

# FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION



## Regulatory Status – 2016/17 Federal Regulations

(Items in **red** text indicate a change of status or new item)

November 10, 2017

### Key Updates on IANA Policy Issues

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Unified Carrier Registration Plan Board of Directors Meeting	10/17/17	Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors <i>Keywords: Truck; Safety</i>	<u>48312(82)</u>	The Unified Carrier Registration Plan Board of Directors will hold a meeting on 10/26/17.
Notice	10/27/17	[Docket No. FMCSA-2017-0118] Fees for the Unified Carrier Registration Plan and Agreement <i>Keywords: Truck; Safety</i>	<u>Announcement</u>	UCR registration for 2018 is indefinitely delayed pending a final rule on fee reductions.
Notice of Proposed Rulemaking; request for comments	09/21/17		<u>44143(82)</u>	FMCSA proposes reducing the annual carrier registration fees for the UCR Plan and Agreement for 2018 and 2019 onward.
Notice of Proposed Rulemaking (NPRM), request for comments.	06/12/17	[Docket No. FMCSA-2016-0346] Commercial Learner's Permit Validity <i>Keywords: Safety; Truck</i>	<u>26888(82)</u>	FMCSA proposes allowing States to issue commercial learner's permits (CLP) valid up to one year, replacing a regulation requiring States issue CLPs initially for no more than 180 days, with the possibility of an additional 180-day renewal.
Notice of proposed rulemaking	06/12/17	[Docket No. FMCSA-2017-0047] Military Licensing and State Commercial Driver's License Reciprocity <i>Keywords: Safety; Truck</i>	<u>26894(82)</u>	FMCSA proposes allowing State Driver Licensing Agencies (SDLAs) to waive the requirements for the commercial driver's license (CDL) knowledge tests for certain individuals employed within the last year in a military position that requires/required the operation of a commercial motor vehicle (CMV).
Notice and request for comments.	10/27/17	[Docket No. FMCSA-2016-0260] Hours of Service of Drivers; Pilot Program To Allow Commercial Drivers To Split Sleeper Berth Time	<u>49924(82)</u>	FMCSA seeks comments on information collection activities related to the flexible sleeper berth pilot program. Comments due

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Notice; request for comments.	06/05/17	<i>Keywords: HOS</i>	<u>26232(82)</u>	11/27/17. FMCSA proposes a pilot program to give commercial drivers more flexibility in how they split sleeper berth time.
Notice; request for comments.	06/05/17	[Docket No. FMCSA-2014-0211] Financial Responsibility for Motor Carriers, Freight Forwarders, and Brokers <i>Keywords: Safety; Truck</i>	<u>25753(82)</u>	FMCSA is withdrawing its 11/28/14 ANPRM concerning financial responsibility for motor carriers.
Final Rule	04/12/17	[Docket No. FMCSA-2016-0128] Federal Civil Penalties Inflation Adjustment of 2015 <i>Keywords: Safety (truck, rail, ocean carrier); Truck</i>	<u>17584(82)</u>	Effective 04/24/17, FMCSA adjusts its civil penalties to account for inflation, as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.
Final Rule	12/05/16	Commercial Driver's License Drug and Alcohol Clearinghouse <i>Keywords: Truck; Safety</i>	<u>87686(81)</u>	FMCSA establishes the CDL Drug and Alcohol Clearinghouse, a database with information on CDL holders' violations of FMCSA's drug and alcohol testing program.
Notice and request for comments	10/19/16	[Docket No. FMCSA-2016-0194] Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection: Licensing Applications for Motor Carrier Operating Authority <i>Keywords: Truck</i>	<u>72151(81)</u>	FMCSA is asking OMB for an extension of an approved information collection request relating to licensing applications for motor carrier operating authority, used by freight forwarders, among other things.
Notice and request for comments	03/27/17	[Docket No. FMCSA-2016-0334] Agency Information Collection Activities; Extension of an Approved Information Collection: Training Certification for Drivers of Longer Combination Vehicles <i>Keywords: Truck</i>	<u>15270(82)</u>	FMCSA is submitting an ICR to OMB for review and approval relating to requirements for drivers to be certified to operate Longer Combination Vehicles (LCVs).
Notice and request for comments	10/14/16	[Docket No. FMCSA-2016-0160] Agency Information Collection Activities; Extension of an Approved Information Collection: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders <i>Keywords: Truck</i>	<u>71166(81)</u>	FMCSA is asking OMB for an extension of an approved information collection request used to provide registered motor carriers, property brokers, and freight forwarders a means of meeting process agent requirements.
Regulatory Guidance	08/03/17	[Docket No. FMCSA-2016-0051] Commercial Driver's License Requirements of the Moving Ahead for Progress in the 21 <sup>st</sup> Century Act (MAP-21) and the	<u>36101(82)</u>	FMCSA clarifies that states can choose to accept all out-of-state CLP applications and administer a test for all out-of-state

