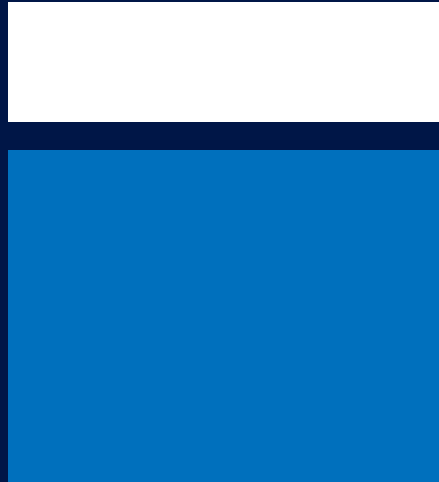


American Pyrotechnics Association (APA) Winter Education Conference, Las Vegas, NV February 22, 2024



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



PRESENTATION OVERVIEW

- 1) Brief Agency Overview;**
- 2) National Roadway Safety Strategy (NRSS);**
- 3) Entry-Level Driver Training Update;**
- 4) Drug & Alcohol Clearinghouse (DACH) Rules;**
- 5) CDL Flexibility Notice of Proposed Rulemaking (NPRM);**
- 6) Top 5 Roadside Violations;**
- 7) Log.in Portal and Motor Carrier Safety Planner;**
- 8) Other Helpful Websites/Tools for Information of Federal Rulemaking Activities**

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

- **Former FMCSA Administrator Robin Hutcheson left the Agency in late January 2024;**
- **Acting Deputy Administrator for the Agency is now Sue Lawless.**

NATIONAL ROADWAY SAFETY STRATEGY (NRSS)

- **The U.S. DOT National Roadway Safety Strategy (NRSS) outlines the Department's comprehensive approach to significantly reducing serious injuries and deaths on our Nation's highways, roads, and streets;**
- **First step in working toward an ambitious long-term goal of reaching zero roadway fatalities;**
- **Safety is U.S. DOT's top priority, and the NRSS represents a Department-wide approach to working with stakeholders across the country to achieve this goal.**

NRSS

- **Introduced in 2022, collaborative effort between the Office of the Secretary (OST) and the Secretary of Transportation and the following Federal agencies: FMCSA; FHWA; FRA; FTA; NHTSA and PHMSA;**
- **The Infrastructure Investment and Jobs Act (IIJA) supports the funding, programs, and policy provisions described in the NRSS safety actions;**
- **Link to copy of the NRSS and other related information: transportation.gov/nrss/usdot-national-roadway-safety-strategy**

SAFE SYSTEM APPROACH



FMCSA ACTIONS IN THE 2022 NRSS

- **CDL Holders' Traffic Violations - Implement the July 2021 final rule requiring State Driver Licensing Agencies (SDLAs) to develop systems for the electronic exchange of driver history record information. Work with SDLAs to improve accuracy of CDL driver records and to evaluate additional opportunities to use these more accurate records to take unsafe drivers off the road more expeditiously.**
- **CDL Holders' Drug and Alcohol Violations - Implement the October 2021 final rule requiring SDLAs to access and use information obtained through the Drug and Alcohol Clearinghouse and take licensing actions against commercial drivers who have drugs or alcohol violations in the system and are not cleared to return to duty.**

FMCSA ACTIONS IN THE 2023 NRSS UPDATE – SAFER PEOPLE

- **Implement new Federal and State motor carrier safety processes and policies to better identify commercial motor carrier safety risk, and to enhance the effectiveness of CMV crash reduction strategies;**
- **Address underlying factors that create barriers to the recruitment and retention of qualified CMV drivers and contribute to safety issues for CMV drivers by convening the *Women of Trucking Advisory Board (WOTAB)* and the *Truck Leasing Task Force (TLTF)* and developing specific action plans on these topics;**
- **<https://www.transportation.gov/nrss/commit-to-action>**

ENTRY-LEVEL DRIVER TRAINING (ELDT)

- **ELDT has now been in effect for over two years (rule's effective date was 2/7/22);**
- **ELDT requirements found in 49 CFR Part 380 Subparts F and G.**

