FMCSA Update

Memphis, TN
April 2014
- CSA Update- Safety Measurement System (SMS) website changes
- MAP-21 New Rulemakings (URS-1 Rule)
- Medical/CDL Integration
- EOBR/ELD
- Sleep Apnea Status
- Most frequent compliance/enforcement issues
- Emergency Declarations
Recent SMS Website Changes
1. Focus on displaying whether BASICs exceed intervention thresholds, rather than displaying BASIC percentile scores. Score information has been moved to drill down data. BASICs have been reordered to show correlation to crash rates, from left to right.
2. “One Stop Shop” for FMCSA Safety Information:
- Safety Rating now displayed
- Licensing and Insurance status displayed
- Enforcement penalty history for closed cases

| Sample Carrier 1 |
|------------------|-----------------|-----------------|
| U.S. DOT#: 1111  | Safety Rating   | Licensing and Insurance |
| Address: 555 Any Street | As of 01/26/2014 (updated daily) | As of 01/27/2014 (updated hourly) |
| Anytown, MA 02555 | CONDITIONAL    | Active For-Hire Authority |
| Number of Trucks: 4 | Rating Date: 03/22/2013 | Type | Yes/No | MC#/MX# |
| Number of Drivers: 5 |                       | Property | Yes | MC-11110 |
|                      |                       | Passenger | No |   |
|                      |                       | Household Goods | No |   |
|                      |                       | Broker | No |   |

<table>
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<th>Penalties History</th>
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3. New Performance Monitoring Tools
- New Graphs
- Inspection History Reporting
- Key Terms clarified in a glossary (ex- “<5 inspections with violations”)

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
MAP-21 Reauthorization
• ELDs (Electronic Logging Devices) NPRM recently published- May 27, 2014 comments deadline
• National Drug & Alcohol Clearinghouse- NPRM summer this year
• Sleep Apnea- FMCSA reviewing recommendations from MRB and MCSAC- FMCSA indicates a rulemaking will be issued, rather than “guidance”
• Enhanced requirements to obtain DOT # (examination) “Knowledgeability”
• Entry-Level Driver Training: Rule in development, FMCSA seeking input on proposed driver training standards
• Driver Compensation: FMCSA plans to research relationship between driver compensation and safety
• Employer Notification System (notifications of convictions)
• No Defect DVIR
• Registration of brokers and freight forwarders
Enforcement of Unsafe Driving BASIC

- FMCSA increasing emphasis on the Unsafe Driving BASIC
- High correlation to future crash risk
- Guidance being issued to FMCSA Investigators, to cite and take enforcement for patterns of moving violations
Uniform Registration System (URS) Phase 1

- 2013 Rulemaking, Effective October 1, 2013
- Combines DOT and MC number into single DOT number (October 2015)
- Will require on-line updates, otherwise DOT number will be inactivated; will improve data quality
- Warning letters Fall 2013, enforcement to follow
- Be prepared- get your PIN number now and file updates electronically
- Email PIN system now available- www.safersys.org
### Biennial Update Schedule

<table>
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<th>USDOT number ending in</th>
<th>Must file by last day of</th>
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<tr>
<td>1</td>
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If the next-to-last digit of its USDOT Number is odd, the motor carrier or intermodal equipment provider shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier or intermodal equipment provider shall file its update in every even-numbered calendar year.
Medical Program Changes
Driver/Carrier must submit copy of accurately completed certification form with medical certificate. Copy of CDL and medical, without state certification form is NOT accepted.

Long Form medical is NOT a medical certificate.

With last minute submittals, and drivers calling in, it is difficult right now to verify receipt of medicals.

Requirement for drivers to carry paper medical certificates extended 1 year to Jan 30, 2015.
TENNESSEE DEPARTMENT OF SAFETY
SUPPLEMENTAL APPLICATION FOR COMMERCIAL DRIVER LICENSE

DATE ______/_______/20 ______

□ Original     □ Duplicate     □ Renewal

APPLICATION NUMBER

Last Name        First Name        Middle Initial        Suffix

Tennessee Driver License Number         Social Security Number

DATE OF BIRTH

/     /     Month/Day/Year

DAYTIME PHONE NUMBER TO REACH YOU         CELL PHONE

Initial Below

IMPORTANT - All Applicants must certify to item 1, 2, 3 or 4, whichever is applicable.

1. I certify that I operate or expect to operate in interstate commerce, and meet the qualification requirements under Title 49, Code of Federal Regulations, ("CFR") Part 391, operating in interstate commerce and I am required to obtain a medical examiner's certificate by §391.45 of this chapter;

2. I certify that I operate or expect to operate in interstate commerce, but engage exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR part 391, and therefore I am not required to obtain a medical examiner's certificate by 49 CFR 391.45 of this chapter;

3. I certify that I operate or expect to operate only in intrastate commerce, and I am subject to the State of Tennessee driver qualification requirements for operating a commercial vehicle.

4. I certify that I operate in intrastate commerce, but engage exclusively in transportation or operations excepted from all or parts of the State of Tennessee's driver qualification requirements for operating a commercial vehicle per Tenn. Comp. R. & Regs. 1340-1-13 (2008). I further certify that I am not required to have the Passenger, School Bus, or Hazardous Materials endorsement.

