



# Transportation Updates and Regulatory News (TURN)

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## Heavy Vehicle Speed Limiters Update

According to the May 2016 [Report on DOT \(United States Department of Transportation\) Significant Rulemakings](#), the proposed rule for Heavy Vehicle Speed Limiters is projected to be cleared by Office of Management and Budget's [Office of Information and Regulatory Affairs](#), in Spring 2016, and published in the Federal Register in Summer 2016, for a 60-day comment period. This joint rulemaking by the Federal Motor Carrier Safety Administration (FMCSA) and the National Highway Traffic Safety Administration (NHTSA) responds to petitions from the American Trucking Association and Roadsafe America to require the installation of speed limiting devices on heavy trucks. In response to the

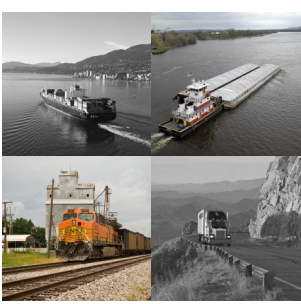
petitions, NHTSA requested public comment in Docket No. NHTSA-2007-26851 and received thousands of comments supporting the petitioners' requests. Based on the available safety data and the ancillary benefit of reduced fuel consumption, this rulemaking considers a new Federal Motor Vehicle Safety Standard requiring the installation of speed-limiting devices on heavy trucks.

## Commercial Driver's License Requirements of Recent Transportation Laws

On March 16, 2016 and pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Military Commercial Driver's License Act of 2012, the FMCSA

proposed amendments to its Commercial Driver's License (CDL) regulations that would ease the transition of military personnel into civilian careers in the truck and bus industry by simplifying the process of getting a commercial learner's permit (CLP) or CDL.

This rulemaking would extend the time period for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a commercial motor vehicle (CMV). This rulemaking also would allow States to accept applications and administer the written and skills tests for a CLP or CDL from active duty military personnel stationed in that State. States that choose to accept



# Transportation Updates and Regulatory News (TURN)

such applications would be required to transmit the test results electronically to the military personnel's State of domicile. The State would be required to issue the CDL or CLP on the basis of those results ([view PDF](#)). FMCSA is working to implement the Military Pilot Program, a provision in the [Fixing America's Surface Transportation Act \(FAST Act\)](#) that will allow select U.S. military personnel between 18 and 21 years of age to operate a commercial motor vehicle in interstate commerce. On March 10, 2016, FMCSA established a [CDL Military website](#).

## Evaluation of Safety Sensitive Personnel for Moderate-to-Severe Obstructive Sleep Apnea

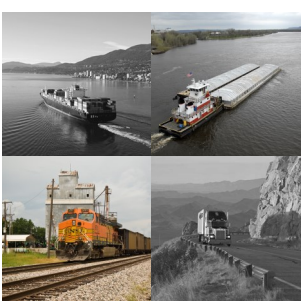
On March 10, 2016, the FMCSA and Federal Railroad Administration (FRA) published a request for data and information concerning the prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation, and on its potential consequences for the safety of rail and highway transportation. FMCSA and FRA (collectively "the Agencies") also requested information on potential costs and benefits from regulatory actions that address the safety risks associated with motor carrier and rail transportation workers in safety sensitive positions who have OSA. These Agencies requested comments on the costs and benefits of requiring motor carrier operators and rail transportation workers in safety sensitive positions—who also exhibit multiple risk factors for OSA—to undergo evaluation and treatment by a healthcare professional with expertise in sleep disorders ([view PDF](#)). Three public listening sessions were held on May 12, 17, and 25, 2016 to solicit information.

## Study of CSA's Effectiveness in Identifying "High Risk" Truck and Bus Companies

In response to Section 5221 of the Fixing America's Surface Transportation Act (FAST Act) of 2015, the FMCSA [announced, on March 7, 2016](#), that it has commissioned the National Academies of Sciences, Engineering, and Medicine, through its Committee on National Statistics and Transportation Research Board, to carry out a study regarding high risk truck and bus companies. The study will examine the accuracy with which the Behavioral Analysis and Safety Improvement Category safety measures used in the Compliance, Safety, Accountability (CSA) and the Safety Management System (SMS) identify high risk carriers and predict or are correlated with future crash risk or other safety indicators for motor carriers. For further information, see the [National Academies of Sciences webpage](#).

## FMCSA Restores Property Carriers' "Absolute Measures" in Compliance with the FAST Act

Section 5223 (c) of the FAST Act of 2015 requires the FMCSA to keep property carriers' absolute measures available to the public. These measures are generated directly from safety data and not based on relative comparison to other motor carriers. The FAST Act prohibits the display of a property carriers' relative percentile, so on December 4, 2015, FMCSA removed the information prohibited from display, and also removed the absolute measures to allow time to modify the SMS website. [On March 7, 2016, FMCSA announced](#) those modifications are complete and the SMS website is fully compliant with the FAST Act.



