

FMCSA Policy and Rulemaking Initiatives

– Debbie Freund

Rather than try to reinvent the source document, here are links to them. Both contain clickable links to the individual actions, so they should be easier for people to use.

Final rules issued by FMCSA is calendar year 2012:

https://www.federalregister.gov/articles/search?conditions%5Bagency_ids%5D%5B%5D=181&conditions%5Bpublication_date%5D%5Bgte%5D=01%2F01%2F2012&conditions%5Bpublication_date%5D%5Blte%5D=01%2F11%2F2013&conditions%5Btype%5D%5B%5D=RULE&page=1&quiet=true#

OST report on significant rulemakings: <http://www.dot.gov/regulations/december-2012-significant-rulemaking-report>

I'll still talk about the contents (number of items, key milestone dates).

1. [Gross Combination Weight Rating \(GCWR\); Definition](#)

FMCSA withdraws its August 27, 2012, direct final rule (DFR) amending the definition of "gross combination weight rating" (GCWR) in 49 CFR parts 383 and 390. The DFR would have taken effect on October 26, 2012. However, the Agency received several ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [10/29/2012](#)

2. [Rescission of 10-Day Agency Discretionary Period in Assigning Unsatisfactory Safety Ratings](#)

The FMCSA amends the Federal Motor Carrier Safety Regulations to remove the provision indicating that the Agency will consider a 10- day extension of the 45-day period after which passenger and hazardous materials carriers must cease operation after ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [10/23/2012](#)

3. [FMCSA Policy on the Suspension of Operating Authority for Hostage Load Violations](#)

FMCSA provides notice of the Agency's new policy concerning enforcement of its household goods (HHG) motor carrier and broker regulations. FMCSA may take enforcement action when a HHG motor carrier or broker knowingly and willfully fails, in violation of ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [10/18/2012](#)

4. [Technical, Organizational, and Conforming Amendments to the Federal Motor Carrier Safety Regulations](#)

This final rule makes technical corrections throughout title 49 CFR subtitle B, chapter III. The Agency is making minor editorial changes to add revised delegations of authority from the Secretary of Transportation (Secretary), correct errors and ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [10/01/2012](#)

5. [Statutory Amendments Affecting Transportation of Agricultural Commodities and Farm Supplies](#)

FMCSA alerts motor carriers and enforcement officials of two statutory exemptions included in the MAP-21 transportation reauthorization legislation that are applicable to certain motor carriers engaged in the transportation of agricultural commodities and ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [10/01/2012](#)

6. [Rescission of Quarterly Financial Reporting Requirements](#)

FMCSA withdraws its June 27, 2012, direct final rule eliminating the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and for-hire motor carriers of passengers (Form MP-1). After reviewing the adverse ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/27/2012](#)

7. [Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Household Goods Motor Carrier Record Retention Requirements](#)

FMCSA confirms the effective date for its July 16, 2012, direct final rule concerning the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt of printed copies of consumer ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/27/2012](#)

8. [Gross Combination Weight Rating \(GCWR\); Definition](#)

The Federal Motor Carrier Safety Administration (FMCSA) amends the definition of "gross combination weight rating" (GCWR) in our regulations. The definition currently prescribes how the GCWR is calculated if the vehicle manufacturer does not include the ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/27/2012](#)

9. [FMCSA Policy on the Timeliness of New Entrant Corrective Action Submissions](#)

FMCSA provides notice of the Agency's policy that it must receive a new entrant motor carrier's evidence of corrective action within 15 days of the date of a new entrant safety audit failure notice or within 10 days of the date of an expedited action ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/16/2012](#)

10. [Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations](#)

FMCSA confirms the effective date for its June 20, 2012, direct final rule concerning household goods consumer protection. The direct final rule amended the regulations governing the transportation of household goods to remove an obsolete requirement ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/14/2012](#)

11. Parts and Accessories Necessary for Safe Operation: Brakes; Adjustment Limits

The Federal Motor Carrier Safety Administration (FMCSA) amends the requirements regarding brake readjustment limits in the Federal Motor Carrier Safety Regulations (FMCSRs). This rule amends the readjustment limits, clarifies their application, and ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/06/2012](#)

12. Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oil Field Exceptions

FMCSA extends the comment period for the Agency's June 5, 2012, notice concerning regulatory guidance on the applicability of the oilfield operations exceptions in the hours-of-service regulations, and announces that the Agency will hold three public ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [08/06/2012](#)

13. Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Household Goods Motor Carrier Record Retention Requirements

FMCSA amends the regulations governing the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt of printed copies of consumer protection materials. This change harmonizes the ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [07/16/2012](#)

14. Rescission of Quarterly Financial Reporting Requirements

By direct final rule, the Federal Motor Carrier Safety Administration (FMCSA) eliminates the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and for-hire motor carriers of passengers (Form MP-1). This ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/27/2012](#)

15. Change to FMCSA Policy on Calculating and Publicizing the Driver, Vehicle, and Hazardous Materials Out-of-Service Rates and Crash Rates

As stated in 49 CFR 385.407, in order for FMCSA to issue a hazardous materials safety permit (HMSP), a motor carrier must not have a crash rate, or driver, vehicle, or hazardous materials (HM) Out-of-Service (OOS) rate in the top 30 percentile of the ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/27/2012](#)

16. Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations

The Federal Motor Carrier Safety Administration (FMCSA) amends the regulations governing the transportation of household goods to remove an obsolete requirement related to collect calls, resolve ambiguities, and reduce a regulatory burden on household ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/20/2012](#)

17. Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report for Intermodal Equipment

FMCSA eliminates the requirement for drivers operating intermodal equipment (IME) to submit--and intermodal equipment providers (IEPs) to retain--driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/12/2012](#)

18. Notice of Final Revision to Guidance for the Use of Binding Arbitration Under the Administrative Dispute Resolution Act of 1996

Under existing guidance, FMCSA must use a form of arbitration known as ``Night Baseball'' for its civil penalty forfeiture proceedings in which the only issues remaining to be resolved are the amount of the civil penalty owed and/or the length of time in ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/11/2012](#)

19. Regulatory Guidance on the Applicability of Property-Carrier Hours-of-Service Rules to the Driveaway Operation of Vehicles Designed to Transport Passengers

The property-carrier hours-of-service (HOS) rules in 49 CFR 395.3 are applicable to drivers operating commercial motor vehicles designed or used to transport passengers on ``driveaway-towaway'' trips, as defined in 49 CFR 390.5. This notice provides ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/06/2012](#)

20. Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oilfield Exception

FMCSA announces its revision of regulatory guidance to clarify the applicability of the ``Oilfield operations'' exceptions in 49 CFR 395.1(d) to the ``Hours of Service of Drivers'' regulations, and requests comments on the revision. The regulatory ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/05/2012](#)

21. State Enforcement of Household Goods Consumer Protection

FMCSA provides an updated list of statutory provisions and FMCSA regulations that State household goods regulatory authorities and State attorneys general may enforce, reflecting amendments to FMCSA's regulations regarding brokers of household goods. The ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [06/04/2012](#)

22. Commercial Driver's License Testing and Commercial Learner's Permit Standards

On May 9, 2011, FMCSA published a final rule titled ``Commercial Driver's License Testing and Commercial Learner's Permit Standards.'' Among other things, the rule revised the definition of ``tank vehicle.'' The change required additional drivers, ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [05/24/2012](#)

23. Regulatory Guidance on Entering Data in an Automatic On-Board Recording Device While Commercial Motor Vehicle Is in Motion

FMCSA issues regulatory guidance to clarify that a co-driver may make entries to an automatic on-board recording device (AOBRD) while a commercial motor vehicle (CMV) is in motion. The prohibition in 49 CFR 395.15 against making entries to an AOBRD while ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [05/24/2012](#)

24. Electronic On-Board Recorders for Hours-of-Service Compliance; Removal of Final Rule Vacated by Court

This final rule rescinds the final rule published on April 5, 2010, entitled "Electronic On-Board Recorders for Hours-of-Service Compliance" and amended by a September 13, 2010, technical amendment. This action responds to a decision of the Court of ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [05/14/2012](#)

25. Unsatisfactory Safety Rating; Revocation of Operating Authority Registration; Technical Amendments

This final rule repromulgates in the Code of Federal Regulations a statutory requirement that FMCSA revoke the operating authority registration of a for-hire motor carrier for failure to comply with safety fitness requirements; if the Agency determines ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [05/14/2012](#)

26. Commercial Driver's License Testing and Commercial Learner's Permit Standards

FMCSA published a final rule in the Federal Register on Monday, May 9, 2011, that became effective on July 8, 2011. That final rule amended the commercial driver's license (CDL) knowledge and skills testing standards and established new minimum Federal ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [05/08/2012](#)

27. Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Released Rates of Motor Carriers of Household Goods

FMCSA harmonizes its regulations with a recent Surface Transportation Board (STB) order that requires certain information about household goods motor carrier liability to appear on the estimates and bills of lading that carriers must provide to individual ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [04/30/2012](#)

28. Amendment to Agency Rules of Practice

The Federal Motor Carrier Safety Administration (FMCSA) amends its Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials proceedings. The Agency clarifies that paying the full proposed civil ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [04/26/2012](#)

29. National Registry of Certified Medical Examiners

FMCSA establishes a National Registry of Certified Medical Examiners (National Registry) with requirements that all medical examiners who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers meet the following criteria: ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [04/20/2012](#)

30. Harmonizing Schedule I Drug Requirements

The Federal Motor Carrier Safety Administration (FMCSA) is correcting a Final Rule that appeared in the Federal Register on January 30, 2012 (77 FR 4479), which amended the physical qualifications for drivers and the instructions for the medical ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [02/22/2012](#)

31. Hours of Service of Drivers: Correction

FMCSA corrects the hours of service (HOS) final rule published on December 27, 2011 (76 FR 81143). This correction notice corrects the amendatory language or guidance to legal editors of the Code of Federal Regulations (CFR) on the proper codification of ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [02/13/2012](#)

32. Harmonizing Schedule I Drug Requirements

The Federal Motor Carrier Safety Administration (FMCSA) amends the physical qualifications for drivers and the instructions for the medical examination report to clarify that drivers may not use Schedule I drugs and be qualified to drive commercial motor ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [01/30/2012](#)

33. Drivers of CMVs: Restricting the Use of Cellular Phones; Technical Amendment

The FMCSA amends its December 3, 2011, final rule that restricted the use of hand-held mobile telephones by drivers of commercial motor vehicles. That rule was jointly issued by FMCSA and Pipeline and Hazardous Materials Safety Administration (PHMSA), but ...

- A Rule by the [Federal Motor Carrier Safety Administration](#) on [01/12/2012](#)

OST Report on DOT Significant Rulemakings

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