



 **Fundamental**

Inspection Data 2018

- Total Inspections – 117,598 (PA) 46,670 (NJ)
 - No Violations – 43,544 (PA) 18,785 (NJ)
 - Nationwide – 3,508,719
- Driver out-of-service – 6.13% (PA) 4.41% (NJ)
 - Nationwide – 4.76%
- Vehicle out-of-service – 22.71% (PA) 21.8% (NJ)
 - Nationwide – 20.83%

Inspection Data 2018 – Level of Inspection

Pennsylvania

- Level 1 – 31,575
- Level 2 – 37,362
- Level 3 – 47,617
- Level 4 - 74
- Level 5 - 962
- Level 6 - 8

Level	Title	Explanation
1	North American Standard Driver/Vehicle Inspection	All driver documentation and complete vehicle inspection
2	Walk around Driver/Vehicle Inspection	Same as Level 1, but do not check under the vehicle
3	Driver Only Inspection	Driver documentation only
4	Special Inspection	Any aspect of the safety inspection, usually done for data gathering purposes
5	Vehicle Only Inspection	An inspection that includes each of the vehicle inspection items specified under the North American Uniform Inspection Procedure (Level 1), without a driver present, conducted at any location
6	Enhanced Radioactive Inspection	For specific radioactive shipments that are route controlled is covered in an advanced course

New Jersey

- Level 1 – 17,024
- Level 2 – 12,668
- Level 3 – 12,775
- Level 4 – 2
- Level 5 – 970
- Level 6 - 2

Top 10 Driver Violations 2018 (PA)

	Violation Code	Violation Description	# of Inspections	# of Violations
1	392.16	Failing to use seat belt while operating a CMV	8,119	8,530
2	391.41AF	Operating a property-carrying vehicle without possessing a valid medical certificate	6,040	6,118
3	392.2C	Failure to obey traffic control device	4,816	4,865
4	392.2LV	Lane Restriction violation	2,236	2,239
5	395.8A	No driver's record of duty status when one is required	1,732	1,775
6	395.8F01	Driver's record of duty status not current	1,731	1,753
7	392.82A1	Using a hand-held mobile telephone while operating a CMV	1,740	1,741
8	392.2SLLS3	State/Local Laws - Speeding 11-14 miles per hour over the speed limit	1,507	1,507
9	392.2SLLS4	State/Local Laws - Speeding 15 or more miles per hour over the speed limit	1,429	1,432
10	383.23A2	Operating a CMV without a CDL	1,276	1,292

Top 10 Driver Violations 2018 (NJ)

	Violation Code	Violation Description	# of Inspections	# of Violations
1	391.41AF	Operating a property-carrying vehicle without possessing a valid medical certificate	4,625	4,656
2	392.2LV	Lane Restriction violation	1,564	1,567
3	391.41A	No medical certificate in driver's possession	735	786
4	392.2C	Failure to obey traffic control device	752	754
5	383.23A2	Operating a CMV without a CDL	523	523
6	391.11B2	Driver cannot read or speak the English language sufficiently to respond to official inquiries	434	436
7	391.45B	Expired medical examiner's certificate	412	412
8	391.11B4	Driver not physically qualified	367	367
9	395.8	Record of Duty Status violation (general/form and manner)	267	357
10	395.22A	Operating with a device that is not registered with FMCSA	303	319

Top 10 Driver Violations 2018 - National

	Violation Code	Violation Description	# of Inspections	# of Violations
1	395.8	Record of Duty Status violation (general/form and manner)	51,496	81,046
2	392.2SLLS2	State/Local Laws - Speeding 6-10 miles per hour over the speed limit	72,217	72,224
3	392.16	Failing to use seat belt while operating a CMV	59,603	60,433
4	392.2C	Failure to obey traffic control device	53,628	53,947
5	391.41AF	Operating a property-carrying vehicle without possessing a valid medical certificate	52,333	52,616
6	383.23A2	Operating a CMV without a CDL	38,434	38,687
7	395.22A	Operating with a device that is not registered with FMCSA	36,199	36,498
8	392.2LV	Lane Restriction violation	35,391	35,598
9	392.2SLLS3	State/Local Laws - Speeding 11-14 miles per hour over the speed limit	32,867	32,871
10	395.8E	False report of driver's record of duty status	27,676	31,664

Top 10 Vehicle Violations 2018 (PA)

	Violation Code	Violation Description	# of Inspections	# of Violations
1	393.9	Inoperable Required Lamp	11,842	17,669
2	393.95A	No/discharged/unsecured fire extinguisher	7,660	7,690
3	396.17C	Operating a CMV without proof of a periodic inspection	5,943	7,081
4	393.47E	Clamp or Roto type brake out-of-adjustment	3,508	6,014
5	393.95F	No/insufficient warning devices	4,028	4,029
6	396.3A1	Inspection, repair and maintenance of parts & accessories	2,970	3,669
7	393.45B2	Brake hose or tubing chafing and/or kinking	2,242	3,366
8	393.53B	CMV manufactured after 10/19/94 has an automatic airbrake adjustment that fails to compensate for wear	2,933	3,152
9	393.11	No or defective lighting devices or reflective material as required	2,543	3,079
10	396.5B	Oil and/or grease leak	2,640	3,003

