



2020 TRUCKING SAFETY & COMPLIANCE CONFERENCE NW

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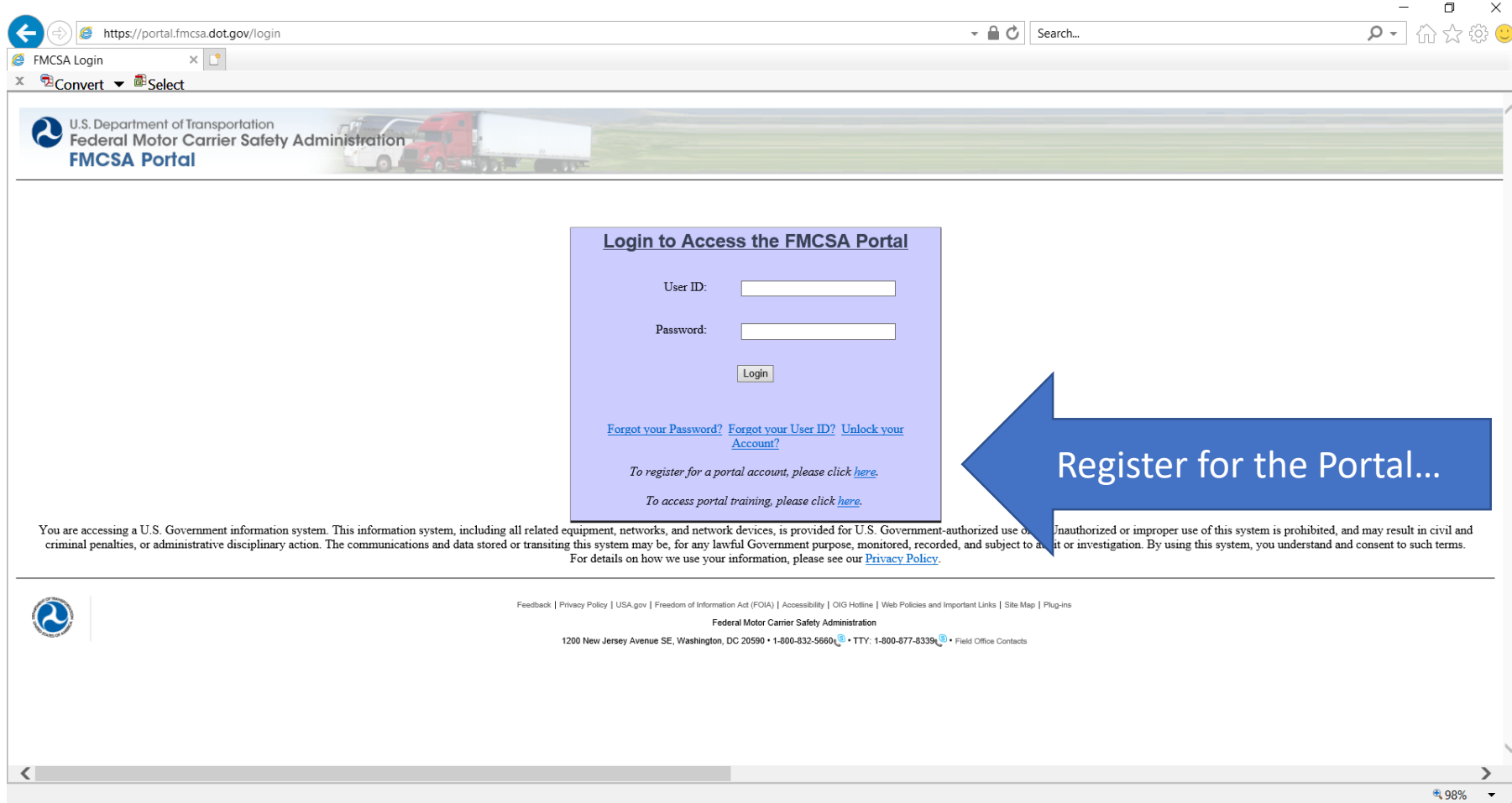
"PREPARING FOR" A SUCCESSFUL AND COMPLIANT TRUCKING FLEET

FMCSA

Changes/Updates

Warren Simpson, Federal Program Manager
Oregon Division

CSA – Working to reduce crashes



The screenshot shows a web browser window with the address bar displaying <https://portal.fmcsa.dot.gov/login>. The page header includes the U.S. Department of Transportation logo and the text "Federal Motor Carrier Safety Administration FMCSA Portal". The main content area features a login form with the title "Login to Access the FMCSA Portal". The form contains fields for "User ID:" and "Password:", followed by a "Login" button. Below the login fields are links for "Forgot your Password?", "Forgot your User ID?", and "Unlock your Account?". There are also links for "To register for a portal account, please click here." and "To access portal training, please click here.". A large blue arrow points from the right side of the page towards the registration link. The footer contains a disclaimer about the U.S. Government information system and a link to the "Privacy Policy".

