

APA Winter Conference

General Session

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AGENDA

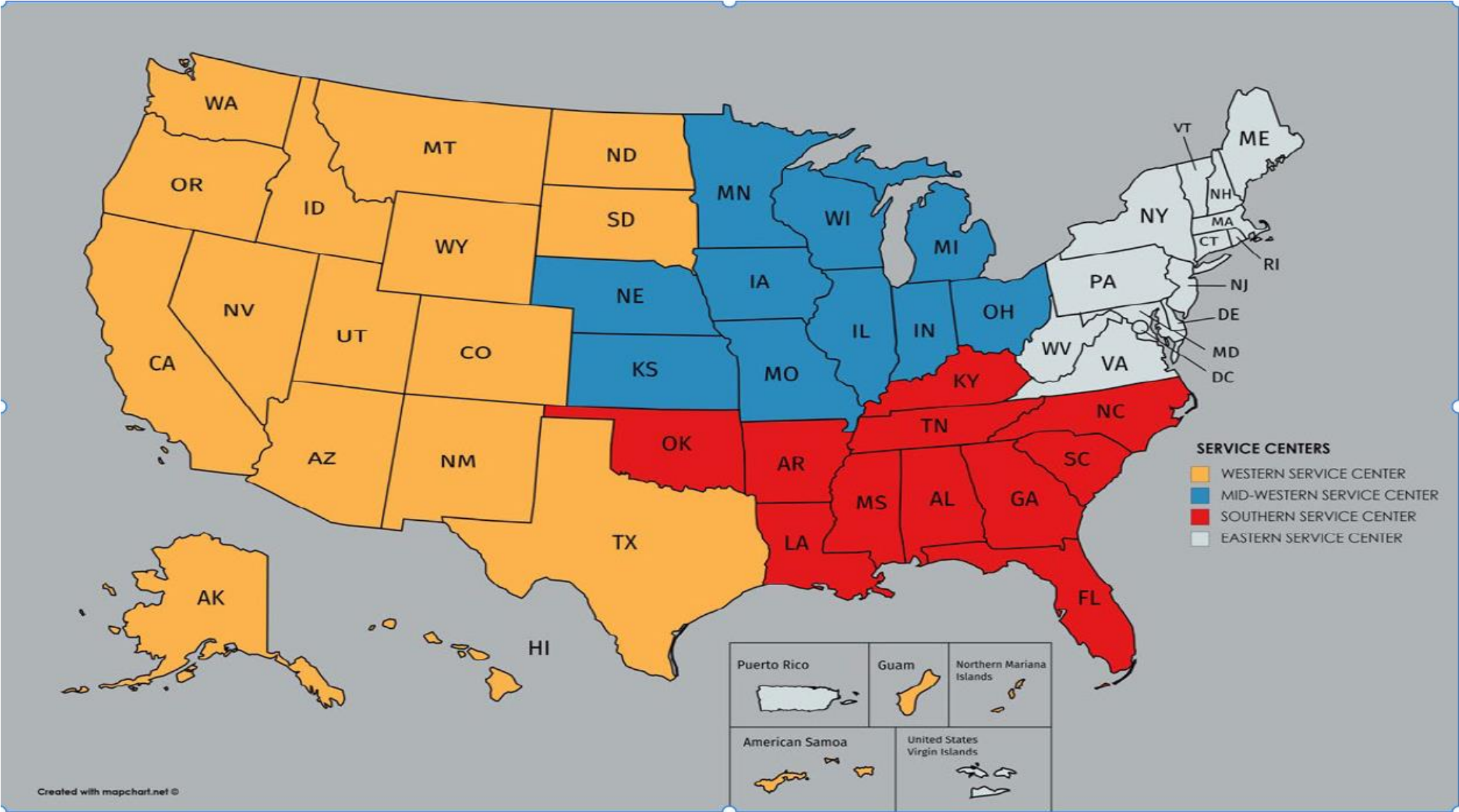
- Federal Motor Carrier Safety Administration (FMCSA)
- Recap of APA 2022
- FMCSA's HM Strategic Plan
- Electronic Logging Device
- Hazardous Materials Safety Permit (HMSP) Program
- Commercial Drivers License
- FMCSA Notices

