



Bus & Motorcoach Session: FMCSA Updates

Presented by Danielle Smith of the FMCSA

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Federal Motor Carrier Safety Administration

FMCSA

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- Rulemaking and Regulatory Compliance Update
 - Lease and Interchange Final Rule
 - Electronic Logging Device (ELD) Full Compliance and Hours of Service
 - Drug and Alcohol Clearinghouse
 - Annual Random Controlled Substances Testing Percentage Rate - Calendar Year 2020
 - Entry Level Driver Training Rulemaking
 - Medical Program Update
 - Driver Vehicle Inspection Report Proposed Rule
 - ADA Compliance Coordinator
- Reminders

LEASE AND INTERCHANGE FINAL RULE



U.S. Department of Transportation
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- Final Rule published on August 14, 2019
- Supersedes the 2015 Final Rule
- Compliance date is January 1, 2021
- Affects **some** subcontracting or
“farming out”

LEASE AND INTERCHANGE FINAL RULE

If your company –

- is subject to FMCSA's safety regulations, and
- hires or does business with other passenger carriers that do not have an active operating authority registration with FMCSA

[Read this new rule!](#)



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LEASE AND INTERCHANGE FINAL RULE



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Lease – a contract or agreement in which a passenger carrier grants the use of a passenger-carrying vehicle to another carrier, with or without a driver, for a specified period for the transportation of passengers, with or without compensation for such use.

- When one or more of the passenger carriers is not authorized to operate in interstate commerce
- Includes an interchange or other agreement

ELD IMPORTANT DATE

49 CFR section 395.8(a)(1)(iii):

A motor carrier that installs and requires a driver to use an automatic onboard recording device (AOBRD) in accordance with section 395.15 before December 18, 2017 may continue to use the compliant automatic on-board recording device ...

... no later than December 16, 2019.



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ELECTRONIC LOGGING DEVICE FULL COMPLIANCE



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Transition from AOBRD to ELD

- Make sure your version is listed on the ELD Self-Certified Listing
 - If not on the registration list, data transfers will not be accepted by the file validator.
 - Make that call. (Ensure you have the latest software updates.)
- The time to change to ELDs was before December 16, 2019. Do it now if you have not already done so.

PROVIDING HOS DATA FOR COMPLIANCE INVESTIGATIONS



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- KNOW HOW TO OPERATE YOUR SYSTEM!
 - Most common problem during investigations – asking the ELD provider for impromptu instructions on accessing and transferring data
 - Record Retention/Reporting Capabilities
 - Transfer ELD records for specific drivers and vehicles
 - Unidentified driver data with annotations
 - ELD malfunction management and related data and records
 - Original HOS data for edited data
 - If you do not know how to operate your system, it is apparent that you have not been using it to monitor the activities of your drivers



ELD SYSTEMS

- Ensure drivers are properly trained on system use and know the location of key inspection items.
 - In-Vehicle Information:
 - User's manual for the driver describing how to operate the ELD;
 - Instruction sheet describing the data transfer mechanisms supported by the ELD;
 - Step-by-step instructions for the driver to produce and transfer the driver's hours-of-service records to an authorized safety official;
 - Instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
 - Enough blank records of duty status graph-grids to record the driver's duty status for a minimum of 8 days.
- Retrain or review the data transfer process with drivers.

REPORTING NON-COMPLIANT ELD DEVICES TO FMCSA



Use the National Consumer Complaint Database (NCCDB)

<https://nccdb.fmcsa.dot.gov/nccdb/home.aspx>



ELD WEBSITE



U.S. Department of Transportation
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<https://eld.fmcsa.dot.gov>

- Access ELD information by three areas
 - ELD Providers
 - Motor Carriers and Drivers
 - Enforcement Officials
- eRODS
 - Software used by safety officials to locate, open, and review output files transferred from a compliant ELD.
 - If you have an ELD file, use the web-based version of eRODS to see how hours of service data is presented to a safety official in eRODS.

GOT A COMPLEX OR TECHNICAL ELD QUESTION?