ENTRY-LEVEL DRIVER TRAINING (ELDT)

- **ELDT set the Federal standard for mandatory training of entry-level drivers, including first time Class A or B CDL applicants, upgrades of a CDL from a Class B to a Class A, and first-time hazardous materials (H), passenger (P), or school bus (S) driving endorsements;**
- **Individuals must demonstrate proficiency in driver theory (i.e., Classroom: safe operation, vehicle systems) and behind-the-wheel (BTW) range and road training (no minimum number of hours required);**
- **Must take ELDT from registered training provider on the Agency's Training Provider Registry (TPR).**

ELDT

- **TPR has also been up and running for over two years as well;**
- **Thousands of training providers listed along with the proof of driver training information housed in the TPR as well.**

ELDT

- **After a driver successfully passes the required assessments and training, the provider must electronically submit the driver-trainee's certification information to the TPR;**
- **Must submit the driver's ELDT data by midnight of the second business day after the driver-trainee completes the training.**

ELDT

- **49 CFR 380.721 Removal from training provider registry: FMCSA may remove a provider from the TPR when a provider fails to meet or maintain any of the qualifications established by this subpart or the requirements of other State and Federal regulations applicable to the provider.**

ELDT

- **In keeping with 49 CFR 380.73(b), FMCSA will note on the website that a notice of proposed removal has been issued;**
- **If the provider makes the necessary corrective actions within 60 days, this notice will be removed from the provider's listing. If not, in keeping with the involuntary removal process outlined in § 380.723(b), the provider would no longer appear in the search results;**
- **Under the emergency removal procedures in 380.723(e), FMCSA can immediately remove any training provider engaged in fraud, criminal behavior or when the public interest or safety requires.**

ELDT

- **To learn more about ELDT and the TPR, visit: <https://tpr.fmcsa.dot.gov>;**
- **For further information contact:
Email:
<https://tpr.fmcsa.dot.gov/#contact>**

DRUG AND ALCOHOL CLEARINGHOUSE (DACH)

- **Mandated by Congress (MAP-21, Section 32402);**
- **Drug and Alcohol Clearinghouse (DACH 1) originally published on December 5, 2016 which established requirements for the DACH;**
- **Implemented on January 6, 2020.**

DACH 1

- **Types of queries: Pre-Employment (full query); Annual (limited or full query);**
- **A query is a check of the DACH to ensure a CDL driver is not prohibited from performing safety-sensitive functions (such as operating a CMV) due to a drug/alcohol program violation;**
- **All queries require driver consent and if refused the query cannot be conducted; driver prohibited from performing safety-sensitive functions for that employer unless and until driver consents to the query.**

DACH PART 2

- **FMCSA issued a final rule in late 2021 to prohibit State Driver Licensing Agencies (SDLAs) from issuing, renewing, upgrading, or transferring a CDL, or CLP, for individuals prohibited under current regulations from driving a CMV due to controlled substance and alcohol program violations;**
- **The non-issuance requirements of DACH Part 2 are intended to keep these drivers off the road until they comply with return-to-duty (RTD) requirements.**

DACH PART 2

- **Amended DACH Part 1 to require SDLAs to downgrade CDL for driver who has violated the drug and alcohol use and testing prohibitions in 49 CFR part 382, subpart B.**

DACH PART 2

- **The CDL downgrade defined as the removal of the CDL privilege from the driver's license, remains in effect until the driver complies with RTD requirements (49 CFR part 40, subpart O);**
- **SDLAs will have electronic access to the CLP/CDL holder or applicant's CMV operating status in the DACH. SDLAs will receive this information by querying the DACH or by receiving electronic notification from FMCSA.**

DACH PART 2

- **Final rule published on October 7, 2021; States must come into full compliance by November 18, 2024.**

DACH PART 3

- **Based on experience in administering the DACH requirements, FMCSA plans to propose changes to streamline and improve error-correction procedures, queries, and consent requirements;**
- **Future NPRM now under development to be published for notice and comment.**

DACH

- **The Clearinghouse now notifies employers if there is a change to a driver's Clearinghouse record for up to 12 months following the pre-employment or last annual query;**
- **Employers will be notified via email when a driver with a query has new information on his or her record.**