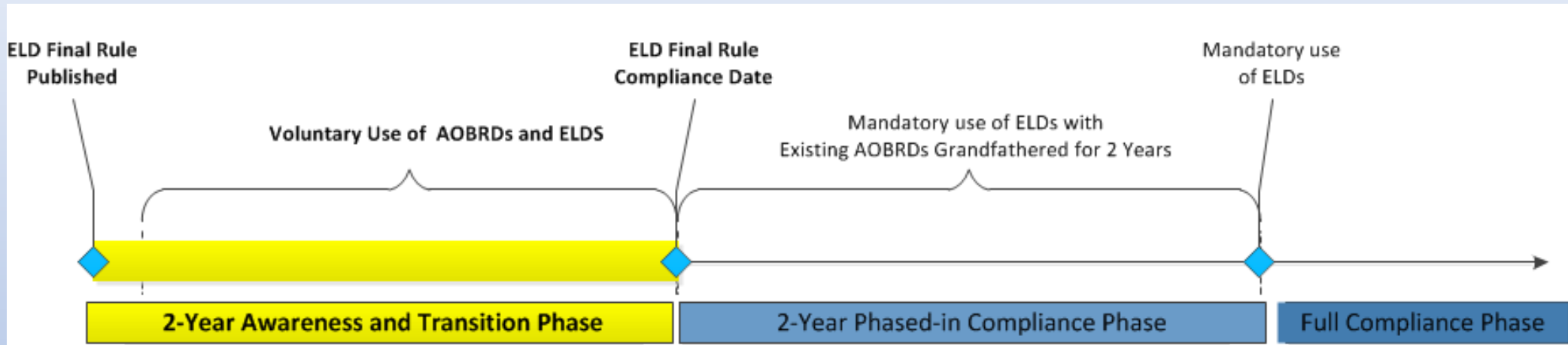
Top 10 Vehicle Violations 2018 (NJ)

	Violation Code	Violation Description	# of Inspections	# of Violations
1	393.9	Inoperable Required Lamp	5,213	6,651
2	393.95A	No/discharged/unsecured fire extinguisher	3,381	3,398
3	396.17C	Operating a CMV without proof of a periodic inspection	2,682	2,863
4	396.3A1	Inspection, repair and maintenance of parts & accessories	2,035	2,518
5	396.5B	Oil and/or grease leak	2,040	2,194
6	393.95F	No/insufficient warning devices	1,937	1,937
7	392.7A	Driver failing to conduct pre-trip inspection	1,917	1,918
8	393.78	Windshield wipers inoperative/defective	1,544	1,551
9	393.11	No or defective lighting devices or reflective material as required	1,334	1,531
10	393.75GLOAD	Weight carried exceeds tire load limit	628	1,509

Top 10 Vehicle Violations 2018 - National

	Violation Code	Violation Description	# of Inspections	# of Violations
1	393.9	Inoperable Required Lamp	18,546	26,364
2	396.17C	Operating a CMV without proof of a periodic inspection	7,961	9,880
3	393.47E	Clamp or Roto type brake out-of-adjustment	5,436	8,141
4	393.95A	No/discharged/unsecured fire extinguisher	7,643	7,674
5	396.3A1	Inspection, repair and maintenance of parts & accessories	5,796	6,798
6	393.9TS	Inoperative turn signal	5,682	6,438
7	396.5B	Oil and/or grease leak	5,499	6,283
8	393.11	No or defective lighting devices or reflective material as required	5,175	6,238
9	393.75C	Tire - other tread depth less than 2/32 of inch measured in a major tread groove	4,531	5,910
10	393.75A3	Tire - flat and/or audible air leak	4,448	5,032

ELD Important Dates



Registration and voluntary use of ELDs begins 60 days after the ELD Rule is published (February 16, 2016)

Compliance date is 2 years after ELD Rule is published (December 18, 2017)

AOBRDs must be upgraded or replaced with ELDs within 4 years of the publication of the Final Rule (December 16, 2019) i.e., AOBDRs compliant with § 395.15 that were installed before the compliance date could be used (grandfathered) for 2 years after the compliance date

ELD Roadside Inspection

- Know what device you have: ELD vs. AOBRD
- Know how to call up previous 7 consecutive days.
- Have your instruction sheet available for the inspector.
 - ELD User's Manual
 - Instruction sheet for transferring HOS records to safety officials
 - Instruction sheet on reporting ELD malfunctions & recordkeeping procedures during ELD malfunctions
- Have 8 days worth of blank log pages.
- When did I log in?

