

FMCSA Regulatory Update

Committee on Truck and Bus Safety
October 31, 2011



Electronic On-Board Recorders Rulemaking 1

Brief History of AOBRD and EOBR Rulemakings

September 2004: ANPRM: EOBRs

January 2007: NPRM: EOBR 1

April 2010: Final Rule: EOBR 1

September 2010: Technical Amendment, EOBR 1

February 2011: NPRM: EOBR 2

August 2011: EOBR 1 Final Rule vacated

Ongoing: MCSAC EOBR Subcommittee activity



EOBR 1 Final Rule

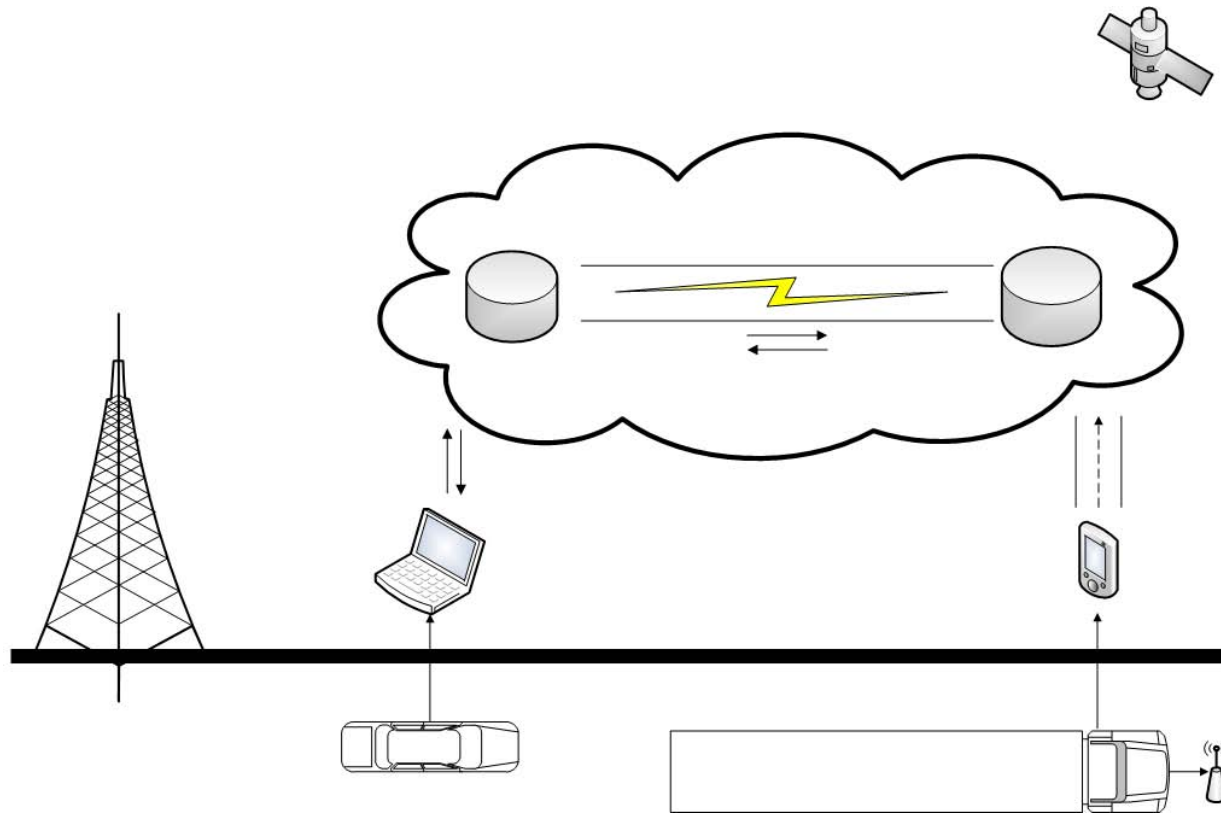
- ▶ Published on April 5, 2010
 - New performance-oriented technology standard
 - Incentives to promote voluntary use
 - Mandatory only for carriers found non-compliant with HOS
- ▶ Technical amendment published on September 13, 2010
 - Operating temperature range
 - USB connector type
- ▶ *And many technical questions on implementation ...*

May 31, 2011 Public Meeting

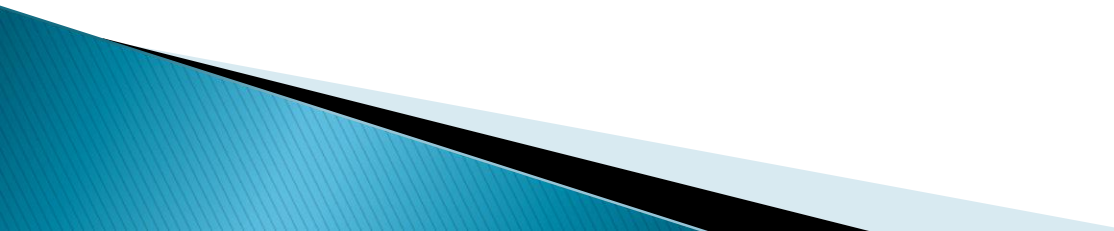
- ▶ Focus on EOBR implementation
 - Industry experts
 - Federal and State enforcement officials
 - Other interested parties