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

Login to Access the FMCSA Portal

User ID:

Password:

Login

[Forgot your Password?](#) [Forgot your User ID?](#) [Unlock your Account?](#)

To register for a portal account, please click [here](#).

To access portal training, please click [here](#).

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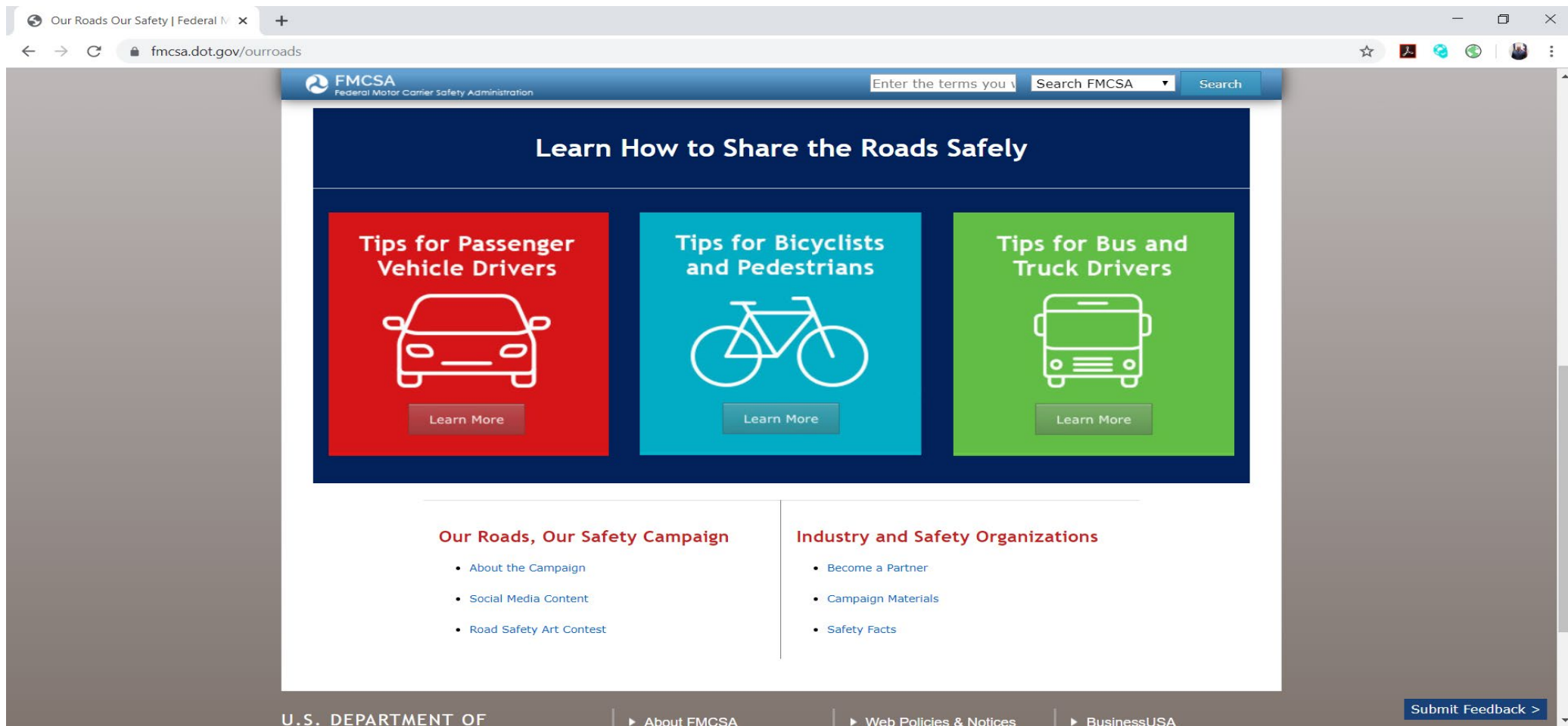
Feedback | Privacy Policy | USA.gov | Freedom of Information Act (FOIA) | Accessibility | OIG Hotline | Web Policies and Important Links | Site Map | Plug-ins

