materials Endorsement (IFR: 4/2005; dependent upon TSA's action)

Brokers of Household Goods Transportation by Motor Vehicle – FR anticipated September 2010.

Qualifications of Drivers; Diabetes Standard ANPRM 3/2006, next action undetermined.

National Registry of Certified Medical Examiners – FR anticipated July 2010.

Consumer Complaint Information – FR anticipated January 2011

Commercial Driver's License Testing and Commercial Learner's Permit Standards – FR anticipated May 2010.

Minimum Training Requirements for Entry Level Commercial Motor Vehicle Operations – FR anticipated May 2010.

Carrier Safety Fitness Determination -- NPRM anticipated May 2010.

New Entrant Safety Assurance Process: Implementation of Section 210(b) of the Motor Carrier Safety Improvement Act of 1999 – ANPRM published 8/25/09.

CMV Driver Positive Controlled Substances and Alcohol Test Results Database – NPRM anticipated August 2010.

Other news

Pre-Employment Screening Program

On October 7, FMCSA announced that it will launch a new Driver Pre-Employment Screening Program which will allow commercial motor carrier companies to electronically access driver inspection and crash records as a part of the hiring process. The program is expected to begin in December 2009.

By using driver safety information during pre-employment screening, motor carriers will be able to better assess potential safety risks of a prospective driver-employee, and drivers will have additional opportunities to verify the data in their driving history and correct any discrepancies.

Commercial driver safety records are currently available to federal and state law enforcement personnel, and accessible to drivers through the Freedom of Information Act (FOIA). Once the pre-employment screening program is launched, driver safety records will be readily available to motor carriers regardless of state or jurisdiction. In accordance with federal privacy laws, drivers must first give written consent in order for their records to be released.

The Driver Pre-Employment Screening Program will be populated by FMCSA's Motor Carrier Management Information System (MCMIS). The MCMIS is comprised of driver performance data including roadside inspection and compliance review results, enforcement data, state-reported crashes, and motor carrier census data.

Please direct questions to psp.fmcsa@dot.gov.

Hours-of-Service Settlement Agreement: Under the terms of a settlement executed by petitioners and FMCSA, the agency will submit a Notice of Proposed Rulemaking to the Office of Management and Budget (OMB) for approval within nine months of the date of settlement (October 26, 2009). Within 30 days of the publication of the NPRM in the Federal Register, the parties will file motions to govern further proceedings.

Go to <http://www.citizen.org/documents/HOS%20Joint%20Motion%20to%20Hold%20in%20Abeyance.pdf> to read the entire document.

New Chief Medical Officer

Benisse Lester, MD, joined FMCSA in October as the agency's first Chief Medical Officer.

NHTSA New Tractor Stopping Distance Rule

[Federal Register: July 27, 2009 (Volume 74, Number 142)]

[Rules and Regulations]

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Department of Transportation

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Air Brake Systems; Final Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2009-0083]

RIN 2127-AJ37

Federal Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document amends the Federal motor vehicle safety standard for air brake systems to improve the stopping distance performance of truck tractors. The rule requires the vast majority of new heavy truck tractors to achieve a 30 percent reduction in stopping distance compared to currently required levels. For these heavy truck tractors (approximately 99 percent of the fleet), the amended standard requires those vehicles to stop in not more than 250 feet when loaded to their gross vehicle weight rating (GVWR) and tested at a speed of 60 miles per hour (mph). For a small number of very heavy severe service tractors, the stopping distance requirement will be 310 feet under these same conditions. In addition, this final rule requires that all heavy truck tractors must stop within 235 feet when loaded to their "lightly loaded vehicle weight" (LLVW).

The purpose of these amendments is to reduce the number of fatalities and injuries associated with crashes involving tractor-trailer combinations and other vehicles. In addition, we anticipate that this rule will prevent a substantial amount of property damage through averting or lessening the severity of crashes involving these vehicles. Once all subject heavy truck tractors on the road are equipped with enhanced braking systems, we estimate that annually, approximately 227 lives will be saved and 300 serious injuries will be prevented. In addition, this final rule is expected to prevent over \$169 million in property damage annually, an amount which alone is expected to exceed the total cost of the rule.

There are a number of simple and effective manufacturing solutions that vehicle manufacturers can use to meet the requirements of this final rule. These solutions include installation of enhanced drum brakes, air disc brakes, or hybrid disc/drum systems. We note that currently a number of vehicles in the commercial fleet already utilize these improved braking systems and already realize performance that would meet the requirements of the amended standard.

Link to Federal Register document: <http://frwebgate6.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=70278116033+0+2+0&WAIAction=retrieve>

NHTSA Rulemaking in progress:

Require Installation of Seat Belts on Motorcoaches, FMVSS No. 208

RIN 2127-AK56

Stage: NPRM

Previous Stage: None

Abstract: This rulemaking would require the installation of lap/shoulder belts in newly-manufactured motorcoaches. Specifically, this rulemaking would establish a new definition for motorcoaches in 49 CFR Part 571.3. It would also amend Federal Motor Vehicle Safety Standard No. 208, "Occupant crash protection," to require the installation of lap/shoulder belts at all driver and passenger seating positions. It would also require the installation of lap/shoulder belts at driver seating positions of large school buses in FMVSS No. 208. This rulemaking responds, in part, to recommendations made by the National Transportation Safety Board for improving bus safety.

Projected Publication Date: Late March 2010

Important conference presentations and reports

Presentation of trends in tractor and trailer brake adjustment and other violations at Traffic Safety Forum, Phoenix, AZ, July 2009. (available on request)

D. Freund, D. Skorupski, "Commercial Vehicle Safety Technologies: Applications for Brake Performance Monitoring" and D. Freund, S. Brady, Commercial Vehicle Safety Technologies: Applications for Tire Pressure Monitoring and Management. 21st International Technical Conference on the Enhanced Safety of Vehicles, Stuttgart, Germany, June 2009. Both are available at <http://www-nrd.nhtsa.dot.gov/departments/esv/21st/>

The FMCSA study on motorcoach fires has been completed and should be web-posted sometime in January 2010.

The Field Operational Test of TPMS is underway. Data collection should be complete in the near future. Contact chris.flanigan@dot.gov for additional information.