DACH INFORMATION

- <https://clearinghouse.fmcsa.dot.gov/FAQ> - Weblink to lots of information on the Clearinghouse with many FAQs on the following topics and more:
 - General
 - Registration
 - CDL Downgrades
 - Queries/Consent Requests
 - Reporting Violations
 - Service Agents
 - Driver Data
 - Return-to-duty

CDL TESTING FLEXIBILITIES NPRM

- **Proposed rule recently published - Agency proposes providing greater flexibility for the SDLAs in administering the CDL knowledge test prior to issuing a CLP, and administering the CDL skills test to CLP holders who are domiciled in other States;**
- **Proposal provides other CDL testing flexibilities to make it easier for individuals with the requisite knowledge and skills to enter the industry without compromising safety or imposing new regulatory burdens on the SDLAs.**

CDL TESTING FLEXIBILITIES NPRM

- **FMCSA proposes to increase flexibility for SDLAs and CDL applicants by expanding applicants' ability to take a CDL skills test in a State other than their State of domicile;**
- **Permitting a CLP holder who has passed the CDL skills test to operate a CMV on public roads without having a qualified CDL holder in the passenger seat;**
- **Eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP;**

CDL TESTING FLEXIBILITIES NPRM

- **Remove the requirement that CMV drivers must have a passenger (P) endorsement to transport CMVs designed to carry passengers, including school buses, when the vehicle is being transported in a driveaway-towaway operation and the vehicle is not carrying any passengers;**
- **Proposes to require that third-party knowledge examiners be subject to the training, certification, and record check standards currently applicable to State knowledge examiners and third-party knowledge testers be subject to the auditing and monitoring requirements now applicable to third-party skills testers.**

CDL TESTING FLEXIBILITIES NPRM

- **Docket number of CDL Testing Flexibilities NPRM – #FMCSA-2023-0115;**
- **Industry comment period closes on April 2, 2024;**
- **Agency must review and analyze all filed comments to the NPRM which will ultimately lead to the publication of a Final Rule in the Federal Register.**

ROADSIDE VIOLATIONS

- **Avoiding the top 5 roadside violations:**
 - **False Report of Driver's Record of Duty Status (395.8(e)(1));**
 - **No Record of Duty Status (395.8(a)(2)(ii));**
 - **Operating a CDL without proof of a periodic inspection (396.17(a));**
 - **Inoperable equipment including lights/lamps and tires (393);**
 - **Placing a CDL driver BTW without first receiving a negative drug test(382.301(a))**

SAFETY FITNESS PROCEDURES – 49 PART 385

- **Appendix A to Part 385 – Explanation of Safety Audit Evaluation Criteria;**
- **Appendix B to Part 385 – Explanation of Safety Rating Process includes a list of all Acute and Critical Violations that factor into a motor carrier's safety rating;**
- **Three ratings – Satisfactory; Unsatisfactory and Conditional.**

FMCSA LOGIN.GOV PORTAL

- <https://portal.fmcsa.dot.gov/login>
- <https://portal.fmcsa.dot.gov/AccountRequest/AccountRequestForm1.jsp>
- **FMCSA Portal Accounts are available for different types of users. User selects if they would like an account as a "Company User" or "Enforcement User" based on the information provided;**
- **Once logged in to portal user has access to a number of FMCSA regulatory/compliance/enforcement-related websites and information for a motor carrier.**

FMCSA LOGIN.GOV PORTAL

- Motor Carrier Management Information System (MCMIS);
- Licensing and Insurance (L&I);
- Analysis and Information (A&I);
- Performance and Registration Information Systems Management (PRISM);
- Safety and Fitness Electronic Records System (SAFER);
- Data Qs
- CSA Outreach (ACE);
- FMCSA Home Page;
- National Registry of Certified Medical Examiners (NRMCE);
- National Training Center (NTC);
- Query Central