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

Register for the Portal at: portal.fmcsa.dot.gov

FMCSA's "Our Roads Our Safety" Campaign

- www.fmcsa.dot.gov/ourroads Contact at: OurRoads@dot.gov



Entry Level Driver Training Rule

- An Interim Final Rule was issued on January 29, 2020 which requests comments. (See the FMCSA web site) This Federal Register Notice issued an extension of the compliance date from February 7, 2020 to February 7, 2022. For now, this is what FMCSA has provided for public release:
 - ***“Following a careful review of the public comments regarding the Entry-Level Training (ELDT) rule, FMCSA is extending the rule’s implementation for two years. This extension is reflective of the Agency’s continued efforts to develop a secure and effective electronic trainer provider registry for the new rule. The Agency remains committed to making the implementation of the rule as efficient and effective as possible.”***

Crash Preventability Program

- On August 5, 2019, FMCSA published a proposal for a new long term program in the Federal Register. The comment period closed on October 4, 2019. The Agency will then review all submitted comments to determine any needed changes to the program and will complete required changes to the DataQs system.
- **A second Federal Register notice will be published to announce the start of the new program. The new program will retroactively accept eligible crashes that occurred on or after August 1, 2019. As a result, all eligible crashes that occurred after the close of the Demonstration Program may be submitted to the Agency when the new program begins.**
- We are just waiting for the second Federal Register to be published, however, no timeframe on when that will be.

New Random Testing Rates For CY 2020

- The FMCSA announces that it is increasing the minimum annual percentage rate for random controlled substances testing for drivers of commercial motor vehicles (CMVs) requiring a commercial driver's license (CDL) from the current rate of 25 percent of the average number of driver positions to 50 percent of the average number of driver positions, effective in calendar year 2020.
- <https://www.fmcsa.dot.gov/regulations/notices/2019-28164>



Roadside Drug Testing & OOS

- A driver, who is operating in a “**prohibited**” status, should be cited for 390.3 and the inspector should forward a copy of the inspection report to the FMCSA Division Office for further action.
- After April 1, 2020, the roadside inspector should place the driver out of service (when the new OOS criteria is effective).

Personal Conveyance and 49 CFR § 392.3

49 CFR § 392.3 - Ill or fatigued operator.

No driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle.

Personal Conveyance – Revisited

- Personal conveyance is the movement of a commercial motor vehicle (CMV) for personal use while off-duty.
- A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier.
- The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time.
- Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely.
- Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, the guidance, or can make policies that prohibit the use.

Examples of Appropriate Uses:

- Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
- Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence.
 - In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
- Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading.
 - The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.

Appropriate Uses (continued):

- Moving a CMV at the request of a safety official during the driver's off-duty time.
- Time spent traveling in a motor coach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging.
 - In this scenario, the driver of the motor coach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
- Time spent transporting personal property while off-duty.
- Authorized use of a CMV to travel home after working at an offsite location.

Non-qualifying uses for Personal Conveyance:

- The movement of a CMV in order to enhance the operational readiness of a motor carrier.
 - For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
- After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
- Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.

Hours of Service of Drivers

Docket No. FMCSA-2018-0248



Major Provisions

This proposal would improve efficiency by providing flexibility in five areas:

1. Short-Haul Operations
2. Adverse Driving Conditions
3. 30-Minute Break
4. Split-Sleeper Berth
5. Split-Duty Provision

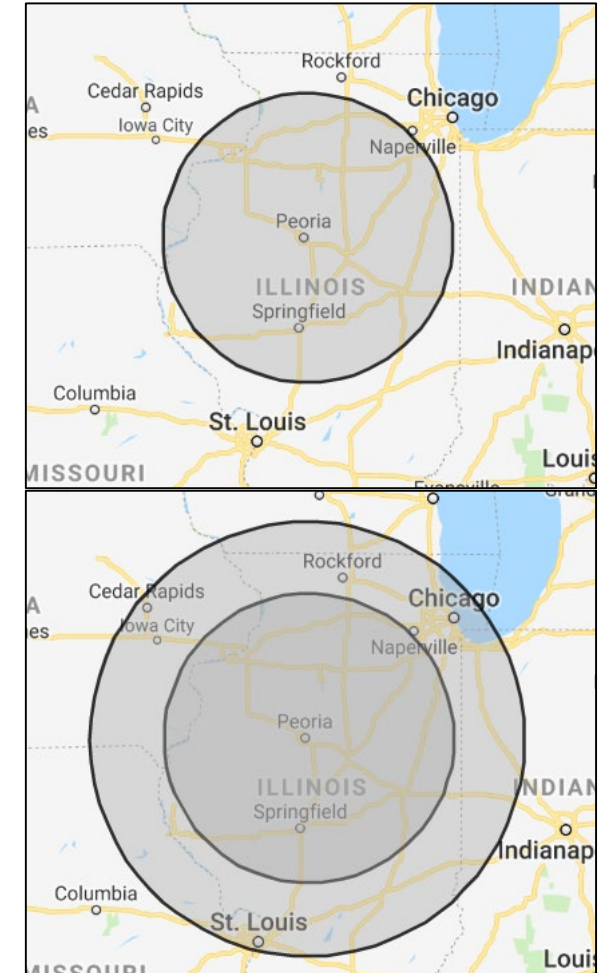
Short-Haul Operations

FMCSA is proposing to change the short-haul exception time period from 12 to 14 hours and extending the distance the driver may operate from 100 air-miles to 150 air-miles.

- **Example:** The driver in this example is based out of Peoria. Under the current rules, the distance the driver could go in a day would not include Chicago or St. Louis. The new proposal would allow that driver to service those two cities, as well as an additional 2 hours.

*100 air-mile radius
(Current Rule)*

*150 air-mile radius
(Proposed Rule)*



Adverse Driving Conditions

FMCSA is proposing to change the adverse driving conditions exception by extending the duty day by 2 hours. This is in addition to the additional 2 hours of driving time already allowed. The proposed change would apply for both property-carrying (14-hour “driving window”) and passenger-carrying (15-hour on duty) operators.

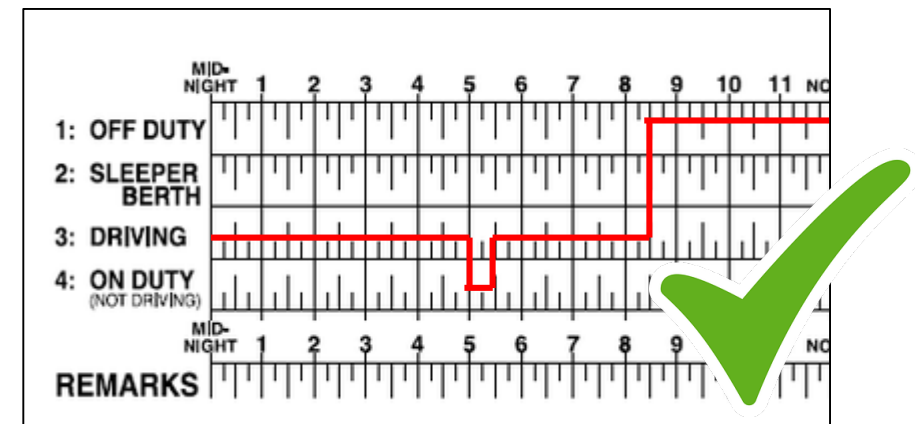
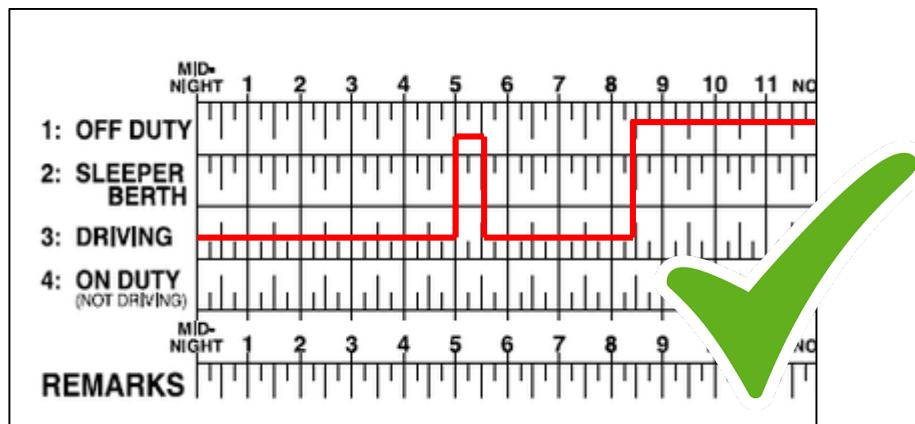
- **Example:** A driver is 15 miles from his destination when he hears of a gravel spill on the bridge ahead (the bridge is the only access to the destination). He has 1 hour left of driving time and 1 hour left in his “driving window” / duty time. Under the new proposal, this driver can stop at the rest stop at the next exit (for up to 2 hours) to wait for the road clean-up crew to complete work and still have time to get to his destination without violating the HOS rules.