Send e-mail to:
DANIELLE.SMITH@DOT.GOV



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BACK TO THE BASICS – HOURS OF SERVICE AND ELDs

How do I log that?



How did you do it on paper?



BASIC PASSENGER HOS RULES

PASSENGER-CARRYING DRIVERS

10-Hour Driving Limit

May drive a maximum of 10 hours after 8 consecutive hours off duty.

15-Hour On-Duty Limit

May not drive after having been on duty for 15 hours, following 8 consecutive hours off duty. Off-duty time is not included in the 15-hour period.

60/70-Hour On-Duty Limit

May not drive after 60/70 hours on duty in 7/8 consecutive days.

Sleeper Berth Provision

Drivers using a sleeper berth must take at least 8 hours in the sleeper berth, and may split the sleeper berth time into two periods provided neither is less than 2 hours.



PASSENGER CARRIER HOURS OF SERVICE

- There are only 4 types of duty status:
 - Off duty
 - Sleeper-berth
 - Driving
 - Special Driving Conditions
 - Personal Conveyance
 - Yard Moves
 - On-duty, not driving



PASSENGER CARRIER HOURS OF SERVICE

- Off Duty is the opposite of “On Duty” as defined in 395.2.
- Sleeper-Berth time (SB) is a form of off-duty.
 - Must be in SB that meets regulatory specifications.
 - Allows resting if a co-driver, or splitting 8 hours off-duty into two periods.
 - Indication of co-driver on ELD
 - Technical specifications are not specific
 - Included in transfer when active co- driver is on the vehicle (roadside)
 - Included in the CMV User List when transfer is compiled at a later date
 - ANNOTATE second driver’s login/log out in first drivers ELD record



PASSENGER CARRIER HOURS OF SERVICE

- “Driving” refers to operating a commercial motor vehicle on a public roadway, or private property open to the public.
- Driving a non-CMV while on duty would be “on duty, not driving.”
- ELDs must have configuration to support Special Driving conditions.
 - Personal Conveyance
 - Yard Moves



TRAVEL TIME

- 395.1 (j) Travel time
- (2) When a passenger-carrying **commercial motor vehicle driver** at the direction of the motor carrier is *traveling, but not driving* or assuming any other responsibility to the carrier, such time must be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he/she must be considered off duty for the entire period.
- *Traveling, but not driving...* – Driving is not limited to operating a CMV



PERSONAL CONVEYANCE

- **What is personal conveyance?**
 - The movement of a commercial motor vehicle (CMV) for personal use while off-duty.
 - A driver may record time operating a CMV for personal conveyance as off-duty **only when the driver is relieved from work and all responsibility for performing work by the motor carrier.**
- The CMV may be used for personal conveyance even if it is laden, if the *load* is not being transported for the commercial benefit of the motor carrier at that time.



DRUG & ALCOHOL CLEARINGHOUSE

Current News



The Clearinghouse Final Rule



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

- Mandated by Congress (MAP-21, Section 32402)
- Published December 5, 2016
- Established requirements for the Clearinghouse
- Identified **January 6, 2020** as the Clearinghouse implementation date



Read the Clearinghouse final rule at:

www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse

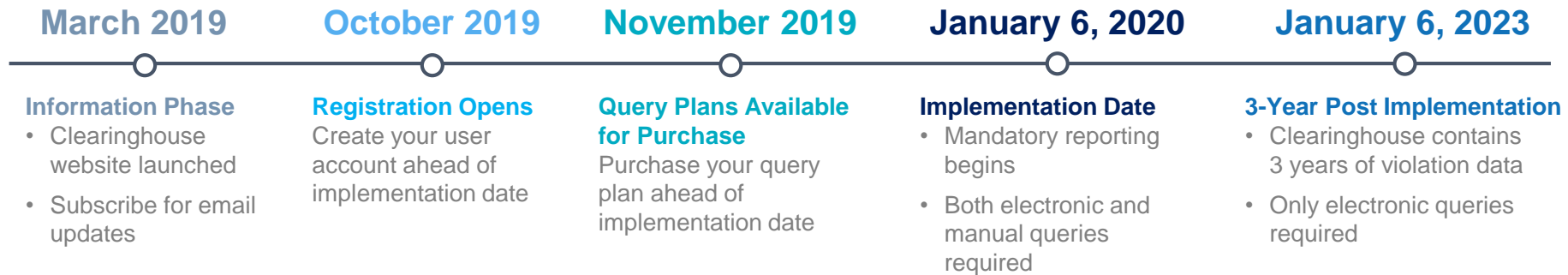


Who will be required to use the Clearinghouse?

- Drivers who hold commercial driver's licenses (CDLs) or commercial learner's permits (CLPs)
- Employers of CDL drivers who operate commercial motor vehicles (CMVs)
- Consortia/Third-Party Administrations (C/TPAs)
- Medical Review Officers (MROs)
- Substance Abuse Professionals (SAPs)
- State Drivers Licensing Agencies (SDLAs)



Timeline: Drug and Alcohol Clearinghouse



Registration

Create a Login.gov Account

- Accessing the Clearinghouse requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems.

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DRUG & ALCOHOL CLEARINGHOUSE

Register Login

FAQ About Contact

Register for the Clearinghouse now and be ready for implementation

Authorized users must register to request access to information in the Clearinghouse. You will need to sign in with a login.gov account to begin your Clearinghouse registration.

Need a login.gov account? Click the link below to create your login.gov account.

Already have a login.gov account? Click the link below and sign in to your account.

[Go to login.gov](#)

GOVERNMENT PERSONNEL

FMCSA enforcement personnel and State Driver Licensing Agencies should not complete Clearinghouse registration. Log in using your FMCSA Portal credentials.

Why register now?

Don't wait! Registering now lets you complete the steps below so that you can be ready when the Clearinghouse is operational on January 6, 2020.

- DRIVERS**
Enter your CDL information and confirm all information is accurate in our database.
- EMPLOYERS**
Does a C/TPA manage your drug and alcohol testing program? Designate them today. Have an FMCSA Portal account? Link it with your Clearinghouse account.
- SAPS & MROS**
Invite Assistants from your company and get set up so you can record information as soon as the Clearinghouse is operational.

DRUG AND ALCOHOL CLEARINGHOUSE



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- Registered employers can now purchase a query plan on the FMCSA Clearinghouse website.
- A separate query plan must be purchased for each individual company.
- Consortia/third-party administrators may not purchase plans on behalf of an employer.

DRUG AND ALCOHOL CLEARINGHOUSE



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Final rule requires employers conduct queries:

- Full queries as part of any pre-employment driver investigation.
- Limited queries at least annually for every CDL driver currently employed.

All queries require driver consent.

The type of consent depends on the query type.

NOTICE OF PROPOSED RULEMAKING



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- CLEARINGHOUSE IMPLEMENTATION REMAINS JANUARY 6, 2020
- FMCSA published a proposal to extend the compliance date for requiring State Driver Licensing Agencies (SDLAs) query the Clearinghouse before completing certain commercial driver's license transactions.
 - Proposed to be delayed until January 6, 2023.
 - Proposal allows SDLAs to voluntarily request Clearinghouse information.
- Does not change the mandatory use of the Clearinghouse for drivers, employers, consortia/third-party administrators, medical review officers, and substance abuse professionals.

DRUG AND ALCOHOL CLEARINGHOUSE



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Visit the Clearinghouse website:
<https://clearinghouse.fmcsa.dot.gov>
Subscribe for email updates
Read frequently asked questions (FAQs)

Contact clearinghouse@dot.gov if you have an unanswered question.

