

A photograph of two men in safety gear. The man on the left is wearing a red shirt and a grey safety vest, smiling broadly and pointing towards the camera. The man on the right is wearing a grey cap, a red shirt, and a grey safety vest, looking towards the first man with a smile. The background shows an industrial or construction site.

# **Southern States Energy Board New Orleans, LA**

**December 2015**





# FMCSA Leadership Changes

- Anne Ferro departed in August
- Scott Darling is Acting Administrator
  - Chief Counsel for FMCSA
  - Broad experience in transportation operations
  - Shares your commitment to safety





# FMCSA Leadership Changes

- Our safety-first mission is unchanged
- 3 core principles:
  - Raise the safety bar to enter the industry
  - Maintain high safety standards to stay in the industry
  - Remove high-risk/unsafe carriers, drivers and vehicles from the highways





# FMCSA Top Five Priorities

- Compliance, Safety, Accountability (CSA) Phase III
- Safety Fitness Determination (SFD)
- Electronic Logging Devices (ELDs)
- Unified Registration System (URS)
- Inspection Modernization





# CSA Continuous Improvement Update

Since Safety Measurement System (SMS) roll-out

- Violations per roadside inspection decreased by nearly 14 percent
- Driver violation rates decreased by 17 percent
- Over 70 million visits to the public SMS website last year





# Safety Fitness Determination

## Safety Fitness Determination

- Third element of the CSA program
- Finalizing the NPRM – publish in first quarter 2015
- Would establish safety fitness determinations based on:
  1. Carrier's performance in relation to 5 of the BASICS
  2. An investigation
  3. A combination of on-road safety data and investigation information





## Electronic Logging Devices (ELD)

- Status and next steps
  - Addressing comments
  - Drafting Final Rule
  - Planning for implementation
  - Publication of Final Rule expected in late 2015





## Unified Registration System

- Combines 16 different registration forms for carriers, freight forwarders and brokers
- Streamlines the process for industry
- Census data must be updated every two years
  - Not updating will deem the carrier inactive
  - Deactivation of non-compliant carriers began March 1, 2014





## Unified Registration System

- Sending about 28,000 notification letters per month with instructions on how to update
- Carriers will receive notification if last update is 12 months or more since scheduled month/year
- March to August - the net deactivation was more than 102,000 entities





# Inspection Modernization

## Integrated Inspection Management System (IIMS)

The IIMS project will greatly enhance and integrate the multiple systems that roadside inspectors currently utilize to conduct roadside inspections. As a result, roadside inspectors will have access to more accurate and relevant data to make inspection-related decisions at the roadside.





# Hazardous Materials Program Priorities

- HM Safety Permit Program Improvements
- HM Route Registry
- HM BASIC Analysis
- Focus on Cargo Tanks and Cargo Tank Facilities
- Home Heating Fuel Exemption





# Hazardous Materials Safety Permit

## HM Safety Permit Program Improvements

- No need for rulemaking
- Distinguishes between issuance and renewal
- Suspensions/Revocations/Denials tied to 385.421
- Continuous monitoring and second level of review





# Hazardous Materials Safety Permit

- HMSP carriers will remain in SMS HM Threshold
- Basic rules for interventions and investigations will continue to apply to HMSP carriers
- Adds Enhanced Oversight
  - HM BASIC over threshold (2 consecutive months)
  - 2 or more BASICS  $\geq$  HM Threshold, other than HM
  - 48 month insufficient data (<3 roadside inspections AND Safety Rating  $\geq$  4 years)





# Hazardous Materials Safety Permit

Where the changes stand:

- FR Notice and internal policy issued May 2015





## Hazardous Materials Route Registry

- Officially updated for first time since early 2000's
- Registry was reformatted for easier identification of routes
- Registry is in review prior to sending to OMB
- MAP-21 incorporated: Federal Register /Vol. 79, No. 191 /Thursday, October 2, 2014 /Rules and Regs





## Focus on Cargo Tanks and CT Facilities

- 4,500 CT Manufacturing, Inspection and Repair Facilities
- 20,500 Bulk HM Carriers
- Top 5 violations: CT facility investigations
  - All connected to CT facility, even when the CT facility was operated by a motor carrier
  - Represented 58% of all violations discovered