Accidents



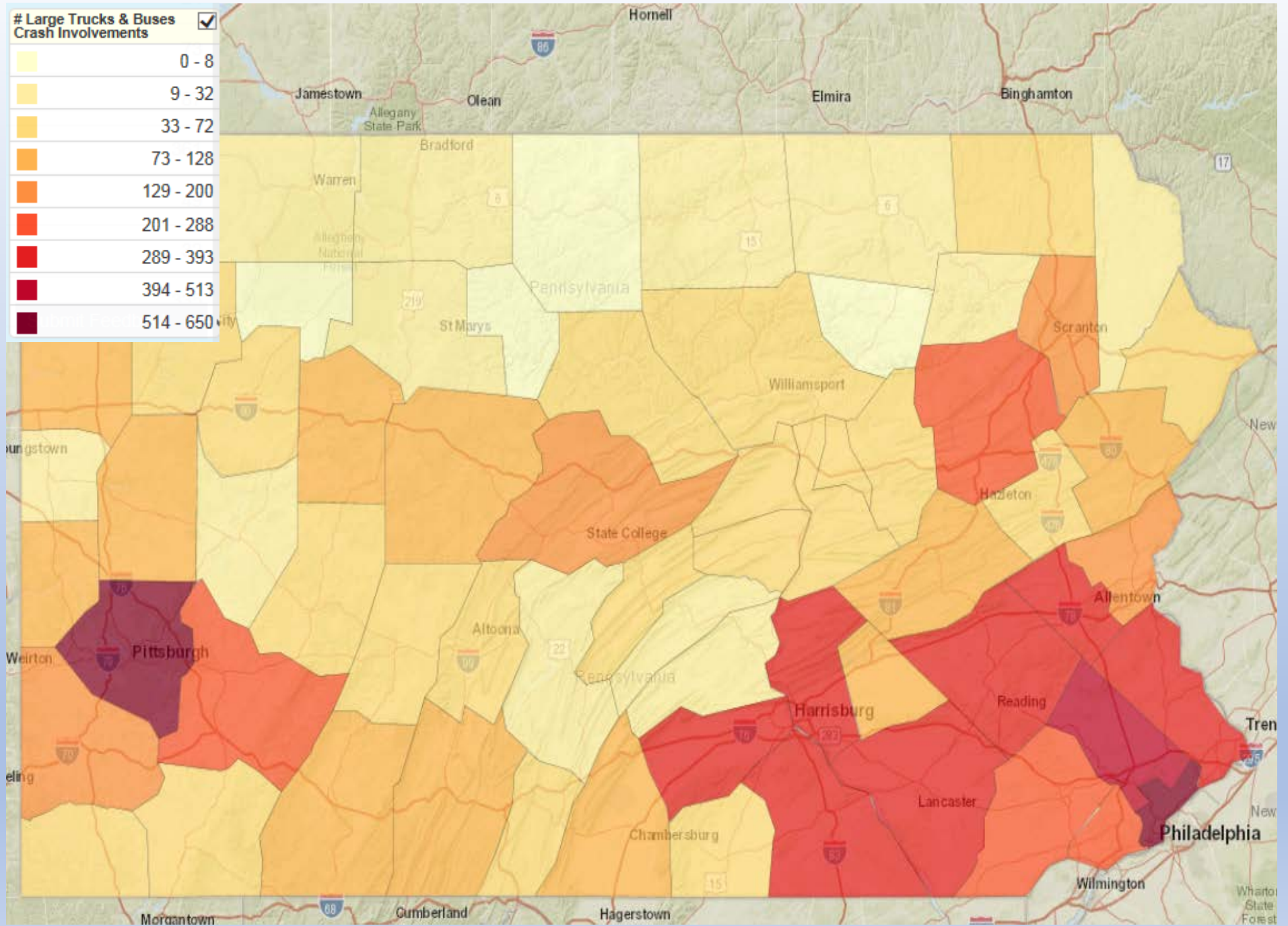
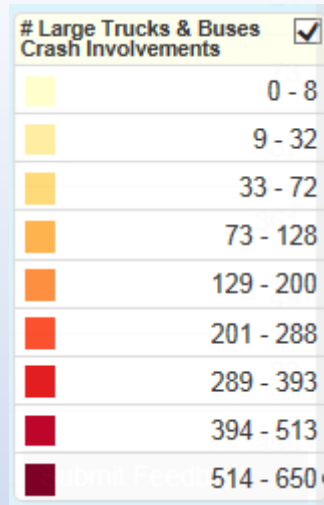
Summary statistics for Large Trucks and Buses in all domiciles based on the MCMIS data source(s) covering Calendar Year(s) 2013 - 2017 for all crash events

Time Period: CY 2013 - 2017
 Carrier Domicile: ALL
 Data Source: MCMIS

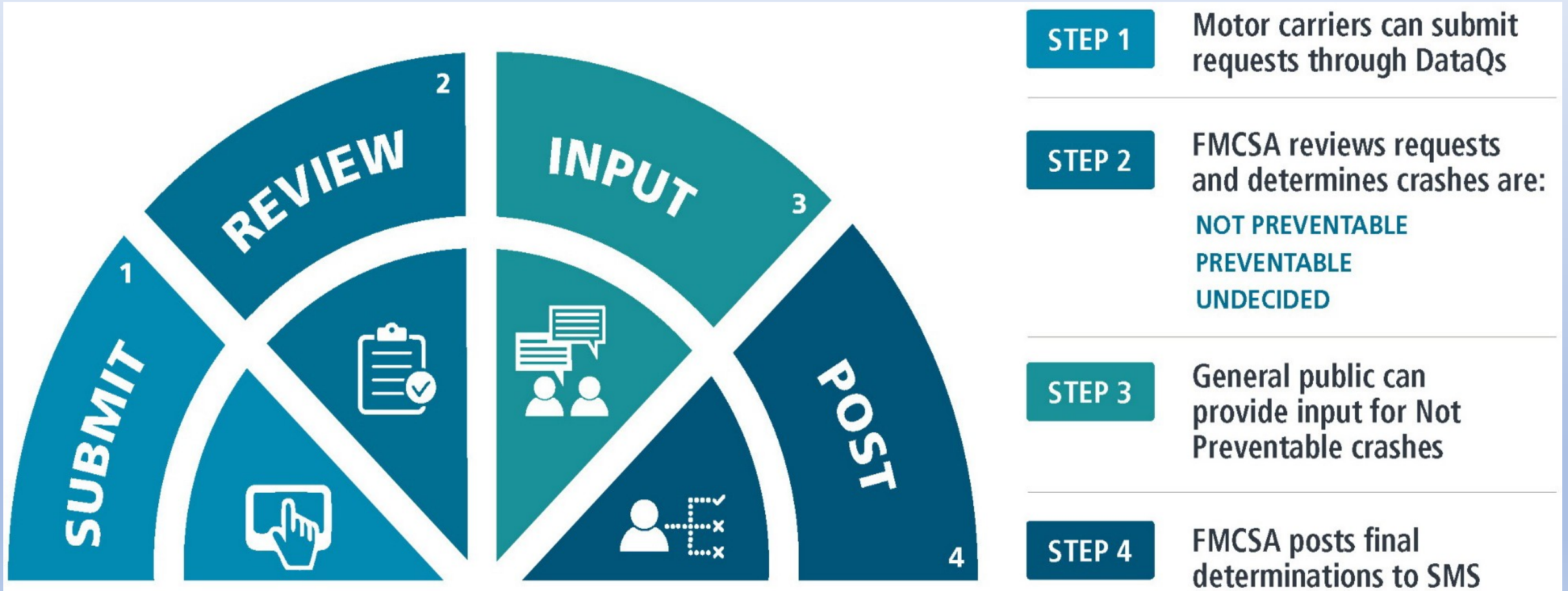
FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 04/27/2018, including crash records through 12/31/2017. The data presented are subject to update as new or additional information may be reported to MCMIS following the snapshot date.

The combined large truck and bus counts may not equal the sum of the individual truck and bus counts if some crash events involved both types of vehicles.