Federal Motor Carrier Safety Administration

FMCSA Vision and Mission

- FMCSA's **VISION** is to prevent all crashes, injuries, and fatalities, involving large trucks and buses.
- FMCSA's **MISSION** is to save lives and reduce crashes and injuries by advancing large truck and bus safety through collaboration, education, research, technology, and compliance.

FIELD OFFICES AND SERVICE CENTERS



Recap of APA 2022 Winter Conference

Recap Summary

- 1st Segment
 - Pandemic Emergency Related Waivers
 - Entry Level Driver Training
 - Electronic Logging Device
 - Commercial Drivers License
 - Investigations
 - Electronic Recordkeeping
- 2nd Segment
 - Authority
 - Relationship of FMCSA and PHMSA
 - FMCSA HM Compliance Monitoring
 - Vehicle Inspections
 - HMSP operations

FMCSA HM Strategic Program Plan

Vision

Retool FMCSA HM Program to target, reduce and prevent hazardous materials (HM) crashes, injuries and fatalities within the transportation system.



Goal and Objectives

GOAL

To focus on HM crashes, HM entities responsible or contributing to HM crashes, noncompliant practices that have exposed HM vulnerabilities, and HM trends to prioritize and allocate FMCSA resources to address the risks associated with the transportation of hazardous materials by highway.

OBJECTIVES

- Explain HM Authority & Responsibility
- Improve HM & Safety Program Integration
- Discuss HM Program Strategic and Supplemental Plans Execution
- Examine HM Program Operation, Areas of Focus and Emphasis

Challenges

- 2.97 billion tons of HM are shipped annually, of which 2.75 billion tons are shipped by “truck”;
- HM motor carriers account for approximately 93% of the HM transportation in the United States and FMCSA exercise enforcement and compliance over account for an HM dollar value that exceeds \$1.1 trillion;
- The HM dollar value of HM shipped by “truck” decreased from 2012 to 2017 by approximately 26%; however, the quantity of HM shipments by “truck” has increased from 2012 to 2017 by 19%.
- The HM ton-miles have increased by approximately 31% within that same 5-year period; therefore,
- The likelihood (risk) of a HM crash or incident has also increased, which could result in a catastrophic event (consequence) to occur.



Industry Overview

REGION	HM Motor Carriers		Regulated HM Entities by FMCSA	
	ALL	HMSP	CT Facilities	HM Shipper
ESC	38,304	283	654	6,127
SSC	35,639	176	873	3,988
MSC	35,716	237	812	6,563
WSC	37,686	357	1,249	7,069
U.S.	147,348	1,053	3,588	23,750

Courses of Action

- **Data Driven Process**

- HM compliance initiatives will be more dependent on utilization of HM data to manage and monitor FMCSA resources used to address specific HM activities more efficiently and mitigate HM crashes and incidents.

- **Areas of Focus**

- Focus on five categories to gauge and measure the effectiveness of the HM Strategic Plan's impact on deterring crashes, fatalities, and injuries through specific HM investigations.

- **Areas of Emphases**

- Identified a pattern surrounding certain core HM safety challenges that if addressed would aid in mitigating crashes, incidents, and the public and environmental risks related to the transportation of HM commodities by highway.

Synopsis

- Align and leverage our federal and state resources in balancing CMV Safety and HM Safety across our outreach, compliance, and enforcement programs.
- Launching the new strategic plan and approach to align our plan with the Departmental and Agency Strategic Plans.
- Integrate HM Courses of Actions within our core safety systems and operations for our success in combating CMV related fatalities, injuries, crashes, and HM transportation incidents.