30-Minute Break

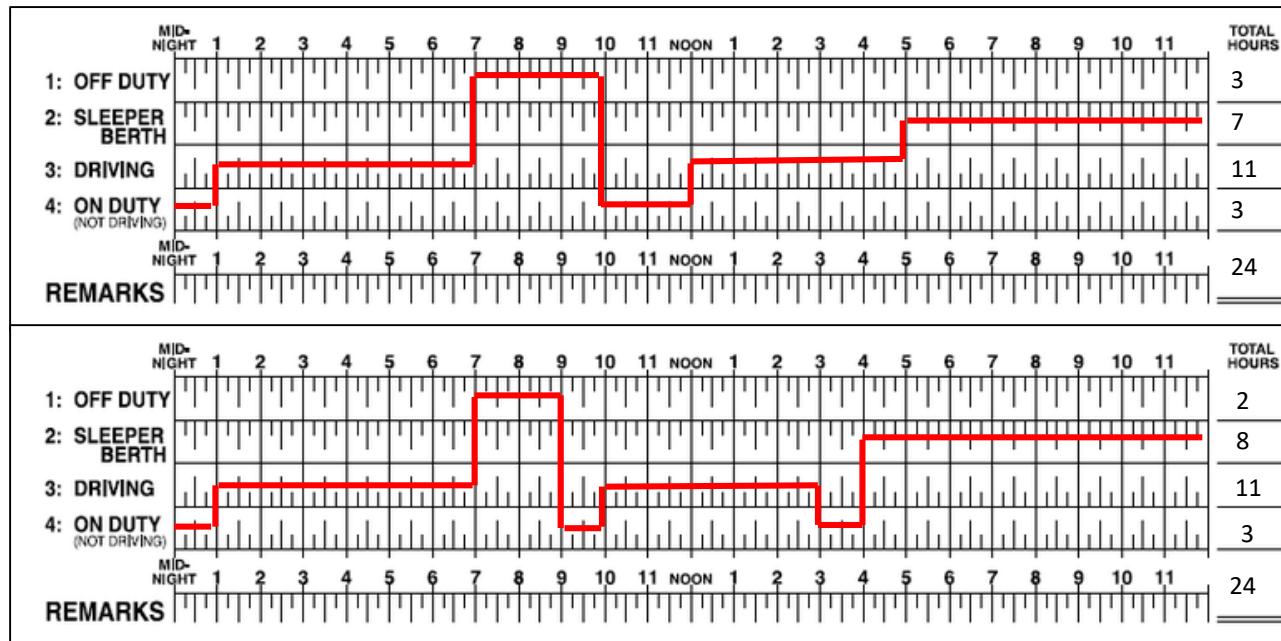
FMCSA is proposing to change the 30-minute break rule by allowing the requirement to be satisfied by an on-duty break (in addition to an off-duty break). The requirement for property-carrying drivers would be applicable in situations where a driver has driven for a period of 8 hours without at least a 30-minute interruption.

- **Example:** The examples below assume the driver has driven for 8 hours and needs to take a 30-minute break. Currently, only the log on the left is in compliance with the HOS rules. Under this proposal, both examples are compliant.



Split-Sleeper Berth

FMCSA is proposing to change the sleeper berth exception so that neither part of the split would count against the 14-hour driving window. Drivers would be required to have at least 7 consecutive hours in the sleeper berth and the other period be at least 2 hours off duty (in or out of the sleeper berth) and must total a minimum of 10 hours in the two periods (e.g., 7/3 or 8/2 split).