Pennsylvania: Summary Report					
Summary	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017
Number of vehicles involved in fatal & non-fatal crashes	4,794	7,514	7,974	7,976	8,203
# in fatal crashes	186	174	197	191	196
# in non-fatal crashes	4,608	7,340	7,777	7,785	8,007
Number of fatal & non-fatal Crashes	4,519	6,900	7,388	7,307	7,589
# of fatal crashes	156	149	156	161	164
# of non-fatal crashes	4,363	6,751	7,232	7,146	7,425
Number of Fatalities as a result of a crash	171	163	182	184	176
Number of Injuries as a result of a crash	2,974	4,057	4,166	4,082	4,049



Crash Preventability Request and Review Process



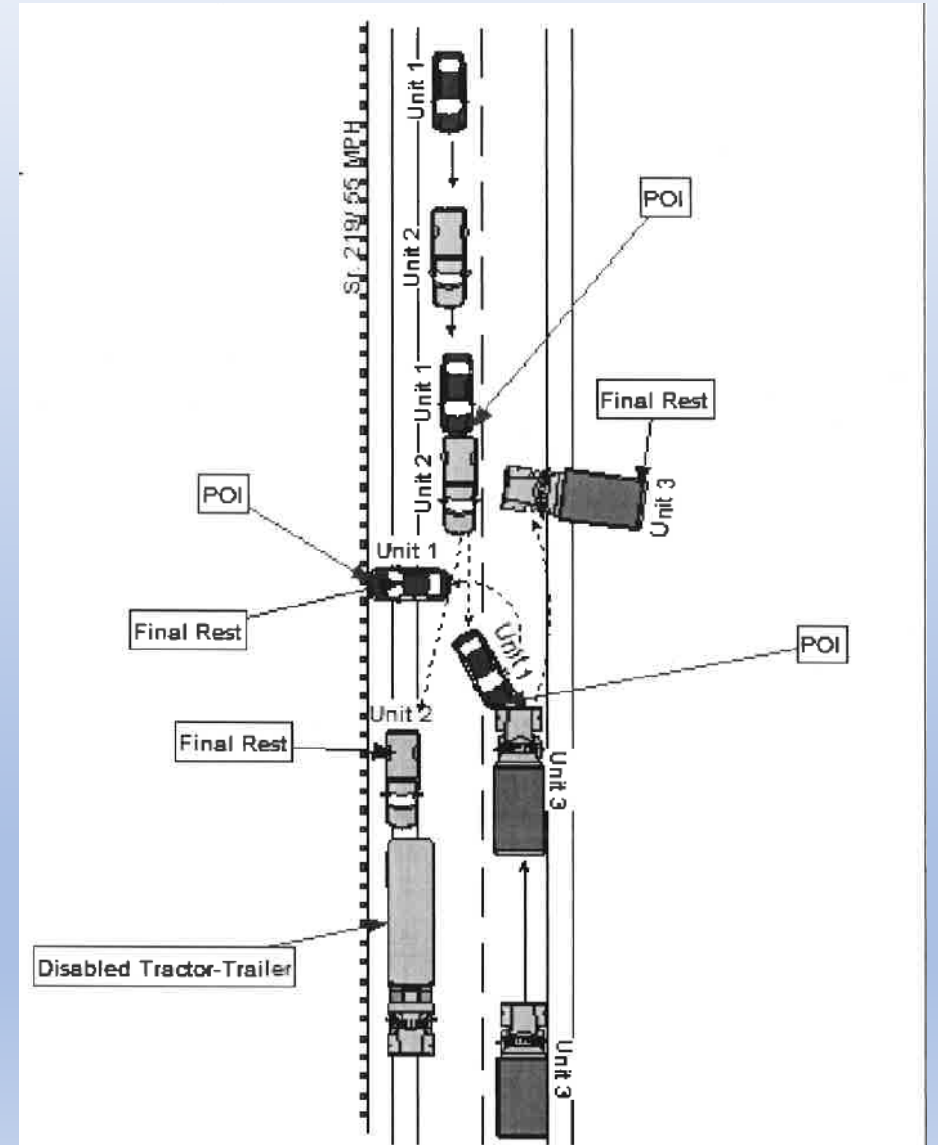
Eligible Crash Types

Crashes are eligible for participation in the program when:

- Commercial motor vehicle (CMV) was struck by a motorist who was driving under the influence (or related offense)
- CMV was struck by a motorist driving the wrong direction
- CMV was struck in the rear
- CMV was struck while it was legally stopped or parked, including when the vehicle was unattended
- CMV struck an individual committing or attempting to commit suicide by stepping or driving in front of the CMV
- CMV sustained disabling damage after striking an animal in the roadway
- Crash was the result of an infrastructure failure, falling trees, rocks, or other debris
- CMV was struck by cargo or equipment from another vehicle

Eligibility Details

- Crashes identified as “struck by a motorist driving the wrong direction” where the vehicle that struck the CMV was not operating **completely** in the **wrong lane** and in the **wrong direction** are **not eligible**.
- Eligible crashes include when the vehicle that struck the CMV **completely** crossed the median or center line and traveled into opposing traffic or was operating in the wrong direction on a divided highway.
- Crashes that occurred when the CMV was legally stopped or parked **do not include** when the CMV was **stopped in traffic**.



Eligibility Details

- Crashes where the CMV was struck in other places on the vehicle, but **not the rear**, are **not eligible**. For the purposes of this demonstration program, FMCSA is defining “struck in the rear” to mean only crashes when the rear plane of the CMV was struck.
 - Crashes where the CMV was struck on the side **near the rear** of the vehicle, or other places on the vehicle, are **not eligible**.
- For crashes that were the result of an infrastructure failure, falling trees, rocks, or other debris, **FMCSA defines debris as scattered fragments, typically of something wrecked or destroyed.**

Eligibility Details

- Crashes where the CMV struck an individual committing or attempting to commit suicide by stepping in front of the vehicle **must be submitted with documentation** of a suicide or attempted suicide.
- Crashes where the CMV was struck by a motorist who was driving under the influence **must be submitted with documentation** of alcohol test results, citation or arrest.

