



FMCSA Update: CSA and Other Significant Rulemakings

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Compliance, Safety and Accountability (CSA)

- FMCSA's new enforcement model
- Separate the safety fitness determination process from the comprehensive on-site CR
- Assess the safety performance of a larger population of carriers than the current CR approach, based on data
- Achieve a greater reduction in large truck and bus crashes, fatalities and injuries

Four Major Elements of CSA

- Measurement (inspection, investigation and crash data) – Replace SafeStat with the Safety Measurement System (SMS)
- Interventions
- Safety Fitness Determination
- Information Technology



CSA - BASICS

FMCSA will monitor 7 key behaviors linked to CMV crash risks:

- Unsafe Driving
- Fatigued Driving
- Driver Fitness which includes licensing and medical compliance standards
- Crash History
- Vehicle Maintenance
- Improper Loading and Cargo
- Controlled Substances - Drugs and Alcohol

CSA Timeline

- **April 12 - November 30, 2010** - Motor carriers were allowed to preview their own data by seeing their roadside inspections/violations and crash events organized by BASIC scores.
- **Fall/Winter 2010** - SafeStat was replaced by the Safety Measurement System (SMS). SMS is available to the public, including shippers and insurance companies.
- **2011** - FMCSA will begin to issuing Warning Letters to carriers with deficient BASICs. Roadside inspectors will use the CSMS results to identify carriers for inspection.

Safety Fitness Determination (SFD)

- NPRM would change the current rules under 49 CFR Part 385.
- Separate the SFD process from the on-site comprehensive compliance review (CR); safety assessment could be made without a CR.
- Allow FMCSA to issue an “unfit” determination based off the CSA BASICs.
- NPRM anticipated in 2011.

Hours of Service

- October 2009 – Settlement agreement between FMCSA and safety advocates to initiate a new HOS rulemaking:
 - Submit NPRM to the Office of Management and Budget by July 26, 2010
 - Publish Final Rule by July 26, 2011
- December 2009, February 2010 – Motor Carrier Safety Advisory Committee (MCSAC) ideas and concepts
- January 2010, March 2010 – Listening Sessions
- NPRM published December 2010

Hours of Service NPRM

- 10 or 11 hours driving time limit (dual proposal)
- 14-hour driving window
- 13-hour on-duty time limit within the 14-hour window
- Mandatory 30-minute break during the workday
- Limit the 34-hour restart to once per week; must include two midnight to 6:00 am periods.
- **Status** - Final Rule – October 2011

Electronic On-Board Recorders

April 5, 2010, Final Rule

- New technical standards for EOBR technology.
- Mandatory use of EOBRs for carriers with significant HOS non-compliance.
- Incentives to promote voluntary use of EOBRs.
- EOBRs voluntarily installed in CMVs manufactured on or after June 4, 2012 must meet the new requirements under § 395.16.
- AOBRDs that meet the current requirements (§ 395.15) and voluntarily installed in CMVs manufactured before June 4, 2012, may be used indefinitely.

Electronic On-Board Recorders & HOS Supporting Documents NPRM

- **February 1, 2011 NPRM** – proposed broader mandate for EOBRs, and proposed a definition of “supporting documents” and the number of documents that have to be maintained.
- **March 10, 2011** – Extended the comment period to May 23rd
- **April 13, 2011** – Notice requesting public comment on harassment; comment period ended May 23rd

National Registry of Certified Medical Examiners

- SAFETEA-LU requirement for FMCSA to establish minimum training and testing requirements for medical examiners who issue medical certificates for CMV drivers.
- NPRM published December 2008.
- Final Rule anticipated in 2011.

Controlled Substances and Alcohol Test Results Database NPRM

- NPRM would establish reporting requirements for service providers to report positive test results.
- Provide a means for enforcement officials and employers to determine whether current employees or perspective employees have tested positive.
- Would ensure drivers follow the Substance Abuse Professional's guidance and all return-to-duty and follow-up tests.
- NPRM anticipated in 2011.



QUESTIONS