Electronic Logging Device

Recently Revoked ELD in 2023

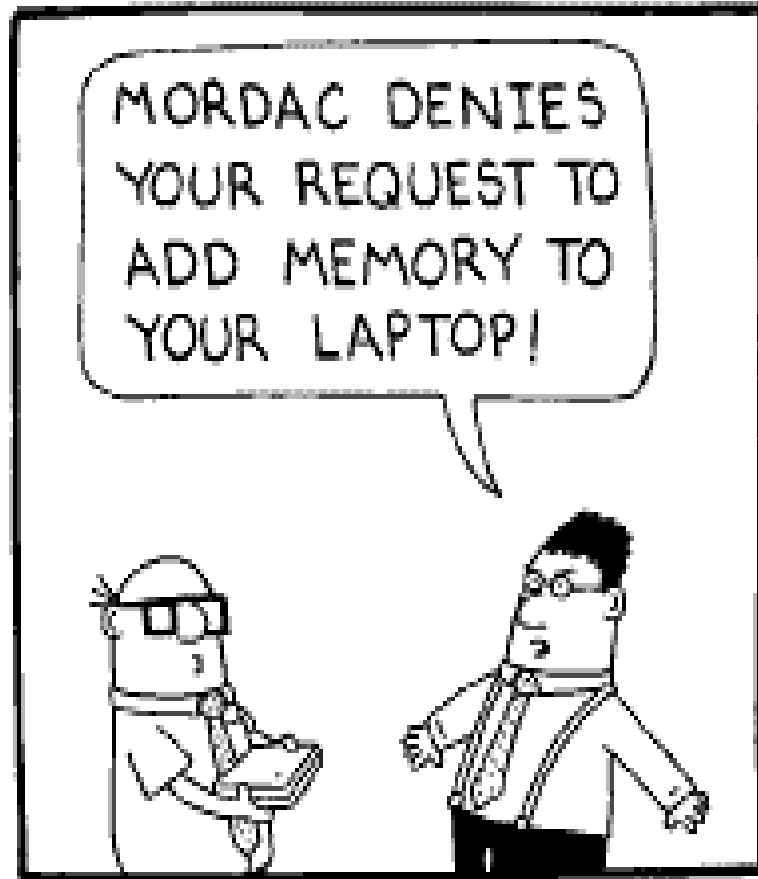
Date of Revocation	ELD Description	Replaced device before
Wednesday, February 08, 2023	ELD Name: ONE PLUS ELD (n/k/a 1 PL Logs) Model Number: ORS ELD Identifier: ORS160 ELD Provider: ONE PLUS ELD (n/k/a 1 PL LOGS) ELD Registration ID: 8J3V	April 10, 2023
Friday, February 03, 2023	ELD Name: Nationwide ELD Model Number: NWTELDV1.1 ELD Identifier: NWT001 ELD Provider: Nationwide Technologies Inc.	April 4, 2023
Tuesday, January 31, 2023	ELD Name: ELD ONE Model Number: OELD01 ELD Identifier: OWLA01 ELD Provider: TMS ONE	April 1, 2023

Self Revocation of ELD

ELD Fleet	G3000 with iOS	2116.210920 & up	ELDFLT	GPS Trackit	Self Revoked	2/2/2023
ELD Fleet	Android & Calamp 3640	3.0.2116.210920 & up	ELDFLT	GPS Trackit	Self Revoked	2/2/2023
InTouch ELD - Android	CalAmp 3640	3.0.2116.210920 & up	ITELD1	InTouch	Self Revoked	2/2/2023

HAZARDOUS MATERIALS SAFETY PERMIT (HMSP) PROGRAM

Let's Think About This...



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FMCSA HMSP Program

- On January 1, 2005, FMCSA initiated the Federal Hazardous Materials Safety Permit Program for intrastate, interstate, and foreign motor carriers transporting certain types and amounts of hazardous materials.
- These carriers must maintain a certain level of safety in their operations and certify they have programs in place as required by the Hazardous Materials Regulations and the HM Permit regulations.