Requesting a Data Review

- On August 1, 2017, FMCSA began accepting **Requests for Data Review (RDRs)** through the DataQs system, for a minimum of 24 months, for crashes that occurred on or after June 1, 2017.
- RDRs must include compelling evidence that a crash is Not Preventable.
- Suggested documentation includes, but is not limited to:
 - Police accident reports;
 - Insurance claim information;
 - Videos;
 - Pictures;
 - Hearing transcripts; or
 - Affidavits.

Requests for Data Review (RDRs)

- To submit a RDR, log into DataQs at <https://dataqs.fmcsa.dot.gov>.
- Click the “Add a Request” button, and submit your request under “Crash Could Not Be Prevented.”
- Follow the prompts to search for existing crash reports or manually enter details in the request wizard.
- In order for FMCSA to review your request you must submit compelling evidence. Documentation should be enough so it's **clear the crash was Not Preventable, contain appropriate content, and support the RDR.**
- Once complete, review your submission, and submit your request.

The screenshot shows the DataQs website, a platform for submitting Requests for Data Review (RDRs). The header includes the U.S. Department of Transportation Federal Motor Carrier Safety Administration logo and navigation links for CONTACT US, FMCSA.GOV, FMCSA PORTAL, and DOT.GOV. A search bar for FMCSA sites is also present. The main content area features a large orange button labeled "Log in to get started" with fields for USERNAME and PASSWORD. Below this is a link to the "User Guide and Manual". To the right, a section titled "Request a Review of FMCSA-Issued Data Here" explains the RDR process. Further down, a "Help Center" section provides instructions, FAQs, and other materials. At the bottom, a "What can DataQs do for you?" section is illustrated with four images: a semi-truck, a person working on a laptop, a person working on a truck's engine, and a person working on a laptop.

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
DataQs

CONTACT US | FMCSA.GOV | FMCSA PORTAL | DOT.GOV

Search All FMCSA Sites Go

Home | Help Center

Log in to get started

LOG IN VIA THE FMCSA PORTAL

USERNAME
USERNAME

PASSWORD
PASSWORD

Trouble logging in? [Click here.](#)
New to DataQs? [Register now.](#)

Request a Review of FMCSA-Issued Data Here

DataQs allows you to request and track a review of Federal and State data issued by FMCSA that you feel may be incomplete or incorrect. The system automatically forwards your Request for Data Review (RDR) to the appropriate office for resolution and collects updates and responses for current Requests.

User Guide and Manual

This guide helps FMCSA and State Partners review and resolve data quality inquiries. By following the procedures and best practices in this document, Federal and State data quality practitioners help FMCSA increase data integrity and consistency.

[User Guide and Manual](#)

[What's New](#) [Data Quality](#) [User Guide and Manual](#) [SMS](#)

What can DataQs do for you?

[Help Center](#)

Instructions, FAQs, and other materials to help you navigate this website.

[User Guide & Manual](#)

A practical guide for Federal and State data quality practitioners.

Public Input

- If FMCSA reviews a crash preventability RDR and makes a preliminary determination that the crash is Not Preventable, FMCSA will post information about those crashes to DataQs for 30 days.

Crashes with Preliminary Determinations – Not Preventable							
RDR ID	Date Posted	Period Ends	Report Date	Report Number	State	U.S. DOT #	Motor Carrier Name
1944240	4/8/2018	5/8/2018	12/1/2017	TX52JBHQE1Y4	TX	34666	MELTON TRUCK LINES IN
1944470	4/8/2018	5/8/2018	2/7/2018	CA5501800875	CA	438391	J K HACKL TRANSPORTAT SERVICES INC
1944276	4/8/2018	5/8/2018	11/8/2017	CA1461711059	CA	34666	MELTON TRUCK LINES IN
1944383	4/8/2018	5/8/2018	12/8/2017	TX52QFHQF1AW	TX	2883614	Eagle River Energy
1943954	4/8/2018	5/8/2018	10/13/2017	IA1701011335	IA	87409	Annett Holdings Inc DBA
1944301	4/8/2018	5/8/2018	10/19/2017	CO2017001472	CO	34666	MELTON TRUCK LINES IN
1943736	4/8/2018	5/8/2018	3/2/2018	FL8557440508	FL	81363	THE BESL TRANSFER CO
1937765	4/7/2018	5/7/2018	12/22/2017	GA0006525664	GA	54283	SWIFT LEASING CO LLC
1939050	4/7/2018	5/7/2018	12/11/2017	SC0017669350	SC	85736	ARMELLINI EXPRESS LINE
1937814	4/7/2018	5/7/2018	2/26/2018	TN0101933223	TN	3706	NEW PRIME INC

- Anyone with relevant information to refute the preliminary determination should submit it through DataQs.
- FMCSA will review any relevant information received before making a final determination.