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Final rule	10/13/16	Military Commercial Driver's License Act of 2012 <i>Keywords: Truck</i>	<a href="#">70634(81)</a>	individuals, not just military personnel. FMCSA simplifies the process of obtaining a commercial learner's permit (CLP) or commercial driver's license (CDL) for military personnel, extending the period of time for applying for a skills test waiver to one year after leaving a military position requiring the operation of a CMV.
Notice	11/07/16	[Docket No. FMCSA-2014-0083] Speed Limiting Devices <i>Keywords: Safety (trucks, rail, ocean carrier)</i>	<a href="#">78103(81)</a>	FMCSA and NHTSA extend the public comment period for their proposal to equip newly-manufactured trucks weighing over 26,000 lbs. with speed limiting devices.
Notice of availability; request for comments	09/29/16		<a href="#">67056(81)</a>	FMCSA and NHTSA release the draft Environmental Assessment evaluating the potential environmental impacts of the proposed speed limiting device rule.
Announcement	09/07/16		<a href="#">61942(81)</a>	FMCSA and NHTSA propose equipping newly-manufactured trucks weighing over 26,000 lbs. with speed limiting devices; maximum travel speed to be determined in the final rule.
Notice of proposed pilot program; request for comments	08/22/16	Commercial Driver's Licenses; Proposed Pilot Program to Allow Persons Between the Ages of 18 and 21 With Military Driving Experience to Operate Commercial Motor Vehicles in Interstate Commerce <i>Keywords: Truck;</i>	<a href="#">56745(81)</a>	FMCSA proposes a FAST Act-mandated pilot program allowing individuals between the ages of 18 and 21 to operate CMVs in interstate commerce if they have certain military experience.
Notice; request for comment	04/20/16	[Docket No. FMCSA-2015-0124] Potential Benefits and Feasibility of Voluntary Compliance; Public Listening Sessions <i>Keywords: Safety</i>	<a href="#">23351(81)</a>	FMCSA is proposing a Beyond Compliance program including a new BASIC in SMS.
Final rule; further delay of effective date	05/23/17	Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators <i>Keywords: Trucks</i>	<a href="#">23516 (82)</a>	FMCSA further postpones effective date of entry-level driver rule to 06/05/17.
	01/10/17		<a href="#">2915(82)</a>	FMCSA makes minor corrections to fix