HM Safety Permits for Explosives

- **Required to transport more than 55 lbs. net mass of Division 1.1, 1.2, or 1.3 Explosives, or 1.5 requiring placarding, intrastate or interstate.**
- **Apply on-line with your USDOT#.**
- **Must have a Satisfactory safety rating and maintain Driver, Vehicle and HM OOS rates below the national average.**
- **Must have a Crash rate below the national average.**
- **HMSP holders for explosives: Must have a written communications plan and maintain a communications log for the last 6 months (Section 385.415(c)).**

HM Explosives Motor Carriers

- Significant increases in the motor carrier population since 2020;
- Steady between 2020 and 2021
- For right now, overall industry is still increasing

YEAR	1.1	1.2	1.3	1.4	1.5	1.6
2020	1134	565	863	2140	838	559
2021	1223	636	911	2219	881	657
2022	1419	856	1140	2418	1054	835
2023	1514	950	1198	2433	1142	911

Where is the HMSP Program Today?

Temporary Permits

Total	Active	Expired	Suspended	Suspended (30 days)	Revoked
38	34	3	0	0	1

Permanent Permits

Total	Active	Expired	Suspended	Suspended (30 days)	Revoked
885	878	6	1	0	0

Applications

Total	Pending	Denied
885	77	155

HMSP Improvements

- Interpretive Rule
- Distinguishes between issuance and renewal
- Suspensions/Revocations tied to 385.421: Reasons to suspend or revoke a motor carrier's HMSP
- Provides for continuous monitoring and second level of review

HMSP Improvements Cont...

- HMSP carriers remain in SMS HM Threshold;
- Basic rules for interventions and investigations continue to apply to HMSP carriers; and
- Adds Enhanced Oversight Conditions
 - HM BASIC over threshold (2 most recent months);
 - 2 or more BASICS \geq HM Threshold, other than HM (2 most recent months); or
 - 48-month insufficient data (NO BASICS in alert for entire time AND Safety Rating \geq 4 years)

HMSP Improvements

- FR Notice of Change in Enforcement Policy: Issued 6/19
- FAQs: Posted to FMCSA website at:
http://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/HMSP%20FAQs_V9_0.pdf
- Implementation: August 18, 2015

HIT THESE TARGETS TO GET IN!!!!

The fixed threshold crash rate and driver, vehicle, and HM OOS rates that qualify or disqualify a carrier for HMSP issuance are as follows:

- Motor Carrier Crash Rate is at or above **0.136**.
- The Driver OOS Percentage Rate Threshold is at or above **9.68%**.
- The Vehicle OOS Percentage Rate Threshold is at or above **33.33%**.
- The Hazardous Materials OOS Percentage Rate Threshold is at or above **6.82%**.

Commercial Drivers License

CDL Downgrades for Drug & Alcohol Violations

- FMCSA published a final rule prohibiting State driver's licensing agencies (SDLAs) from issuing a CDL to individuals prohibited from performing safety-sensitive functions due to drug and alcohol violations, as reported to the Drug and Alcohol Clearinghouse (DACH).
- The final rule also requires SDLAs to remove CDL privileges from licenses of individuals prohibited from performing safety-sensitive functions.
- States must achieve substantial compliance as soon as possible, but no later than November 18, 2024.

Final Rule Highlights

- SDLAs must query the DACH prior to issuing, renewing, transferring, or upgrading a CDL.
- SDLAs must deny a commercial license transaction (non-issuance) if the DACH query shows the driver is prohibited.
- FMCSA to push notifications to SDLAs.
- SDLAs must initiate the process to remove a CLP or CDL privilege (downgrade) when notified of a driver's DACH violation.
- FMCSA will notify the SDLA when a driver completes the return to duty requirements and is no longer prohibited.
- CLP holders are covered by the requirements of this rule.