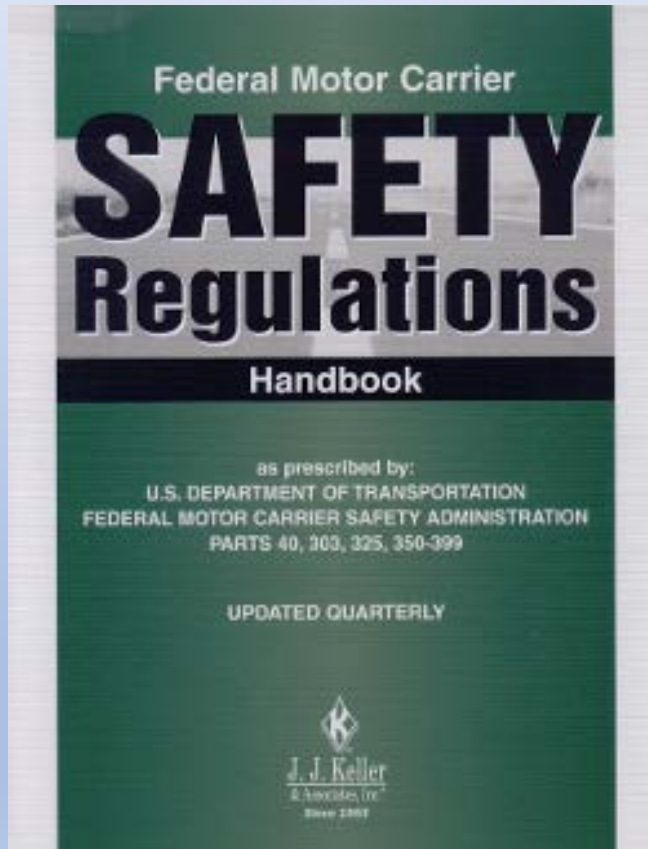
Review Process

- FMCSA will:
 - Review all qualifying crash preventability RDRs;
 - Consider all relevant evidence;
 - Determine that crashes are either Not Preventable, Preventable, or Undecided; and
 - Post final determinations to SMS within 60 days of the determination.
- Crashes reviewed as part of this demonstration program will remain in SMS with FMCSA's determinations noted.
 - Motor carriers and enforcement users logged into SMS will be able to view percentiles and measures calculated both with and without Not Preventable crashes.

Crash Review Decisions

- FMCSA will continue to list all crashes on SMS and use this data for prioritization.
- Reviewed crashes will have notes reflecting the results of the reviews.
 - **Not Preventable**
 - The notation will read, “FMCSA reviewed this crash and determined that it was not preventable.”
 - The motor carrier and enforcement views of SMS will show measures and percentiles with and without any Not Preventable crashes.
 - **Preventable**
 - The notation will read, “FMCSA reviewed this crash and determined that it was preventable.”
 - **Undecided**
 - If the documentation associated with a crash submitted does not allow for a conclusive decision, the notation will read, “FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided.”

Regulatory Updates and Changes



Personal Conveyance

Question 26: Under what circumstances may a driver operate a commercial motor vehicle (CMV) as a personal conveyance?

Guidance: A driver may record time operating a CMV for personal conveyance (i.e., for personal use or reasons) as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the carrier at that time. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, this guidance, such as banning use of a CMV for personal conveyance purposes, imposing a distance limitation on personal conveyance, or prohibiting personal conveyance while the CMV is laden.

Examples of Appropriate Uses of a CMV While Off-duty for Personal Conveyance

- Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
- Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.

Examples of Appropriate Uses of a CMV While Off-duty for Personal Conveyance

- Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) before returning to on-duty driving, and the resting location must be the first such location reasonably available.
- Moving a CMV at the request of a safety official during the driver's off-duty time
- Time spent transporting personal property while off-duty.
- Authorized use of a CMV to travel home after working at an offsite location.

Examples of Uses of a CMV that Would Not Qualify as Personal Conveyance

- The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
- After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
- Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.

FMCSA FAQ

- **May a driver, who drops his or her last load at a receiver's facility use personal conveyance to return to their normal work location (i.e. home or terminal) ?**

No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.

FMCSA FAQ

- **May a driver use personal conveyance when they run out of available (driving/on-duty) hours?**

No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.

FMCSA FAQ

- **If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?**

No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on-duty time.

Physical qualification standards for an individual with diabetes mellitus treated with insulin for control.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–2005–23151]

RIN 2126–AA95

Qualifications of Drivers; Diabetes Standard

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA revises its regulations to permit individuals with a stable insulin regimen and properly controlled insulin-treated diabetes mellitus (ITDM) to be qualified to operate commercial motor vehicles (CMVs) in interstate commerce. Previously, ITDM individuals were prohibited from driving CMVs in interstate commerce unless they obtained an exemption from FMCSA. This rule enables a certified medical examiner (ME) to grant an ITDM individual a Medical Examiner's Certificate (MEC), MCSA–5876, for up to a maximum of 12 months. To do so, the treating clinician (TC), the healthcare professional who manages, and prescribes insulin for, the treatment of the individual's diabetes, provides the Insulin-Treated Diabetes Mellitus Assessment Form (ITDM Assessment Form), MCSA–5870, to the certified ME indicating that the individual maintains a stable insulin regimen and proper control of his or her diabetes. The certified ME then determines that the individual meets FMCSA's physical qualification standards and can operate CMVs in interstate commerce.

DATES: This final rule is effective November 19, 2018, except for amendatory instruction 5.b. which is effective November 19, 2019. Comments sent to the Office of Management and Budget (OMB) on the collection of information must be received by OMB on or before November 19, 2018.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than October 19, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, by telephone at (202) 366–4001, or by email at fmcsmmedical@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: This final rule is organized as follows:

- I. Rulemaking Documents
 - A. Availability of Rulemaking Documents
 - B. Privacy Act
- II. Executive Summary
 - A. Purpose of the Amendments
 - B. Summary of Major Provisions
 - C. Benefits and Costs
- III. Abbreviations and Acronyms
- IV. Legal Basis for the Rulemaking
- V. Background
 - A. Brief History of Physical Qualification Standards for CMV Drivers With ITDM
 - B. Exemption Program
 - C. May 4, 2015, NPRM
 - D. September 9, 2016, Notice of MRB Task Report; Request for Comments
 - E. July 27, 2017, Notice of Proposed ITDM Assessment Form and Request for Comments
- VI. Discussion of Comments and Responses
 - A. Comment Overview
 - B. Qualifications of a Certified ME To Examine an ITDM Individual
 - C. Definition and Qualifications of a TC
 - D. Role and Relationship of the TC and Certified ME
 - E. TC Written Notification (ITDM Assessment Form)
 - F. Certified ME Certification and TC Evaluation Frequency
 - G. Annual Certification of Individuals With Diabetes Mellitus Not Treated With Insulin
 - H. Eye Examinations
 - I. Disqualification for Visual Impairment
 - J. HbA1C Levels
 - K. Specific Blood Glucose Limits
 - L. Severe Hypoglycemic Episodes
 - M. Hypoglycemia Unawareness
 - N. Blood Glucose Self-Monitoring
 - O. Requirement to Carry Readily-Absorbable Glucose
 - P. Diabetic Complications and Target Organ Damage
 - Q. Motor Carrier Responsibility To Enforce the ITDM Standard
 - R. ITDM Individuals Operating CMVs Transporting Passengers or Hazardous Materials
 - S. ITDM Individuals With Licenses Issued in Canada or Mexico
 - T. The Grandfather Provision for Insulin-Treated Diabetes
 - U. Safety of ITDM Individuals
 - V. Costs and Benefits of the Proposed Rule
 - W. Privacy Issues
 - X. Other Comments
 - Y. Outside the Scope
- VII. Section-by-Section Analysis
- VIII. International Impacts
- IX. Regulatory Analyses
 - A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
 - B. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
 - C. Regulatory Flexibility Act
 - D. Assistance for Small Entities
 - E. Unfunded Mandates Reform Act of 1995
 - F. Paperwork Reduction Act (Collection of Information)
 - G. E.O. 13132 (Federalism)
 - H. E.O. 12988 (Civil Justice Reform)

