



FMCSA Regulatory Update

**FMCSA Leadership Meeting
April 8, 2009**

Overview

- Regulation-writing process at FMCSA
- Regulatory Guidance (“Interpretations”)
- Brief summaries of final rules issued recently
- Final and proposed rules “coming soon”

Regulation-Writing at FMCSA

- Complex legal process. “Basic” rule takes about 2 years.
- Priorities established by Congress, Administration, and Senior Mgt.
- Decisions by FMCSA reviewed by OST and OMB.
- New and revised rules must comply with long list of statutes, Executive Orders, and policies.

Regulation-Writing at FMCSA

Team assigned to each new or revised rulemaking

- “Program Office” involved (Subject-matter Experts – SMEs)
- Regulatory Development Division
- Chief Counsel’s Office
- Analysis Division
- IT Division
- Other Divisions as needed

Regulation-Writing at FMCSA

Prioritization

(Current number in each category)

- “Top Tier” (6)
- High Priority (4)
- Priority (4)
- Others in process (8)
- Pending but no teams (60+-)

Related Activity

- Regulatory Guidance (Interpretations)
- Petitions
- Exemptions
- Waivers
- Pilot Programs

Update on Specific Rules

- Hours of Service (In court)
- Intermodal Equipment (Final issued)
- CDL-Medical (Final issued)
- EOBRs (Final pending)
- Entry-Level Driver Training (Final pending)
- Natl. Registry of Medical Examiners (Final pending)

Hours of Service

- Latest “Final Rule” issued in December 2008. Formality; made no actual changes.
- Challenged in court by same coalition as in the past.
- 34-hr. restart and 11 hrs. driving are primary sections challenged.
- Length of court process unpredictable; often about 1 year.
- Position of new Administration unknown.

Intermodal Equipment

- Final Rule December 2008.
- Intermodal equipment providers (IEPs) must meet majority of requirements by December 2009.
- IEPs must mark intermodal equipment (IME) chassis by December 2010.
- Extensive information now on FMCSA website; more information and training to come.

Intermodal Equipment

Intermodal rule establishes shared responsibility for IME safety among:

- Drivers,
- Motor carriers, and
- Intermodal equipment providers (IEPs).

Intermodal Equipment

- Intermodal Equipment Providers must:
 - Register with FMCSA.
 - Mark intermodal equipment (IME).
 - Establish and implement a systematic inspection, repair, and maintenance (IRM) program.
 - Maintain inspection, repair, and maintenance records.
 - Require and respond to driver inspections.
 - Conduct periodic IME inspections.

Intermodal Equipment

- Investigators will conduct Roadability Reviews of IEP's compliance.
- No safety rating will be issued.
- May result in enforcement and OOS actions.

Medical Certification - CDL Program

- Final Rule published December 2008.
- States must comply by Jan. 2012.
- All CDL drivers must certify medical status by January 2014.

Medical Certification - CDL Program

- CDL drivers will self-certify status (inter, intrastate; excepted from Part 391 or not).
- If not excepted and operating interstate, driver files copy of medical certificate with licensing agency.
- Licensing agency enters details of medical certificate into CDLIS.

Medical Certification - CDL Program

- Licensing agency “downgrades” CDL if medical certificate expires and is not renewed.
- Driver will not need to carry certificate; status available through CDLIS check.
- Does not affect Part 391 medical requirements for non-CDL CMV drivers.

National Registry of Certified Medical Examiners

- NPRM published December 2008.
- Under the proposal, medical examiners would need specified training, testing, and certification to be included on a National Registry of Certified Medical Examiners (NRCME).
- All Part 391 examinations would be conducted by NRCME examiners.

Electronic On-Board Recorders

- ANPRM published Sep. 2004.
- NPRM published Jan. 2007.
- NPRM proposed new technical specs, mandatory use by carriers with patterns of serious HOS violations, and incentives for voluntary use.
- Final rule may be different from NPRM. Cannot discuss because it is pending publication.

Electronic On-Board Recorders

- Administration has stated desire to mandate EOBRs for larger number of carriers than originally proposed.
- Considerable training of roadside inspectors and staff conducting CRs will be needed.
- Note that AOBRDs have been allowed since 1988 and are increasingly in use. Many inspectors do not understand them.

Entry-Level Driver Training

- NPRM “Lite” published Dec. 2007 as result of court case.
- Requires mandatory classroom and behind-the-wheel training at accredited school before obtaining CDL.
- Still under study: Problems with proving effectiveness of training and with total cost of proposal.
- Hoping for final rule early 2010.



The End

Thank you