MOTOR CARRIER SAFETY PLANNER

- **For years, carriers have relied on FMCSA’s “A Motor Carrier’s Guide to Improving Highway Safety” to understand the FMCSRs and how to comply;**
- **FMCSA has updated and renamed this important guide, making it easier to search and customize the content by presenting it as an interactive website called “The Motor Carrier Safety Planner”;**
- **Guide is available to anyone, but carriers with an FMCSA Portal account have the added capability to create a customized version of the guide called “My Safety Planner” to save chapters and forms, and make highlights and notes about the content most relevant to their operations;**
- **Motor carriers and drivers are responsible for knowing and complying with all applicable FMCSRs. The information on this website, when effectively applied, will contribute to safer motor carrier operations and roadways.**

MOTOR CARRIER SAFETY PLANNER

- <https://www.fmcsa.dot.gov/safety/carrier-safety/motor-carrier-safety-planner>, Weblink to “Motor Carrier Safety Planner” with Chapters on the following topics and more:
 - Registration
 - How FMCSA Monitors Motor Carrier Safety
 - Operational Requirements
 - Vehicle Requirements
 - Driver Requirements
 - Passenger Transportation
 - Hazardous Materials Transportation
 - Mexico-domiciled carriers

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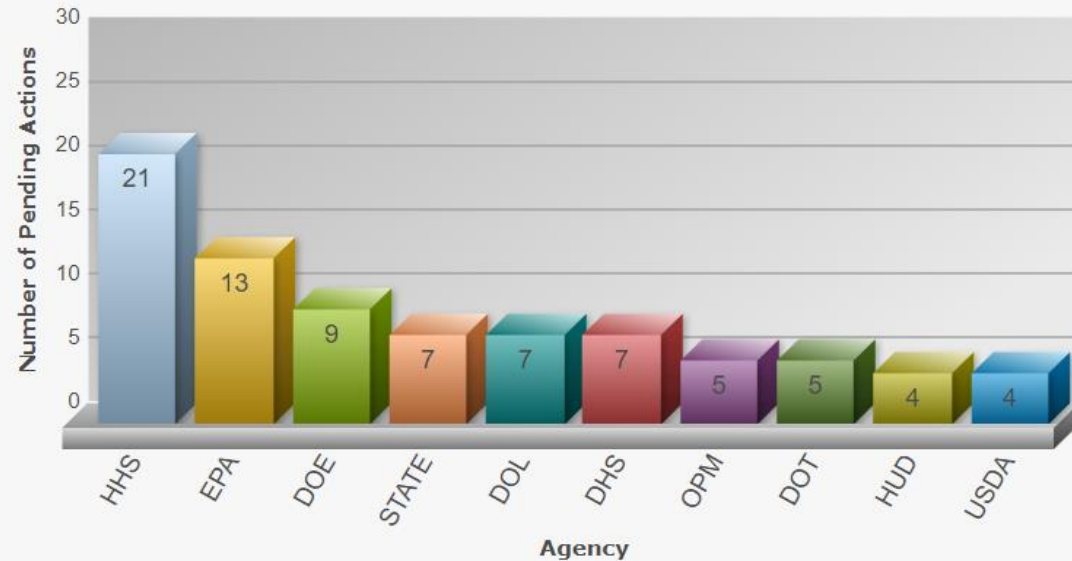


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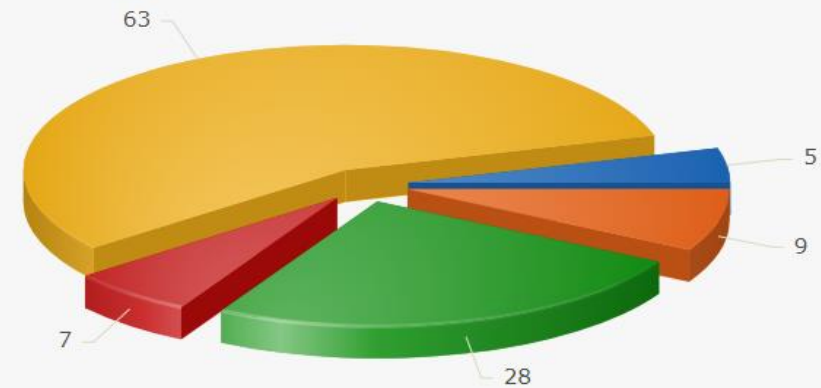
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QUESTIONS??

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