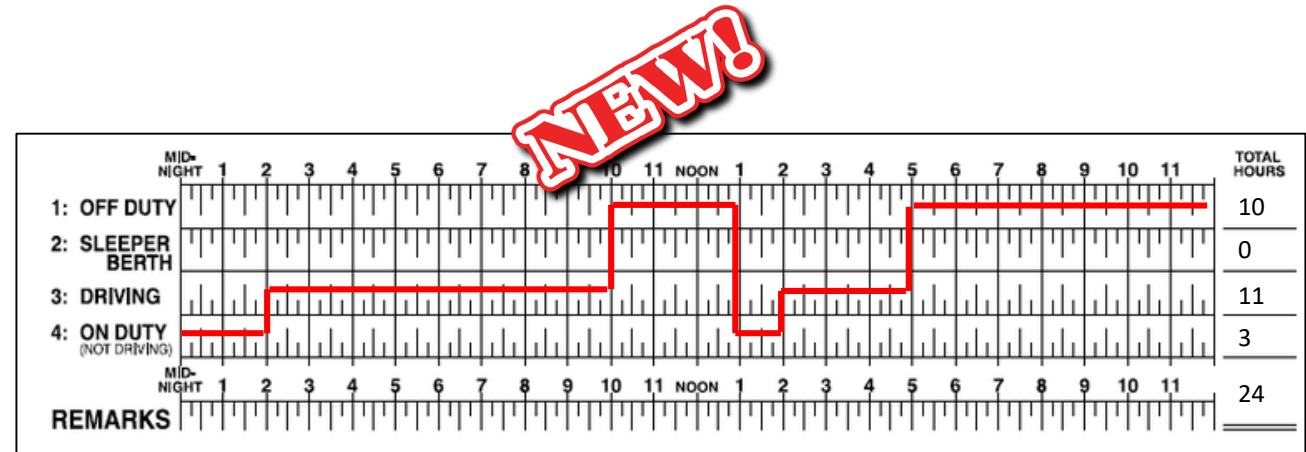


- **Example:** This example assumes the driver starts day 1 having just come off a 10-hour consecutive off duty period. In this 2-day example, none of the 4 qualifying break periods count against the driver's 14-hour driving window under this proposal. In this example, the driver uses both a 7/3 split and an 8/2 split to meet the requirements.

Split Duty Period

FMCSA is proposing to allow one off-duty break of 30 minutes up to a maximum of 3 hours, that would “pause” a driver’s 14-hour driving window, provided the driver takes 10 consecutive hours off duty at the end of the work shift.

- **Example:** The example assumes the driver has just come off of a 10-hour consecutive break. The driver takes a 3-hour break from 10 am to 1 pm. This break “pauses” the 14-hour driving window. Under this new proposal, as long as the driver takes 3 more hours off duty on the next day between midnight and 3 am to obtain the 10-consecutive hours off duty, the driver will not be in violation of the 14-hour rule using this new provision.



Current OR Staff & Changes:

- We are currently without a Secretary (since October 2019)
- Division Administrator – Andrew Eno (Andrew.Eno@dot.gov)
- Federal Program – Warren Simpson (Warren.Simpson@dot.gov)
- State Program – Jonathan Wilson (Jonathan.Wilson@dot.gov)
- Program Analyst - Charles Doolittle (Charles.Doolittle@dot.gov)
- Today is Safety Investigator Janelle Brewster's last day, she is retiring.
- Other Safety Investigators include: Frank Zamudio (Frank.Zamudio@dot.gov), and
- Richard “Reed” Norton (Richard.Norton@dot.gov).
- Our newest Safety Investigators are Sherri Sell (Sherri.Sell@dot.gov), and
- Donald Ruud (Donald.Ruud@dot.gov), who is headed to the 10-week Academy in OK on Monday.
- FMCSA email is: (First name.Last name@dot.gov)

Our phone is 503.399.5775, and fax is 503.316.2580.



QUESTIONS?

GEOTAB
management by measurement



ORANGE
COMMERCIAL
CREDIT
40
YEARS 1979–2019
OF GREAT SERVICE

TBS
FACTORING SERVICE

McKinney
TRAILER RENTALS



PERMIT BOOK



EROAD



Choice One Insurance, Inc
Real Protection. Honest Service. Delivered Promises.



**AUTO
TRANSPORT
INTEL**

GLOSTONE
Trucking Solutions



CLEANFleet

DAT

Larry R. Davidson



Transportation Law Attorney