**All applicants must complete items 5 and 6. Only complete item 7 if a skills test is required.**

5. I certify that I am not subject to disqualification under Title 49, CFR, Part 383.51 or any license suspension, revocation or cancellation under State Law.
• FMCSA extension is for the paper medical requirement ONLY-
  – Drivers must continue to submit updated medical certificates to DMV
  – Motor carriers required to verify medical status by running MVR AND maintain copy of paper medical
  – States suspending CDLs of drivers that fail to comply
Effective 5/21/2014 (exams after this by non-NR ME not valid)

Estimated that we’ll need 30K-40K Certified medical examiners to meet driver need.

Over 10,000 medical examiners certified as of start of April.

35,000 medical examiners “Registered” but have not yet taken certification examination.

As of April 3, over 6,000 registered examiners have scheduled the exam.

Future rulemaking: M.E. send exam to DOL
36 Medical Examiners Registered Within 25 miles of downtown Memphis

nrcme.fmcsa.dot.gov

Medical Examiner Locations Search Results

You searched for Medical Examiners with postal code 38104 and radius 25, Showing Results Page 1 of 2
• FMCSA did NOT invent Sleep Apnea - medical condition affecting millions of Americans
• “Sleep disorder that occurs when a person’s breathing is interrupted during sleep. People with untreated sleep apnea stop breathing repeatedly during their sleep, sometimes hundreds of times. This means the brain- and the rest of the body- may not get enough oxygen” -- Webmd.com
• 49 CFR 391.41(b)(5) Physical Qualifications for drivers: “Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely”

• Medical examiner makes the determination of whether driver may possibly have sleep apnea, and determines need to send driver to specialist for testing.
Screening Vs. Diagnosis

- **Examiner screening**
  - Suspect OSA
  - Not suspected
  - No further action
- **Diagnosis**
  - Confirm OSA
    - Treatment
  - Exclude OSA
    - No further action

**Federal Motor Carrier Safety Administration**
Sleep Apnea- Screening Criteria & Diagnosis, FMCSA Studies

• 2007 study commissioned by FMCSA, to determine screening criteria for sleep apnea
  – Body Mass Index - Neck Circumference
  – Blood Pressure - Medical sleep history

• 2011 report- update to screening methods analysis, evaluation of portable diagnostic methods

• Crash risk- increased, but significant variance in magnitude reported by studies- somewhere between 20% and 489% higher
Sleep Study testing (polysomnography or PSG) the “gold standard” for diagnosis of potential sleep apnea but costs can be $800-$4000.

Portable Sleep Monitoring (PM) devices an acceptable method to test for sleep apnea. Cost can be much lower ($200-$1000)
Synthesis of Multiple Studies- 72% Reduction in Crash Rates Following Treatment

% Reduction in Crash Rate Following CPAP

*Any non-injurious crash
**Any injurious crash
• President signed bill prohibiting FMCSA from releasing new sleep apnea “guidance”
• FMCSA will be issuing a rulemaking - timeframe unknown
• Existing reports and studies, some from FMCSA and some from others still out there
• Medical examiners not prohibited by the law from using existing reports and studies
EOBR/ELDs
• NPRM for mandate out for comment
• Many carriers seeing significant improvements in SMS HOS compliance scores
• Typical response “we should have done it sooner”
• Not a “fix-all”
• Some carriers discover underlying shipper or routing issues
• “Unassigned Miles” - audit and accurately assign miles, determine “why” and fix going forward
• Driver tampering: examine diagnostics reports for system disconnects. Some drivers deliberately disconnecting devices to conceal over HOS, revert to paper log
• Off duty period “skips” - solo driver logging off duty in Boise, ID, and returns to duty in Lansing, MI
• Drivers using multiple login IDs “virtual ghost driver”.
• Personal Conveyance - abuse of the PC provision. See Q&A Interpretation
• Modifications after the fact - dispatchers given edit rights, changing “on-duty not driving” to “off duty”
• “Creeping” - frequent logout/login in slow traffic, apparently to stretch 70 hour

Recommendation: Establish a monitoring and validation plan, have a disciplinary policy to deal with tampering, unauthorized edits, other abuse
Driver and Motor Carrier Training Requirements
• 2007 NPRM was withdrawn due to comments on the proposed rule, and changes required by MAP-21
• Two studies underway, FMCSA to eventually propose a new NPRM based on original comments, studies, and MAP-21 mandates
• FMCSA currently conducting listening sessions on new entrant motor carrier knowledge testing (sessions recently held in Nashville), future sessions around the country and accessible via live webcast

• FMCSA looking for input on how we would go about assessing minimum basic knowledge of safety regulations of new motor carriers.
FMCSA Focus Areas for Compliance Issues

- False RDS - FMCSA focuses on breaks
- Part Time Drivers (qualification, HOS)
- False records - ex: Annual Vehicle Inspections signed by mechanic July 1, but trucks all in various states per bills/logs
- Drug and Alcohol Testing (pre-employment, 50/10 percent, alcohol testing)
- Unsafe Driving BASIC - high scores
- Vehicle Maintenance - program effectiveness
- Post Crash investigations
- Medical qualifications - verifying samples of medical certificates
Distracted Driving
Enhanced Investigation Techniques Training

- Phase 2 of CSA - training staff on intervention methods that are congruent with SMS measurement indicators
- IE, if carrier has a high score in vehicle maintenance, identify root causes, address during investigation, and possibly take enforcement action
- Emphasizes critical thinking, questioning
• 49 CFR 390.23
  – Regional Declarations in effect East, Midwest, South
  – ANY motor carrier providing direct emergency relief, exempted from Parts 390-399
  – CDL, HM, D&A, IFTA, IRP, OS/OW \textit{STILL APPLY}
Questions?

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• 615-681-3566 cell
Thank you!