FMCSA to Provide 90-day Temporary Waiver from ELD Requirement for Agricultural Commodities

On November 20, 2017, in advance of the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration’s (FMCSA) December 18, 2017—the implementation deadline for the electronic logging device (ELD) rule—FMCSA announced it will provide a 90-day temporary waiver from the ELD requirement for transporters of agricultural commodities. The waiver was provided in order to ease the transition of motor carriers to the rule. In the announcement, FMCSA said it will provide additional guidance related to enforcement procedures during the ELD transition, such as the existing Hours-of-Service exemption for the agricultural industry and guidance on the “personal conveyance” provision. FMCSA said the new guidance on the existing 150 air miles hours-of-service agricultural exemption will be provided to improve clarity for both law enforcement and the agricultural industry and allow the agricultural industry to maximize the use of this statutory exemption. FMCSA will consider comments received before publishing the final guidance.

EPA Proposes to Repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits

On November 16, 2017, the Environmental Protection Agency (EPA) proposed to repeal the application of the Medium- and Heavy-Duty Truck Phase II Greenhouse Gas Emission and Fuel Efficiency Standards for the glider industry. Gliders are a specially manufactured type of heavy duty highway vehicle assembled from newly manufactured kits that include the vehicle’s frame and cab to which a used engine, transmission, and axles are added. EPA estimates that about 10,000 gliders are manufactured annually, comprising less than 5 percent of the Class 8 heavy-duty highway truck market. Comments can be viewed in regulations.gov Docket No. EPA–HQ–OAR–2014–0827.

Court Grants TTMA Request to Delay the Effectiveness of EPA and NHTSA Trailer Standards

On October 27, 2017, the U.S. Court of Appeals for the District of Columbia Circuit granted the Truck Trailer Manufacturers Association’s (TTMA) request to stay the January 1, 2018, effectiveness of the trailer standards in the Greenhouse Gas and Fuel Efficiency Standards for Engines and Vehicles—Phase 2 final rule, pending court review. The trailer standards require trailer
manufacturers to provide aerodynamic equipment, low rolling resistant tires, and tire pressure monitoring or automatic tire inflation systems beginning with model year 2018, even when trailer buyers do not want or need these accessories. The trailer accessories are designed to reduce the carbon dioxide emissions and fuel consumption of tractor-trailer combinations when they are traveling at highway speeds. Previous TTMA comments expressed strong concerns about EPA’s and National Highway Traffic Safety Administration’s statutory authority to regulate trailers, trailer accessories, and trailer manufacturers, and the trailer operational assumptions made by EPA and NHTSA in the rule.

USDOT Releases 2016 Fatal Traffic Crash Data
On October 6, 2017, U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) released fatal traffic crash data for calendar year 2016. There were 4,317 fatalities in crashes involving large trucks, 5.4 percent more fatalities than in 2015, the highest since 2007. Of the 4,317 fatalities, 722 (16.7 percent) were occupants of large trucks, 10.8 percent were non-occupants, and 72.4 percent were occupants of other vehicles.

FMCSA and FRA Withdraw Proposed Rulemaking on Obstructive Sleep Apnea
On August 8, 2017, FMCSA and the Federal Railroad Administration (FRA) withdrew the March 10, 2016, advance notice of proposed rulemaking concerning the prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation and its potential consequences for the safety of highway and rail transportation. FMCSA and FRA have decided to not issue a notice of proposed rulemaking at this time and believe the current safety programs and FRA’s rulemaking addressing fatigue risk management are appropriate avenues to address OSA.

FMCSA Rulemaking Procedures Update
On August 7, 2017, FMCSA proposed to amend its rulemaking procedures by revising the process for preparing and adopting rules, petitions, and direct final rules. FMCSA also proposed adding new definitions, and general administrative corrections throughout its rulemaking procedures. These proposed actions are authorized under the Fixing America’s Surface Transportation Act and the Administrative Procedure Act. Comments can be viewed in regulations.gov Docket No. FMCSA–2016–0341.
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