

What's in Store for Trucking in 2012

If you didn't know the Federal government does not operate on a calendar year, yet Congress and certain federal regulatory agencies often make an end-of-the year push to enact pending laws and regulations, and this year was no different. For example, the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) published the Unified Registration System, Cell Phone ban and the Hours-of-Service rules in the last days of December 2011.

So what is left? Well there, to tell you the truth – there are eighteen (18) more items left on the FMCSA's agenda.

Federal Motor Carrier Safety Administration Agenda

Item 24 -Unified Registration System

Item 25 - Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond U.S. Municipalities and Commercial Zones on the U. S. – Mexico Border.

Item 26 - Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the U.S.

Item 27 - Certification of Safety Auditors, Safety Investigators, and Safety Inspectors.

Item 28 - Limitations on the Issuance of Commercial Driver Licenses with a Hazardous Materials Endorsement.

Item 29 - Qualifications of Drivers: Diabetes Standard.

Item 30 - National Registry of Certified Medical Examiners.

Item 31 - Consumer Complaint Information.

Item 32 - Minimum Training Requirements for Entry Level Commercial Motor Vehicle Operations.

Item 33 - Carrier Safety Fitness Determination.

Item 34 - New Entrant Safety Assurance Process: Implementation of Section 210(b) of the Motor Carrier Safety Improvement Act of 1999.

Item 35 - Commercial Driver's License Drug and Alcohol Clearinghouse.

Item 36 - Electronic On-Board Recorders and Hours of Service Supporting Documents.

Item 37 - Hours of Service.

Item 38 - Drivers of Commercial Vehicles: Restricting the Use of Cellular Phones.

Item 39 - Drivers of CMVs: Addressing Distracted Driving.

Item 40 - Inspection, Repair, and Maintenance: Driver-Vehicle Inspection Report for Intermodal Equipment.

Item 41 - Medical Examiner's Certification Integration.

Item 42 – Patterns of Safety Violations by Motor Carrier Management.

Item 43 – Lease and Interchange of Vehicles: Commercial Motor Vehicles Designed to Transport Passengers.

The following are just half of some of the significant truck-related regulatory actions on the agenda of the FMCSA. The status dates are an estimate by the government, and they frequently change. We will cover the rest later in the month.

Registry of Certified Medical Examiners – This rule making would establish training, testing and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle (CMV) drivers meet established physical qualifications standards; provide a database (or National Registry) of medical examiners that meet the prescribed standards for use by motor carriers, and drivers to determine whether or not the medical examiner is qualified. It would require that the medical examiner transmit electronically to the FMCSA. Estimated publication date 12/30/11 – Overdue!

Medical Examiner's Certification Integration – This rule would build upon the National Registry and would provide for the medical examiner to transmit data from the medical examiners to the State Driver Licensing agencies. Estimated publication date 10/31/2012.

Minimum Training Requirements for Entry Level Commercial Motor Vehicle Operations – This rulemaking would require behind-the-wheel and classroom training for persons who must hold a commercial drivers license to operate a commercial motor vehicle. Estimated publication date 7/2/2012.

Certification of Safety Auditors, Safety Investigators, and Safety Inspectors – This rule making would require that any safety inspection, safety audit, or compliance review be conducted by a certified inspector, auditor, or investigator. Estimated publication date 10/31/2012.

Commercial Driver's License Drug and Alcohol Clearinghouse – This rule making would create a central database for verified positive controlled substances and alcohol test results for CDL drivers and refusals by such drivers to submit to testing. Employers and service agents would be required to report any positive test results as well as any refusals. Prospective employers would be required to check the database before the applicant was hired. Estimated publication date 5/23/2012.

New Entrant Safety Assurance Process – This rulemaking would consider methods for ensuring a new applicant carrier is knowledgeable about the applicable safety requirements before being granted New Entrant authority. This agency is considering whether to implement a proficiency examination as part of the process. Publication date has not yet been announced.

Electronic On-Board Recorders and Hours of Service Supporting Documents – This rule making will consider revisions to the electronic On-Board Recorders for Hours of Service to expand the number of motor carriers required to install and operate EOBRs. FMCSA is consolidating this follow-up to the EOBR rule. In addressing Hours of Service Supporting Documents requirements in this new rulemaking, FMCSA will consider reducing or eliminating current paperwork burdens associated with supporting documents in favor of expanded EOBR use. Publication date has not yet been announced.

Carrier Safety Fitness Determination – This rulemaking would revise 49 CFR Part 385, Safety Fitness Procedures, in accordance with the Agency's Comprehensive Safety Analysis (CSA). Currently, the safety fitness rating of a motor carrier is determined based on the results of a very labor intensive compliance review conducted at the carrier's place of business. Through this rulemaking FMCSA would establish safety fitness determination based on safety data from crashes, inspection, and violation history rather than just the standard compliance review. This will enable the Agency to assess the safety performance of a greater segment of the motor carrier industry with the goal of further reducing large truck and bus crashes and fatalities. Estimated publication date 4/30/2012.

Pattern of Safety Violation by Motor Carrier Management – This rulemaking would amend FMCSA's regulations to enable the Agency to prevent interstate transportation by motor carriers that employ officers who have shown unusual and repeated disregard for safety compliance. The rulemaking would define conduct that constitutes a pattern or practice of avoiding compliance or otherwise concealing noncompliance with Federal Motor Carrier Safety Regulations. Estimated publication date 8/8/2012.