# Transportation Updates and Regulatory News (TURN)

## Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators

On March 7, 2016, the FMCSA published proposed new training standards for certain individuals applying for their initial CDL; an upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or a hazardous materials, passenger, or school bus endorsement for their license; and a "refresher" training curriculum. These individuals would be subject to the proposed entry-level driver training requirements and must complete a course of instruction provided by an entity that: (1) meets the minimum qualifications for training providers; (2) covers the curriculum; (3) is listed on FMCSA's proposed Training Provider Registry; and (4) submits electronically to FMCSA the training certificate for each individual completing the training.

This proposal responds to a Congressional mandate imposed under the Moving Ahead for Progress in the 21st Century Act. The proposed rule is based on consensus recommendations from the Agency's Entry-Level Driver Training Advisory Committee, a negotiated rulemaking committee which held a series of meetings between February and May 2015. The compliance date of this proposed rule would be three years after the effective date of the final rule ([view PDF](#)).

## Safety and Traffic Enforcement Activities Saved More than 7,000 Lives Since 2001

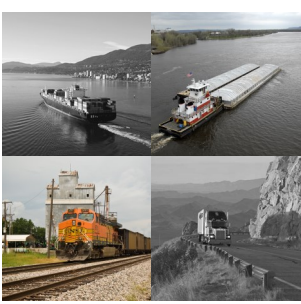
On February 29, 2016, the FMCSA released an [annual analysis](#) that estimates that commercial vehicle roadside safety inspection and traffic enforcement programs saved 472 lives in 2012. Since 2001, these programs have saved more than 7,000 lives. FMCSA's annual Roadside Intervention Effectiveness Model (RIEM) analysis estimates that in 2012 (the most recent year in which data is available), these life-saving safety programs also

prevented nearly 9,000 injuries from more than 14,000 crashes involving large commercial trucks and buses.

The vast majority of these roadside safety inspections are conducted by the States, that receive annual grant support from FMCSA through its Motor Carrier Safety Assistance Program for State commercial motor vehicle safety program activities, including roadside inspections and traffic enforcement. Roadside inspections adhere to North American Standard protocols, which, in close collaboration with Commercial Vehicle Safety Alliance (CVSA), are regularly updated. FMCSA's National Training Center, in coordination with CVSA, conducts frequent inspector training programs throughout the country to certify new inspectors or allow individuals to obtain expertise in areas such as hazardous materials safety. The RIEM tool associates each violation of FMCSA's safety regulations with a specific crash probability. Using these probabilities, analysts can estimate the number of crashes avoided as a result of correcting these violations.

## FMCSA Proposes New Rule for Determining Safety Fitness of Motor Carriers

On March 8, 2016, the FMCSA extended the public comment period for the Agency's notice of proposed rulemaking (NPRM) originally published on January 21, 2016. This NPRM concerns the proposals to the current methodology for issuance of safety fitness determinations for motor carriers. The Agency extended the deadline for the submission of initial comments to May 23, 2016. Reply comments will be due on or before June 23, 2016. In addition, FMCSA corrected the title and date of an American Transportation Research Institute study report that the NPRM cited about the Agency's SMS ([view PDF](#)). The Agency has developed an online calculator for motor carriers to determine how the proposed rule would impact them at [www.fmcsa.dot.gov/sfd](http://www.fmcsa.dot.gov/sfd).



# Transportation Updates and Regulatory News (TURN)

## Commercial Zones at International Border With Mexico

On February 24, 2016, the FMCSA published a final rule establishing the New Mexico Commercial Zone in Dona Ana County and Luna County, NM. This action is required by the Transportation Equity Act for the 21st Century. The Agency also issued an interim final rule establishing an expanded commercial zone for the City of El Paso, TX, which now includes the new Tornillo-Guadalupe international bridge and port of entry on the border with Mexico. Additionally, through this action, FMCSA provides clarification on the definition of the San Luis, AZ, commercial zone. The Agency is interested in receiving public comments regarding what should constitute the eastern boundary for the FMCSA's commercial zone for the City of El Paso, TX, that would include the new Tornillo-Guadalupe international bridge, port of entry, and public access roads O.T. Smith Road and Texas Farm-to-Market Road 3380 (M.F. Aguilera Highway) to Interstate Highway 10 ([view PDF](#)).

## FMCSA Accepts Official Mexican Standards for Inspection Program

On March 16, 2016, FMCSA announced its acceptance of the Norma Oficial Mexicana ((NOM) or Official Mexican Standard) concerning repair, maintenance, and the periodic inspection (PI) of commercial motor vehicles (CMVs). The Agency has reviewed NOM-068-SCT-2-2014 (NOM 68) and determined that it should be added to the list of programs that are comparable to, or as effective as, the Federal PI requirements contained in the Federal Motor Carrier Safety Regulations ([view PDF](#)).