Recent Publication of Regulatory Guidance

- Commercial Driver's License Standards: Regulatory Guidance Concerning Third Party Testers Conducting the Knowledge Test
- Published February 3, 2022
- Summary:
 - Explains that FMCSA's current statutory authorities and regulations do not prohibit third party testers from administering the commercial driver's license knowledge tests for all classes and endorsements;
 - **SDLAs** may accept the results of knowledge tests administered by third party testers in accordance with existing knowledge test standards and requirements set forth in 49 CFR part 383, subparts G and H; and
 - Changes the regulatory guidance Question and Answer of 49 CFR 383.75.

Extension of Compliance Dates for Medical Examiner's Certification Integration into CDL

- FMCSA extended the compliance date from June 22, 2021, to June 23, 2025, for several provisions of its Medical Examiner's Certification Integration final rule.
- This action was taken to provide:
 - FMCSA time to complete certain information technology (IT) system development tasks for its National Registry of Certified Medical Examiners; and
 - To provide the SDLAs time to make the necessary IT programming changes when the new National Registry system is completed and available.

FMCSA Notices

Hours of Service (HOS) of Drivers; Application for Renewal of American Pyrotechnics Association Exemptions From the 14-Hour Rule and the Electronic Logging Device Rule During Independence Day Celebrations

Summary

- **ACTION:** Notice of final disposition; granting of application for exemptions.
- **SUMMARY:** FMCSA announces its decision to grant exemptions for 32 member companies of the American Pyrotechnics Association (APA) from certain hours of service (HOS) regulations during designated Independence Day periods.
- **DATE PUBLISHED:** December 28, 2022
- **EFFECIVE DATES:** These exemptions are effective for the period June 28 through July 8, at 11:59 p.m. local time, each year from 2023 through 2024.

Revised Carrier Safety Measurement System

Summary

- **ACTION:** Notice; request for comments.
- **SUMMARY:** Explains FMCSA's analysis and the Agency's proposed changes to SMS, announces FMCSA's preview of the proposed changes, and requests comments and input on the Agency's system to identify motor carriers for safety interventions.
- **DATE PUBLISHED:** February 15, 2023
- **EFFECTIVE DATES:** Comments must be received on or before May 16, 2023.



Need Help?

Contact the
FMCSA
Division Office
in your State



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

Contact and Website Information

Federal Motor Carrier Safety Administration - [Federal Motor Carrier Safety Administration \(dot.gov\)](https://www.fmcsa.dot.gov/) - <https://www.fmcsa.dot.gov/>

FMCSA's Medical Program - If you have a question about FMCSA's medical program, please send an email to FMCSAMEDICAL@DOT.GOV

Drug and Alcohol Clearinghouse (DACH) - Frequently Asked Questions (FAQs) on the website: <https://clearinghouse.fmcsa.dot.gov/>; subscribe to email updates; email clearinghouse@dot.gov.

Entry Level Driver Training - Training Provider Registry - <https://tpr.fmcsa.dot.gov>

Contact and Website Information

Hazardous Materials Safety Permits:

- <https://www.fmcsa.dot.gov/regulations/hazardous-materials/hazardous-materials-safety-permit-program-hmsp>

Cargo Tank Safety:

- <https://www.fmcsa.dot.gov/regulations/hazardous-materials/cargo-tank-safety>

Identifying and Reporting Undeclared HM:

- <https://www.transportation.gov/check-the-box>

Spill Reporting and Prevention:

- <https://www.fmcsa.dot.gov/regulations/hazardous-materials/incident-spill-reporting-preventions>

Contact and Website Information

Compliance, Safety, Accountability (CSA)

- <https://csa.fmcsa.dot.gov>

Passenger Carrier Safety Information

- <https://www.fmcsa.dot.gov/safety/passenger-safety/passenger-carrier-safety-information>

Crash Preventability Determination Program (CPDP)

- <https://www.fmcsa.dot.gov/crash-preventability-determination-program>

Analysis, Research, and Technology

- <https://www.fmcsa.dot.gov/safety/analysis-research-technology>

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