ANNUAL RANDOM CONTROLLED SUBSTANCES TESTING PERCENTAGE RATE FOR CALENDAR YEAR 2020

- Federal Register Notice Published on December 27, 2019
- Increased the minimum annual percentage rate for random controlled substances testing from 25% to 50%
- Effective date: January 1, 2020
- Why?
 - Based on the 2018 FMCSA Drug and Alcohol Testing Survey
 - Must be increased if the data received under the reporting requirements for any calendar year indicate the reported positive rate is equal to or greater than 1.0 percent
 - Applies to drivers of commercial motor vehicles requiring a commercial drivers license



ENTRY- LEVEL DRIVER TRAINING (ELDT) RULE

- Congressionally mandated in MAP-21 law
- Rule's compliance date – February 7, 2020
- Established new training standards for individuals applying for:
 - Class A or B CDL - first time,
 - CDL upgrade (for example, a Class B CDL holder seeking a Class A CDL), or
 - Hazardous materials (H), passenger (P), or school bus (S) endorsement - first time



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MILITARY DRIVER PROGRAMS

REVIEWING OUR PROCESS - CONSIDERING OUR POTENTIAL - LOOKING TO THE FUTURE



MILITARY SKILLS TEST WAIVER

- Available to drivers with 2 years experience safely operating heavy military vehicles
- Waiver from taking the road test (skills test) for CDL
- Available in every state
- More than 28,000 waivers to date
(as of 4/19)



EVEN EXCHANGE PROGRAM

- Allows qualified military drivers to be exempt from knowledge test for a CDL
- When used with Military Skills Test Waiver, a driver can exchange a military license for a CDL
 - Program is recent, not all states yet participate
 - Illinois was the first State to implement. Other States offering Even Exchange: WI / NC / VT / VA / ND / KS



ENTRY LEVEL DRIVER TRAINING WAIVER

- The Entry Level Driver Training requirements are anticipated to take effect in February 2020, requiring all new CDL applicants to complete formal training prior to taking the CDL skills (road) test
- ELDT Rule will waive this requirement for qualified military drivers

FOR MORE INFORMATION

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FINAL RULE - QUALIFICATION OF DRIVERS; DIABETES STANDARD

- Final rule published on September 19, 2018
- Previously, insulin-treated diabetic drivers were prohibited from interstate driving unless they obtained an exemption from FMCSA
- Shifts the authority to determine whether an insulin-treated diabetic driver is medically qualified for interstate commercial driving from FMCSA to the treating clinician and the certified medical examiner



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**FMCSA'S
MEDICAL
PROGRAM**

If you have a question about
FMCSA's medical program,
please send an e-mail to –

FMCSAMEDICAL@DOT.GOV



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PROPOSED RULE - PASSENGER CARRIER NO-DEFECT DRIVER VEHICLE INSPECTION REPORTS

- FMCSA proposes to rescind the requirement that drivers of passenger-carrying commercial motor vehicles submit and motor carriers retain driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies.
 - Published on November 12, 2019
 - Comment period closes on January 13, 2020



ADA COMPLIANCE COORDINATOR

TITLE 49 CFR SECTION 37.17



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Each private sector entity, subject to the ADA regulations:

- must designate at least one person to coordinate compliance with these regulations;
- shall adopt complaint procedures that provide for the prompt and equitable resolution of complaints alleging any ADA regulatory violation including:
 - process for filing a complaint; including name, address, telephone number, and
 - email address of the ADA compliance coordinator, must be advertised to the public - should use the entity's website

ADA COMPLIANCE COORDINATOR

TITLE 49 CFR SECTION 37.17



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FMCSA's webpage, "ADA Requirements for Over-the-Road Bus Companies", has general ADA regulatory information.

<https://www.fmcsa.dot.gov/regulations/americans-disabilities-act-reporting-and-other-requirements-over-road-bus-companies>

REMINDERS



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- ✓ Update your USDOT Number Registration by the biennial deadline - include your e-mail address
- ✓ Monitor your company's CSA SMS data – sign up for updates via email
- ✓ Check your operating authority and insurance filing status especially if you have made a recent change
- ✓ Visit the ELD website to subscribe for email updates
- ✓ Visit the D&A Clearinghouse website to subscribe for email updates

CONTACTING FMCSA



U.S. Department of Transportation
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Contact the FMCSA Commercial
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