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
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
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 ≥ HM Threshold, other than HM
  - 48 month insufficient data (<3 roadside inspections AND Safety Rating ≥ 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
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

<table>
<thead>
<tr>
<th>Year</th>
<th>Investigations</th>
<th>NOC</th>
<th>Violations</th>
<th>Top 5</th>
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<tbody>
<tr>
<td>2014:</td>
<td>79*</td>
<td>26</td>
<td>731</td>
<td>No test/inspection records (232)</td>
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<td></td>
<td></td>
<td>Improper/no pressure test (81)**</td>
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<td>Training record keeping (34)</td>
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<td></td>
<td>Improper/no external visual test (33)</td>
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<td></td>
<td></td>
<td></td>
<td>Improper/no leakage test (27)**</td>
</tr>
<tr>
<td>2013:</td>
<td>118*</td>
<td>49</td>
<td>1,063</td>
<td>No test/inspection records (305)</td>
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<td>Improper/no pressure test (171)</td>
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<td></td>
<td></td>
<td>Training record keeping/no training (63)</td>
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<td>Improper/no external visual test (60)</td>
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<td>Inspector does not meet qualifications (38)</td>
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<tr>
<td>2012:</td>
<td>224*</td>
<td>75</td>
<td>2,795</td>
<td>No test/inspection records (917)</td>
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<td>Improper/no pressure test (297)</td>
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<td>Training records not current (219)</td>
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<td>Improper/no leakage test (125)</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>Improper/no thickness test (54)</td>
</tr>
</tbody>
</table>
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
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/carryer/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:
  o 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)
  o Relief does not extend to CDL, Drug and Alcohol, HM, or to state rules such as IRP, IFTA, size/weight
  o When emergency is declared, exemption is automatic
Emergency Relief and Home Heating Fuels

• Types of Emergencies
  o Regional (Can be only 1 state)
    ▪ Declared by President, Governor or representative, or FMCSA Field Administrator
    ▪ 30 days, but can be extended
  o Local
    ▪ Declared by Federal, State, or local government, or FMCSA Field Administrator
    ▪ 5 days – cannot be extended
  o 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)
• Direct Assistance ends when:
  o Driver is used in interstate commerce not connected to relief effort; or
  o Driver is dispatched to another location to begin operations in commerce.
• 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