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Final rule; correction  Final rule	12/08/16		<a href="#">88732(81)</a>	drafting errors in the entry-level driver final rule.  FMCSA establishes minimum training standards for entry-level truck and bus drivers effective 02/06/17.
Notice of withdrawal  Notice of proposed rulemaking; request for comments	03/23/17  01/21/16	[Docket No. FMCSA-2015-0001] Carrier Safety Fitness Determination <i>Keywords: Truck, Safety</i>	<a href="#">14848(82)</a>  <a href="#">3562(81)</a>	FMCSA withdraws its Carrier Safety Fitness Determination NPRM.  FMCSA seeks to revise the current methodology for determining whether a motor carrier is fit to operate a CMV. The new methodology would consider on-road safety data, results of an investigation, or a combination of both.
Final rule; suspension of effective date and temporary final rule	01/17/17	Unified Registration System <i>Keywords: Truck, safety</i>	<a href="#">5292(82)</a>	FMCSA suspends its Unified Registration System requirement. Entities needing to file are instructed to follow same procedures and forms used to submit information to FMCSA as they use today.
Notice; request for comments  Notice  Report  Report	08/28/17  07/27/17  06/27/17  10/27/16	FMCSA 2012-0074: Improvements to the Compliance, Safety, Accountability (CSA) Motor Carrier Safety Measurement System (SMS)  <i>Keywords: FMCSA Compliance, Safety, Accountability Program (CSA), Hazmat, Truck</i>	<a href="#">40828(82)</a>  <a href="#">35045(82)</a>  <a href="#">Report</a>  <a href="#">Report</a>	FMCSA announces a 09/08/17 public meeting to discuss the NAS report on the CSA program.  FMCSA initiates a demonstration program to evaluate the preventability of certain categories of crashes, beginning 08/01/17.  NAS releases FAST Act mandated report on FMCSA's CSA program and SMS scores. It recommends the FMCSA substantially revise the program.  GAO releases a report assessing FMCSA's implementation of the CSA program and finds the program needs more evaluation of the effectiveness of intervention types, an

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Notice; response to public comments; request for public comment	10/5/16		<u>69185(81)</u>	update of cost estimates, and the establishment of complete performance measures.
Notice; response to public comments	07/12/16		<u>45206(81)</u>	FMCSA responds to comments from 06/29/15 notice proposing enhancements to the SMS methodology and suggests further changes.
Notice; request for public comment	07/12/16		<u>45210(81)</u>	FMCSA publishes responses to comments submitted to a 01/23/15 notice assessing the effectiveness of the Crash Indicator BASIC.
Notice	03/07/16		<u>11875(81)</u>	FMCSA proposes a demonstration program to determine the preventability of certain less complex crashes.
Update	12/04/15		<u>Update</u>	FMCSA is changing the definition of a "High Risk" motor carrier and the associated investigative procedures.
Update	10/10/15		<u>Report</u>	To comply with the FAST Act, FMCSA hides BASIC scores from public view.
Update	10/08/15		<u>Report</u>	ATRI study finds removing non-preventable crash data significantly improves a carrier's Crash BASIC.
Update	06/30/15		<u>Report</u>	FMCSA finds in a Congressionally-mandated report that SMS uses a sufficient amount of data to allow it to identify high-risk trucking companies.
Notice; Request for Comments	06/29/15		<u>37037 (80)</u>	Independent review team finds CSA program needs to better align with the safety risks

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Update	01/27/15		<u>Announcement</u>	that cause crashes.  FMCSA is proposing enhancements to the SMS methodology, including changing some of the SMS intervention thresholds to better reflect BASICs correlation to crash risk and adjusting the utilization factor.
Update	01/23/15		<u>3719 (80)</u>	ATA and OOIDA disagree with FMCSA study recommendation to continue omitting crash fault data from CSA program.
Update	07/31/14		<u>Report</u>	FMCSA study shows the difficulty and cost of including crash fault in the CSA safety enforcement system outweighs benefits.
Notice	07/24/14		<u>43117 (79)</u>	ATRI study documents CSA enforcement disparities among states, resulting in unfair scoring.
Interpretive Rule and Statement of Policy	06/05/14		<u>32491 (79)</u>	FMCSA enhanced the display of public information on the public SMS web site and responded to comments on their proposed changes. Site enhancements are effective 08/02/14.
Update	03/05/14		<u>Report</u>	FMCSA issued an interpretative rule and statement of policy on modifications to the MCMIS; States may now show adjudication results related to roadside inspection violations.
Update	02/05/14		<u>Announcement</u>	DOT's Inspector General issued a report faulting the FMCSA for not ensuring CSA Program data is completed and that the system follows best technology practices.