- ▶ Issues
 - “Lower-tier” technical questions
 - ***Communications hardware/functionality***
 - ***wireless transfer of data to enforcement officials***
 - ***data transmission security***

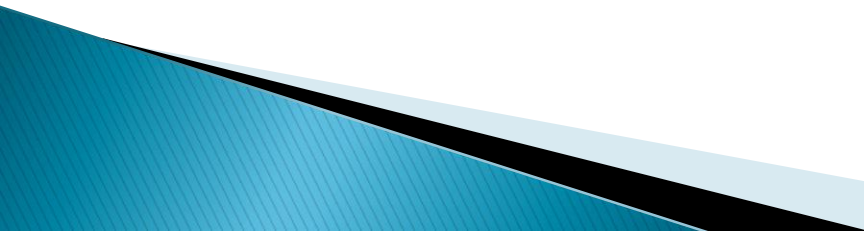
Wireless Web-Based Communications Structure



MCSAC Subcommittee

- ▶ Request: Consider ideas and concepts that EOBR manufacturers could use to achieve compliance with the Agency's communications standards for the transmittal of data files from EOBRs to enforcement officials.
 - ▶ Who: Several MCSAC members, plus invited subject matter experts.
 - ▶ Public meetings: July 11-12, August 1-2, October 24-27, 2011.
 - ▶ Next MCSAC meeting: December 2011.
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Subjects Under Consideration

- ▶ External wireless networks and secure connections:
 - How can EOBRs locate, identify, handshake?
 - ▶ Data transmission:
 - How to establish a secure and reliable communications protocol?
 - ▶ Methodologies and interfaces:
 - What support secure and reliable HOS data transmission? Consider TAS, USB, 802.11.
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EOBR 1: Next steps

- ▶ FMCSA to publish *Federal Register* notice to rescind the April 2010 final rule.
- ▶ MCSAC will report to the Administrator in December 2011.
 - See MCSAC website
<http://mcsac.fmcsa.dot.gov/meeting.htm>
- ▶ FMCSA will continue to address technical and legal issues.

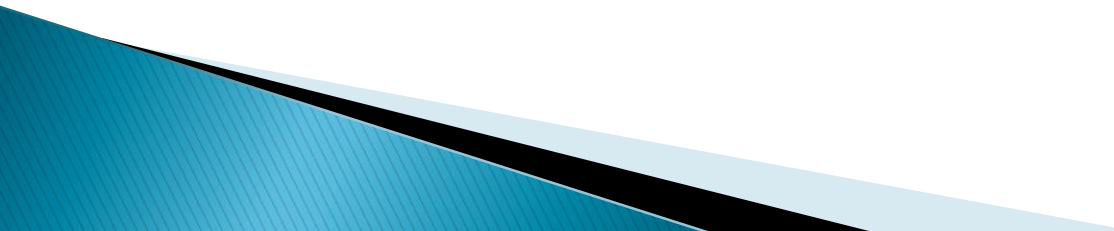
Electronic On-Board Recorders 2:

Notice of Proposed Rulemaking

Who would be affected, and how?

- ▶ Drivers currently using records of duty status (RODS):
 - Must use EOBRs;
 - Would not have to maintain and retain certain categories of HOS Supporting Documents.
- ▶ All motor carriers (RODS users and timecard users):
 - Must maintain an HOS management system
- ▶ Lead time: 3 years after publication of final rule.

Notable Differences between April 2010 Rule and this NPRM

- ▶ **Scope:** Would cover significantly more motor carriers and drivers.
 - ▶ **EOBR costs:** Slight increase (more conservative estimate).
 - ▶ **HOS non-compliance estimates:** Updated; higher net benefits of EOBR use.
 - ▶ **EOBR effectiveness:** Adds empirical data.
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Alternatives Discussed

- ▶ **Option 1: EOBRs for all drivers required to use RODS.**
- ▶ **Option 2:** Option 1, plus drivers of all passenger-carrying CMVs subject to the FMCSRs, and all bulk HM shipments
- ▶ **Option 3:** All CMV operations subject to the HOS regulations
- ▶ All options used current HOS rule as the baseline, also estimated based on 2 potential sets of revisions
- ▶ *In all cases, estimated benefits (safety and paperwork savings) are greater than estimated costs (EOBRs and HOS compliance)*

