

Washington Metropolitan Area Construction Safety Association Meeting

November 10, 2021



U.S. Department of Transportation

Federal Motor Carrier Safety Administration



Who Are We?

- Federal Motor Carrier Safety Administration is the lead federal government agency responsible for regulating and providing safety oversight of commercial motor vehicles.
- The primary mission of FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. We accomplish that mission by:
 - Develops and enforces data-driven regulations that balance motor carrier (truck and bus companies) safety with efficiency;
 - Harnesses safety information systems to focus on higher risk carriers in enforcing the safety regulations;
 - Targets educational messages to carriers, commercial drivers, and the public; and
 - Partners with stakeholders including Federal, State, and local enforcement agencies, the motor carrier industry, safety groups, and organized labor on efforts to reduce bus and truck-related crashes.

General Applicability



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Who is Subject to the Federal Motor Carrier Safety Regulations?

- [49 CFR Part 390 – General Applicability](#)
 - All employers, employees, and **COMMERCIAL MOTOR VEHICLE** that transport property or passengers in **INTERSTATE** commerce.
 - This applies to Parts 390-399 of the FMCSRs.

Commercial Motor Vehicle

- Any self propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –
 - Has a GVWR, GCWR, GVW or GCW of 10,001 lbs. or more (whichever is greater);
 - Is designed or used to transport more than 8 passengers (including the driver) for compensation;
 - Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, Chapter I subchapter C.

Interstate Commerce

- Trade, traffic, or transportation in the United States –
 - Between a place in a State and a place outside of such State (including a place outside of the United States);
 - Between two places in a State through another State or place outside of the United States; or
 - Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Exceptions to Parts 390-399

- School Bus Operations
- Transportation by Federal, State, or Local Government
- Transportation of Personal Property not for compensation
- Transportation of human corpses or sick and injured persons
- Operation of fire trucks and rescue vehicles involved in emergency
- Passenger Vehicles between 9 and 15 passengers not for direct compensation provided it does not meet any other definition of a CMV.
- CMV used primarily in the transportation of propane winter heating fuel or driver used to respond to pipeline emergency.

Who is Subject to the Federal Motor Carrier Safety Regulations?

- [49 CFR 383.3 – Applicability](#)
 - The rules in this part apply to every person who operates a commercial motor vehicle (CMV) in **interstate, foreign, or intrastate** commerce, to all employers of such persons, and to all States.
 - This applies to Parts 382 and 383.

Commercial Motor Vehicle

Different from 390 Definition of Commercial Motor Vehicle!

- Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a –
 - Combination Vehicle (Group A) – having a GCWR or GCW of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a GVWR or GVW of more than 10,000 lbs.
 - Heavy Straight Vehicle (Group B) – having a GVWR or GVW of 26,001 lbs. or more, whichever is greater; or
 - Small Vehicle (Group C) – does not meet Group A or B requirements that either is designed to transport 16 or more passengers, including the driver; or is of any size and is used in the transportation of hazardous materials as defined in this section.

Exceptions to Parts 382 and 383

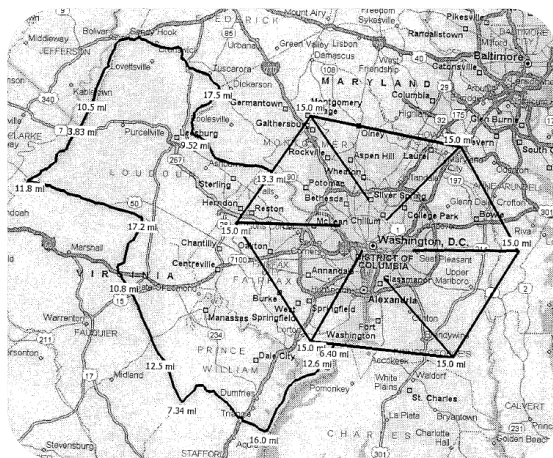
- Certain Military Drivers
- Farmers, Firefighters, Emergency Response Vehicle Drivers, and Drivers Removing Snow and Ice;
- Restricted CDL for certain drivers in the State of Alaska;
- Restricted CDL for certain drivers in Farm-Related Service Industries;
- Restricted CDL for certain drivers in the Pyrotechnic Industry;
- Covered Farm Vehicles; or
- HM Endorsement for certain drivers transporting diesel.