- I. E.O. 13045 (Protection of Children)
- J. E.O. 12630 (Taking of Private Property)
- K. Privacy Impact Assessment
- L. E.O. 12372 (Intergovernmental Review)
- M. E.O. 13211 (Energy Supply, Distribution, or Use)
- N. E.O. 13763 (Promoting Energy Independence and Economic Growth)
- O. E.O. 13175 (Indian Tribal Governments)
- P. National Technology Transfer and Advancement Act (Technical Standards)
- Q. Environment (National Environmental Policy Act of 1969 (NEPA), Clean Air Act (CAA), Environmental Justice)

I. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA–2005–23151 to read background documents and comments received, go to <http://www.regulations.gov> at any time, or to Docket Services at U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), the Department of Transportation (DOT) solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/AJJ–14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Executive Summary

A. Purpose of the Amendments

This final rule amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow individuals with stable insulin regimens and properly controlled ITDM to drive CMVs in interstate commerce if they meet the physical qualification standards in §§ 391.41, 391.45, and 391.46. The final rule eliminates the diabetes grandfather provision under § 391.64(a) 1 year after the effective date of this rule and also eliminates the need for the Federal diabetes exemption program.

B. Summary of Major Provisions

This final rule allows individuals with stable insulin regimens and properly controlled ITDM to drive CMVs in interstate commerce if they have an annual or more frequent examination by a certified ME who is listed on the National Registry of Certified Medical Examiners (National Registry), are found physically qualified to operate a CMV, and are issued an

Diabetes Rule

- Effective November 19, 2018
- This rule enables a certified medical examiner to grant an insulin treated diabetic driver a Medical Examiner's Certificate, for up to a maximum of 12 months.
- Requires the healthcare professional who manages, and prescribes insulin for, the treatment of the individual's diabetes, to complete and provide the Insulin-Treated Diabetes Mellitus Assessment Form MCSA-5870, to the certified ME indicating that the individual maintains a stable insulin regimen and proper control of his or her diabetes.

Diabetes Rule

- Must provide 3 months of blood glucose monitoring records.
- Must maintain blood glucose records measured with an electronic glucometer that stores all readings, that records the date and time of readings, and from which data can be electronically downloaded. A printout of the electronic blood glucose records or the glucometer must be provided to the treating clinician at the time of any of the evaluation.

Diabetes Rule

- An individual with diabetes mellitus treated with insulin for control who experiences a severe hypoglycemic episode after being certified as physically qualified to operate a commercial motor vehicle is prohibited from operating a commercial motor vehicle, and must report such occurrence to and be evaluated by a treating clinician as soon as is reasonably practicable.
- A severe hypoglycemic episode is one that requires the assistance of others, or results in loss of consciousness, seizure, or coma. The prohibition on operating a commercial motor vehicle continues until a treating clinician has determined that the cause of the severe hypoglycemic episode has been addressed.

**Minimum Training
Requirements for Entry-Level
Commercial Motor Vehicle
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December 2016 Final Rule

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When will the new requirements be implemented?

- The ELDT rule will be implemented on February 7, 2020.
- Individuals who obtain a CLP on or after February 7, 2020, would have to satisfy the applicable requirements.
- Individuals who obtain a CLP before February 7, 2020 are not required to comply with the new ELDT rule as long as they obtain the CDL or endorsement before the CLP (or renewed CLP) expires.

What Does the Rule Require?

The final rule establishes new training standards for individuals applying for:

- A Class A or B commercial driver's license (CDL) for the first time;
- An upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or,*
- A hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time.

The rule does not cover individuals for whom States have waived the CDL skills test under 49 CFR 383.

What are CDL Applicants Required to Do?

- CDL applicants subject to the rule must complete a prescribed program of instruction presented by an entity listed on FMCSA's Training Provider Registry (TPR), prior to taking the State-administered CDL skills test, or for the H endorsement, prior to taking the knowledge test.
- TPR will include all entities (including public and private CDL training programs, fleet-operated CDL training programs, etc.) that register with FMCSA and self-certify they meet the requirements for providing CDL training (minimum criteria for CDL instructors, facilities, curriculum, etc.).

What types of training will CDL applicants receive?

- The Class A and B CDL and endorsement curricula generally are subdivided into theory (knowledge) and behind-the-wheel (BTW) (range and public road) segments.
- There is no minimum number of hours that driver-trainees must spend on the theory portions of any of the individual curricula.
- The training provider must provide instruction in all elements of the applicable theory curriculum and driver- trainees must receive an overall score of at least 80 percent on the theory assessment (written or electronic).

What types of training will CDL applicants receive?

- The BTW curricula for the Class A and Class B CDL, comprised of range and public road segments, include discrete maneuvers which each driver-trainee must proficiently demonstrate to the satisfaction of the training instructor.
- There is no minimum number of hours that driver-trainees must spend on the BTW elements of the Class A, Class B, or P or S endorsement curricula.
- The training provider must not issue the certification information unless the driver-trainee demonstrates proficiency in performing all required BTW skills.