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Update	02/03/14		<u>Report</u>	<p>FMCSA released a study confirming SMS data is more effective at identifying crash-prone motor carriers than the old SafeStat system.</p> <p>GAO released a study calling for revisions to the CSA program because of limits on access to needed data.</p> <p>FMCSA submitted to Congress a report on the driver fitness component of the CSA program.</p>
Update	06/28/13		<u>Update</u>	
Decision	06/12/17	FMCSA-2010-0167: Electronic Logging Devices and Hours of Service Supporting Documents <i>Keywords: Electronic Logging Devices (ELD), Hours of Service (HOS), Safety</i>	<u>Update</u>	U.S. Supreme Court declines to hear OOIDA's ELD rule challenge.
Announcement	04/12/17		<u>Petition</u>	OOIDA petitions the U.S. Supreme Court to reject ELD rule.
Guidance	02/15/17		<u>Guidance</u>	FMCSA issues new guidance to clarify certain compliance measures related to ELDs.
Final Rule	12/16/15		<u>78292(80)</u>	FMCSA issues a final rule requiring all drivers to use electronic logging devices by 12/18/17.
Notice of Regulatory Guidance	10/02/15		<u>59664 (80)</u>	Effective 10/02/15, FMCSA will allow drivers using automatic on-board recording devices (AOBRDs) to make edits and correct mistakes to the records not related to driving time
Notice and Request for Comments	04/03/15		<u>18295 (80)</u>	FMCSA announces ELD providers will certify and register their devices with the agency using an online form.

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Update	03/09/17	FMCSA-2004-19608 - Hours of Service of Drivers Keyword: HOS	<u>Report</u>	FMCSA notifies Congress that its study finds no significant safety benefits resulting from the two "off-duty" periods and the once-a-week 34-hour restart. Therefore, the two provisions will not be enforced.
Update	03/02/17		<u>Letter</u>	OIG notifies Congress it agrees with FMCSA's findings that the Restart Study did not find net safety benefits from the use of the two suspended HOS provisions.
Update	03/10/16		<u>Update</u>	The National Academies Press releases a study finding it difficult to determine whether a connection exists between HOS rules and driver fatigue, given available data.
Update	07/29/15		<u>Update</u>	FMCSA publishes their 07/16/15 preliminary response to GAO's report on 34-hour restart study.
Update	07/29/15		<u>Report</u>	GAO finds FMCSA's 01/31/14 34-hour restart study did not completely meet certain research standards such as reporting limitations and linking conclusions to the results.
Update	03/19/15		<u>Report</u>	The American Transportation Research Institute has released a study showing the 07/01/13 34-hour restart rule increased crashes and hurt safety.
Notice of Suspension of Enforcement	12/22/14		<u>76241(79)</u>	Per the FY15 Appropriations Law, FMCSA is suspending enforcement of weekly restart rules that drivers were required to comply with beginning 07/01/13. Effective 12/16/14, drivers can restart their 60- or 70-hour calculation by taking at least 34 consecutive



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Regulatory Guidance	07/10/14		<u>39342 (79)</u>	hours off duty, without additional limitations.
Notice; Third Party Field Study	01/30/14		<u>Announcement</u>	FMCSA issues guidance on records of duty status (RODS) generated by Smartphone, tablet or computer apps. RODS generated by these devices no longer need to be printed and signed. Instead, drivers can sign the RODS electronically and display the electronic record at the roadside.
Final Rule	10/25/13		<u>61479 (78)</u>	Per MAP-21, FMCSA released its 34- hour restart provision field study results, which found the current provision yielded safety benefits.
Decision	08/02/13		<u>Decision</u>	FMCSA formally amends its HOS rule to exempt short-haul drivers from the 30-minute off-duty break requirement.
Update	09/24/12		<u>Update</u>	The U.S. Court of Appeals for the District of Columbia Circuit upheld the Hours of Service Rule with the exception of the 30-minute off-duty break requirement as it applied to short-haul drivers.
Update	07/25/12		<u>Update</u>	FMCSA has filed a court brief in defense of its HOS rule.
Final Rule	12/22/11		<u>Final Rule</u>	ATA et al filed a petition seeking review of the final HOS rule. Specifically, petitioners challenge the rule's restart provisions and off-duty break requirements.
				FMCSA has issued final rule. Rule cuts maximum weekly hours worked by 12, redefines "on-duty" time and requires 34 hours "off duty" before restarting weekly

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