Washington DC Commercial Zone



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Washington DC Commercial Zone



Operation Type

- Private
 - All Property Transported is owned by Company
- For-Hire
 - Compensated only for Transportation
 - [Operating Authority](#)
 - BMC-91X – Insurance Filing
 - BOC-3 – Designation of Process Agent
- Exempt For-Hire
 - Operating entirely within a Commercial Zone
 - Hauling Exempt Commodities (U.S. Code and [Administrative Ruling No. 119](#))

Drug and Alcohol Testing



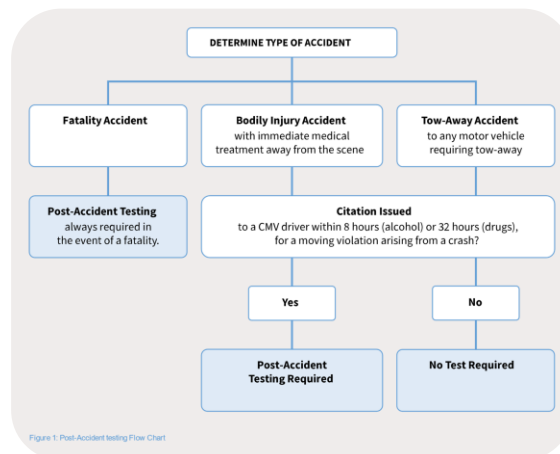
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Required Tests

Remember Drug and Alcohol Testing is only required for Drivers who Operate CDL Vehicles

- 49 CFR 382.301 – Pre-Employment Test
- 49 CFR 382.303 – Post-Accident Testing
- 49 CFR 382.305 – Random Testing
- 49 CFR 382.307 – Reasonable Suspicion Testing
- 49 CFR 382.309 – [Return-to-Duty Testing](#)
- 49 CFR 382.311 – [Follow-up Testing](#)

Post Accident Testing Chart



Drug and Alcohol Clearinghouse

- [Your Responsibilities](#)
 - Pre-Employment Query vs. Annual Query
 - [Limited Queries](#)
 - [Full Queries](#)
 - Employer Notification
 - Reporting to the Clearinghouse
 - [Clearinghouse Registration](#)
 - [Fees](#)

Hours of Service



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Hours of Service Rules for Property Carriers

- 11 Hour Rule – Driving Time
- 14 Hour Rule – On Duty Time
- 60/70 Hour Rule – Maximum Driving Time in 7 or 8 Days
- 34-Hour Restart
- 24-Hour Restart – Construction Materials and Equipment
- Record Keeping Requirements – 6 months

Electronic Logging Devices (ELD)

- As of December 16, 2019, all motor carriers subject to this part must require their drivers to record their record of duty status using an ELD.
- Exceptions to ELD Rule:
 - Short-Haul Exception
 - Driveaway-Towaway Operations where vehicle being driven is part of the shipment
 - Driveaway-Towaway Operation of Motorhome or Recreational Vehicle Trailer
 - Vehicle w/ Engine Model Year Older than 2000

Short Haul Exception

You must meet all requirements to qualify for Short

- Requirements
 - 150 air-miles of work reporting location (172.6 statute miles)
 - Released from work within 14 consecutive hours
 - Returns to same location they started day
 - 10 consecutive hours off duty between 14-hour periods.
- What Records Need to Be Kept?
 - Start Time
 - End Time
 - Total Hours on Duty
 - Total Time for 7 Preceding Days

Vehicle Maintenance



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Pre/Post Trip Inspections

Post Trip Inspection is only required to be documented if a defect is identified during the driver's day

Driver's Vehicle Inspection Report

Check ANY Defective Item and Give Details under "Remarks."

DATE: _____

TRUCK/TRACTOR NO. _____

☐ Air Compressor	☐ Horn	☐ Springs
☐ Air Lines	☐ Lights	☐ Starter
☐ Battery	☐ Head – Stop	☐ Steering
☐ Brake Accessories	☐ Tail – Dash	☐ Tachograph
☐ Brakes	☐ Turn Indicators	☐ Tires
☐ Carburetor	☐ Mirrors	☐ Transmission
☐ Clutch	☐ Muffler	☐ Wheels
☐ Defroster	☐ Oil Pressure	☐ Windows
☐ Drive Line	☐ On-Board Recorder	☐ Windshield Wipers
☐ Engine	☐ Radiator	☐ Other _____
☐ Fifth Wheel	☐ Rear End	
☐ Front Axle	☐ Reflectors	
☐ Fuel Tanks	☐ Safety Equipment	
☐ Heater	☐ Fire Extinguisher	
	☐ Flags – Flares – Fuses	
	☐ Spare Bulbs & Fuses	
	☐ Spare Seal Beam	

TRAILER(S) NO (S) _____

☐ Brake Connections	☐ Hitch	☐ Tarpaulin
☐ Brakes	☐ Landing Gear	☐ Tires
☐ Coupling Chains	☐ Lights – All	☐ Wheels
☐ Coupling (King) Pin	☐ Roof	☐ Other _____
☐ Doors	☐ Springs	

Remarks: _____

Federal vs. State Inspection

- 49 CFR 396.17(a) – Every CMV must be inspected as required by this section in accordance with Appendix G.
- 49 CFR 396.23 – if a CMV is subject to a mandatory inspection program determined to by the Administrator to be as effective as 396.17, the motor carrier must meet the requirement through that program.
- [States with Equivalent Inspection Programs](#)

Vehicle Maintenance Recordkeeping Requirements

- Maintenance Files – 1 Year or 6 months after vehicle is no longer under your control
- Driver Vehicle Inspection Reports (DVIR) – 90 days
- Annual Inspections – 14 Months
- Driver Vehicle Examination Reports – 12 months

Text

- Text

Resources



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Thank You!



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