Regulated Entities

| | Long Haul : RODS | Universal [FMCSRs] | All RODS users: LH and SH |
|------------------------|-----------------------------|-------------------------------|--------------------------------------|
| Power Units | 1,472,000 | 3,637,000 | 3,096,000 |
| Drivers | 1,619,000 | 4,000,000 | 3,406,000 |
| Carriers | 206,000 | 504,000 | 475,000 |

Supporting Documents

Legal Authority: HMTAA Sec. 113

- ▶ Supporting document: any document that is generated or received by a motor carrier or commercial motor vehicle driver in the normal course of business that could be used, **as produced or with additional identifying information**, to **verify** the accuracy of a driver's RODS
- ▶ Must specify **number, type, frequency**
- ▶ May be electronic or printed
- ▶ Must contain identification items
- ▶ Must be retained at least 6 months
- ▶ Must provide for self-compliance systems (Part 381 Exemptions)

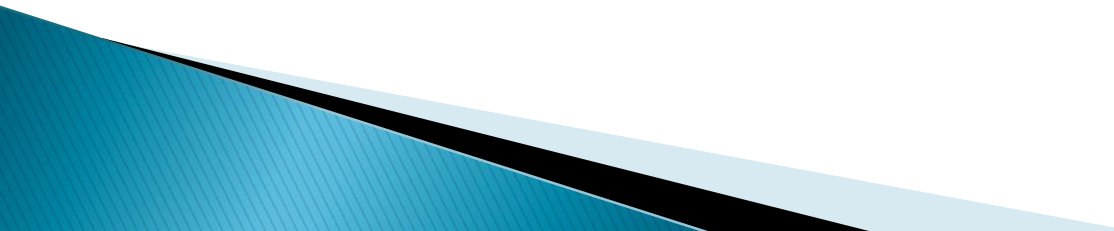
Supporting Documents

- ▶ Under current regulations, drivers are required to retain HOS Supporting Documents for on-duty driving periods as well as for non-driving periods.
- ▶ The proposal would:
 - Require drivers using RODS to retain HOS Supporting Documents for *only* non-driving periods;
 - Require all motor carriers to maintain an HOS management system
 - Clarify existing regulations and Agency guidance.
 - *Builds upon June 2010 Policy on Retention of Supporting Documents and use of EMC/T Technology for HOS*

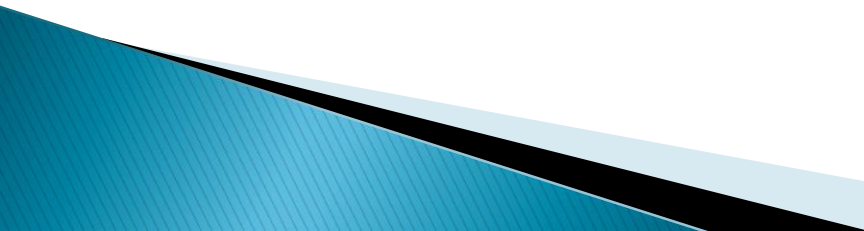
Management System of Controls

- ▶ The systems, policies, programs, practices, and procedures
 - ▶ Used to *systematically and effectively monitor* HOS compliance
 - ▶ and *verify the accuracy* of the information in drivers' RODS.

 - ▶ Specific implementation of § 390.11, motor carrier duty to require drivers' observance ...

 - ▶ Similar to other current driver and vehicle regulations
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Schedule and Related Legislation

- ▶ **Schedule – to be determined**
 - ▶ **Docket Number FMCSA-2010-0167**
 - ▶ **Related legislation and draft legislation:**
 - S. 695 Commercial Driver Compliance Improvement Act
 - H.R. 873 Motorcoach Enhanced Safety Act
 - S. 453 Motorcoach Enhanced Safety Act
 - H.R. 1390 Bus Uniform Standards and Enhanced Safety Act
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Rulemaking Process - Websites

- ▶ FMCSA's website: <http://www.fmcsa.dot.gov>
- ▶ USDOT General Counsel – Significant Rulemakings <http://regs.dot.gov>
- ▶ Federal e-Rulemaking Portal: <http://www.regulations.gov>
- ▶ Federal Register 2.0 Prototype <http://www.federalregister.gov>

CSA: Where we are now

- ▶ First anniversary of publicly-available CSA data (except Crash BASIC)
- ▶ Cargo BASIC being refined
- ▶ Crash Indicator to be addressed
- ▶ **“Safety Fitness Methodology” NPRM under development**
 -
- ▶ Keep up to date at <http://csa.fmcsa.dot.gov>

New Studies and Analyses

- ▶ UMTRI study of CSA Op Model Test
 - SMS identifies unsafe carriers much better SafeStat
 - Interventions would “touch” about 6.3% of carriers
 - Go to http://csa.fmcsa.dot.gov/Whats_new.aspx -- click on “September” tab to view full report
- ▶ CSA warning letter intervention:
 - A year after receiving a warning letter, 83% of the test carriers had resolved identified safety problems.

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Questions?

Thank you!