What happens when the CDL applicants complete the training?

- Training providers must transmit electronically the training certification information for each student to FMCSA via the TPR when the student completes the course.
- FMCSA will transmit electronically the training certification information to the State Driver Licensing Agency (SDLA) as proof the CDL applicant has completed the training prior to taking the State-administered CDL skills test, or for the H endorsement, prior to taking the knowledge test.
- The SDLAs must modify their IT systems to receive the certification information from FMCSA and to post that information on the applicant's CDLIS driver record.

Drug & Alcohol Clearinghouse Rule

- Effective Date: January 4, 2017
- Compliance Date: January 6, 2020
- The Drug & Alcohol Clearinghouse will be a database containing CDL drivers' drug and alcohol program violations.
- It will also contain information about whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Clearinghouse requirements fall into two major categories:
 - Reporting and
 - Querying

Reporting

- Employers, consortia/third party administrators (C/TPAs) and/ or medical review officers (MROs) will be required to report drug and alcohol testing program violations to the Clearinghouse.
- SAPs will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Each time information is added to, modified or removed from the Clearinghouse, FMCSA will notify the affected driver.
 - To receive electronic notification, drivers will have to register with the Clearinghouse

Querying

- Employers will be required to query the Clearinghouse for covered drivers for two purposes:
 - Pre-employment screening
 - Annual verification
- Pre-employment
 - Purpose: to ensure that the prospective employee is eligible to drive.
 - Query-type: full queries would be conducted which means that FMCSA must verify specific driver consent prior to releasing information.
- Annual Queries
 - Purpose: to ensure that a driver did not violate the drug and alcohol program with another employer.
 - Query-type: limited queries to determine whether any data exists for a driver would be allowed and will only require general driver consent, subject to FMCSA audit.

Querying

- A limited query only identifies whether information about the driver exists in the Clearinghouse and will not result in release of any driver information.
- If the limited query shows a driver record in the Clearinghouse, the employer would be required to run a full query, triggering FMCSA verification of specific driver consent before releasing information.
- Drivers refusing consent will not be able to perform safety sensitive functions such as driving a commercial motor vehicle.
- Information regarding the driver will be accessible to employers for a minimum of 5 years. If the driver does not satisfy the mandatory return to duty requirements, the information will remain accessible to employers indefinitely.

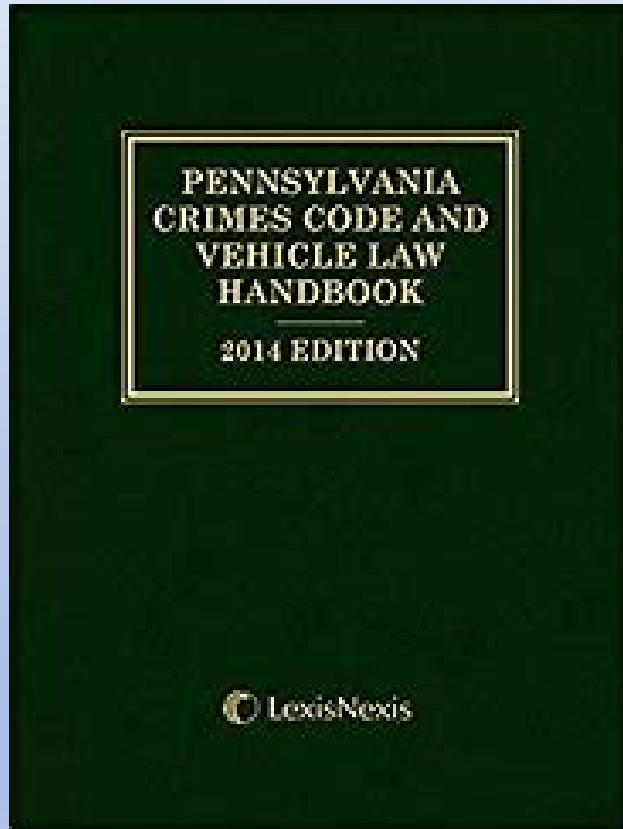
Querying

- State driver licensing agencies will also be required to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her CDL.
- The National Transportation Safety Board (NTSB) will be able to access Clearinghouse information for drivers involved in a crash under investigation by the NTSB.

Fees

- There will be no fees for a driver to access their own record in the Clearinghouse.
- Motor Carriers will pay a fee to query the Clearinghouse. The fee amount has not yet been determined, but will include options for subscription and batch use.

Pennsylvania Vehicle Code Changes



Act 31 of 2018

- Makes 102” wide the general rule regarding width of combination vehicles.
- Effective December 9, 2018
- PennDot and Municipalities that want to restrict roadways under their jurisdiction must post signage.
- Establishes a system to grant local delivery exceptions.
- Twin trailers still subject to access approval system.



Act 117 of 2018 - Platooning

- Before a platoon may operate, the company or organization must file a plan for general platoon operations with PennDOT.
- Restrictions: A maximum of 3 vehicles, a driver in each vehicle, only applies to limited access highways or Interstates, and vehicle movement may be restricted for operational or safety reasons.
- Authorizes highly automated work zone vehicles and establishes the Highly Automated Vehicle Advisory Committee.
- Effective Date: April 22, 2019



Act 153 of 2018 – CMV Drug and Alcohol Testing

- **§ 3756. Accidents involving certain vehicles. (a) Testing requirement.**--A police officer investigating an accident involving a motor carrier vehicle, bus, school bus or a vehicle transporting hazardous materials required to be placarded by department regulations and required to be investigated under this subchapter shall request that the driver of the vehicle submit to testing for alcohol and controlled substances. Costs for testing under this section shall be borne by the driver's employer.
- **(b) Penalty.**--A driver who refuses to submit to alcohol or controlled substances testing under this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$200.
- **Repealed Effective - October 24, 2018**



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