# Focus on Cargo Tanks and CT Facilities

<u>Year</u>	<u>Investigations</u>	<u>NOC</u>	<u>Violations</u>	<u>Top 5</u>
2014:	79*	26	731	No test/inspection records (232) Improper/no pressure test (81)** Training record keeping (34) Improper/no external visual test (33) Improper/no leakage test (27)***
2013:	118*	49	1,063	No test/inspection records (305) Improper/no pressure test (171) Training record keeping/no training (63) Improper/no external visual test (60) Inspector does not meet qualifications (38)
2012:	224*	75	2,795	No test/inspection records (917) Improper/no pressure test (297) Training records not current (219) Improper/no leakage test (125) Improper/no thickness test (54)





## Focus on Cargo Tanks and CT Facilities

January 21, 2014: SULLY, IA, An inmate at a truck wash in Sully died today after being discovered unconscious inside of a tank trailer. Two other employees were found unconscious inside of the tank.

May 3, 2014: FREDERICK, MD, Firefighters extinguished a blaze involving three propane delivery trucks early Saturday morning. The trucks had stored propane on board.

May 6, 2014: CORONA, CA, An explosion at a Southern California trucking company has killed one man and sent another to the hospital. It appears the explosion occurred while a welder was working on a petroleum tanker truck.

June 2014: Canadian manufacturer discovered to be improperly manufacturing DOT specification cargo tanks – improper appurtenance pads and other deficiencies were discovered.



# Welding on Cargo Tanks Safety Notice

**DON'T BECOME A STATISTIC!**



**SAFETY NOTICE: Welding on Cargo Tanks**

**<http://www.fmcsa.dot.gov/carrier-safety/hazardous-materials-safety/welding-cargo-tanks>**





## HM BASIC Analysis

- Prompted by carrier request to consider “shipper violations
- Considered violations in HM BASIC:
  - 342 used in HM BASIC calculation
  - 79 – Carrier-specific (Part 177)
  - Remainder – Could be shipper/carrier/both





## HM BASIC Analysis

- Hundreds of potential shipper violations were not included in HM BASIC
- Remaining violations will not allow for further division of shipper vs. carrier violations
- Looked at dividing out cargo tank vs. non-cargo tank carriers: Resulted in a near 50/50 split of the 17,000 motor carriers with HM BASIC scores.





# Emergency Relief and Home Heating Fuels

- Amends Section 390.23 to provide relief from Parts 390 – 399 when:
  - The motor carrier is providing “direct assistance” to provide “emergency relief” during a “declared emergency” (all terms are defined in 390.23 or 390.5)
  - Relief does not extend to CDL, Drug and Alcohol, HM, or to state rules such as IRP, IFTA, size/weight
  - When emergency is declared, exemption is automatic



# Emergency Relief and Home Heating Fuels

- Types of Emergencies
  - Regional (Can be only 1 state)
    - Declared by President, Governor or representative, or FMCSA Field Administrator
    - 30 days, but can be extended
  - Local
    - Declared by Federal, State, or local government, or FMCSA Field Administrator
    - 5 days – cannot be extended
  - Home Heating Fuels
    - Governors can extend regional emergencies twice, for total of 90 days
    - Longer periods require FMCSA issuance



## Emergency Relief and Home Heating Fuels

- Exemptions apply regardless of motor carrier terminal location
- At Termination of emergency
  - Driver may return empty to terminal or work reporting location
  - If needing immediate rest, driver must be given a minimum of 10-hours off duty prior to returning to terminal or work reporting location
  - Upon arrival at terminal or work reporting location, driver must be relieved of all duties until HOS requirements are met; and
  - For at least 34 consecutive hours, if driver exceeded 60 hours in 7 days, or 70 hours in 8 days (dependent upon operation)





# Emergency Relief and Home Heating Fuels

- Direct Assistance ends when:
  - Driver is used in interstate commerce not connected to relief effort; or
  - Driver is dispatched to another location to begin operations in commerce.



## PHMSA Rulemakings

- HM-250, Harmonization with IAEA
  - Effective 10/1/14
  - Mandatory compliance 7/13/15
- Harmonizes the HMR with the IAEA Standards
- Changes to shipping papers, overpack markings, placarding, exclusive use conditions, LSA/SCO shipments, and tests for packagings





# Questions