## U.S./Mexico Cross-Border Trucking Update

On February 8, 2016, the Owner-Operator Independent Drivers Association (OOIDA) filed its [Intervenors Reply Brief](#) in concert with the [International Brotherhood of](#)

[Teamsters, Advocates for Highway and Auto Safety, and Truck Safety Coalition's Reply Brief](#). These brief challenge the decision of FMCSA to open the border to Mexican trucks. The lawsuit, filed with the U.S. Court of Appeals for the Ninth Circuit on March 10, 2015, contends that FMCSA's final report to Congress, which allowed opening the border to Mexican trucks, violated the Administrative Procedures Act.

## California Air Resources Board Greenhouse Gas Regulations Update

On March 7, 2016, OOIDA filed its [Appellant's Reply Brief](#) with the United States Court of Appeals for the District of Columbia Circuit on the petition for review concerning OOIDA's objections to the EPA waiver, and the associated California Air Resources Board (CARB) [tractor-trailer greenhouse gas \(GHG\) regulations](#). At issue is whether CARB's enforcement of its GHG regulations on trucks that enter California from another State is a violation of the Commerce Clause of the U.S. Constitution.

## Update on EPA's Phase 2 Proposed Greenhouse Gas and Fuel Efficiency Standards:

On March 2, 2016, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) [provided an opportunity to comment](#) on new information to reduce greenhouse gas emissions and fuel consumption for new on-road heavy-duty vehicles and engines. The new information, including memoranda and data, has been placed in the public dockets. These memoranda address potential requirements for selective enforcement audits and confirmatory testing related to greenhouse gas emissions, and applicability of emission standards and certification responsibilities for trailers, glider vehicles, and glider kits. Previous comments expressed strong concerns about the statutory authority and assumptions made by EPA and





# Transportation Updates and Regulatory News (TURN)

NHTSA, as well as the costs and benefits, and the limited time to provide comments. Trailer-related comments were previously submitted by: [Truck Trailer Manufacturers Association](#), [Utility Trailer Manufacturing Company](#), [Great Dane](#), [Wabash National Corporation](#), [Stoughton Trailers](#), [Owner-Operator Independent Drivers Association](#), and [American Trucking Associations](#).

## Sanitary Transportation of Human and Animal Food

On April 5, 2016, the U.S. Food and Drug Administration (FDA) released the Food Safety Modernization Act (FSMA) Final Rule on Sanitary Transportation of Human and Animal Food. This final rule is part of FDA's implementation of the 2005 Sanitary Food Transportation Act. It builds on current food transportation best practices and is focused on ensuring that the individuals transporting food at the greatest risk for contamination during transportation follow appropriate sanitary transportation practices. Detailed information is available at <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm383763.htm>.

## Comprehensive Truck Size and Weight Limits Study

On April 14, 2016, DOT announced the completion of its Comprehensive Truck Size and Weight Limits Study (CTSWLS) Report to Congress. The report can also be viewed on the [CTSWLS webpage](#). The final report was completed based on the peer-reviewed technical reports released in June 2015. As the Department noted last summer, it is still DOT's view that data limitations are

extremely profound, and as a result, DOT is recommending no changes be made to relevant truck size and weight laws and regulations until these significant data limitations are overcome. You can find those technical reports and the transmittal letter at [http://ops.fhwa.dot.gov/freight/sw/map21tswstudy/technical\\_rpts/index.htm](http://ops.fhwa.dot.gov/freight/sw/map21tswstudy/technical_rpts/index.htm).

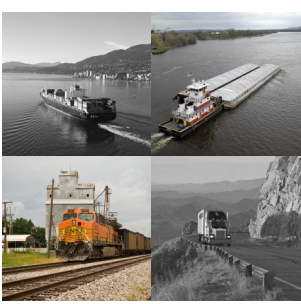
## Large Truck and Bus Crash Facts, 2014

On April 15, 2016, the FMCSA released *Large Truck and Bus Crash Facts, 2014*. This recurring annual report contains descriptive statistics about crashes involving large trucks and buses that caused fatalities, injuries, or property damage.

For comparative purposes, the report also presents crash statistics on passenger vehicles. Among the findings: The number of large trucks and buses involved in fatal crashes decreased by 5 percent and 17 percent, respectively, in 2014 when compared to 2013.

The analysis also found year-over-year vehicle miles traveled (VMT) increased for large trucks (1.5 percent) and buses (5.5 percent) in 2014. ([View the full report.](#))

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## Transportation Updates and Regulatory News (TURN)

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