



Here's What You May Have Missed In Washington

BY FREDRIC MARCINAK AND
MEGAN M. EARLY-SOPPA

1. FMCSA Issues Notice of Proposed Rulemaking Concerning Drug and Alcohol "Push" Notifications

The Federal Motor Carrier Safety Administration (FMCSA) published a notice of proposed rulemaking (NPRM) on April 28, 2020 seeking to prohibit State Driver's Licensing Agencies (SDLAs) from issuing, renewing, upgrading, or transferring a commercial driver's license (CDL) or commercial learner's permit (CLP) for individuals prohibited from driving a commercial motor vehicle due to drug and alcohol program violations identified by the FMCSA's Clearinghouse.

The NPRM seeks to establish how, and when, SDLAs would access and use driver-specific information from the Clearinghouse to ensure that drivers who violate drug and alcohol rules stay off the road until they complete the DOT return-to-duty process set forth at 49 CFR Part 40, Subpart O. This rule change is intended to deal with the current information gap that exists where a driver can continue to hold a valid CDL while being prohibited from operating a CMV due to a drug or alcohol rule violation.

The most significant rule change proposed by the FMCSA would permit, but not require, SDLAs to receive "push" notifications from the Clearinghouse when a driver is prohibited from driving due to a drug or alcohol violation. The SDLA would also be notified when the driver has completed the return-to-duty process and is able to resume operating a commercial motor vehicle. This option provides States with maximum flexibility to determine how to use Clearinghouse information to enhance enforcement of the driving prohibition.

Following the publication of the NPRM, the FMCSA will accept public comment on the rule changes for 60 days. To leave a comment, you can visit [regulations.gov](https://www.regulations.gov) and reference Docket Number FMCSA-2017-0330.

2. FMCSA Release Hours of Service Final Rule – Four Key Changes

On May 14, 2020, the FMCSA published the Hours of Service Final Rule. It has been over 2 years since the FMCSA first announced it would be updating the Hours of Service Rules.

The Final Rule features four key changes to existing Hours of Service requirements.

- The Agency will increase safety and flexibility for the 30-minute break rule by requiring a break after 8 hours of consecutive



driving and allowing the break to be satisfied by a driver using on-duty, not-driving status, rather than off-duty status.

- The Agency will modify the sleeper-berth exception to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, or a 7/3 split—with neither period counting against the driver's 14-hour driving window.
- The Agency will modify the adverse driving conditions exception by extending by two hours the maximum window during which driving is permitted.
- The Agency will change the short-haul exception available to certain commercial drivers by lengthening the driver's maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

The new Hours of Service Rules will be implemented 120 days after the Final Rule is published in the Federal Register.

FMCSA estimates that the modernized HOS rules will provide nearly \$274 million in annualized cost savings for the economy and American consumers. Transportation officials noted that these cost savings will be especially important considering the coronavirus pandemic's significant impact on the economy.

What does this mean for you? With key changes like these days away from going into effect, now is the time to start planning how your company will roll this out to your drivers. Safety meetings? Qualcomm alerts? It is important to consider all options and get creative to ensure compliance. It may also be necessary for you to revise your policy manuals and documents in orientation.

3. FMCSA to Make PINs Easier

The great news for those of us who have to write to the FMCSA every few years requesting a new PIN, the FMCSA announced that it is consolidating PIN's for USDOT, MC, and MX numbers into one USDOT PIN. It is the little things that make life easier! While the FMCSA would provide a USDOT PIN by email, it would only provide a MC PIN by regular, "snail" mail. This new change should make things easier for us all by requiring one less PIN to keep track of and allow easier replacement of the PIN when it is lost or forgotten. Also, this represents another step toward the Agency's announced desire to eliminate MC numbers and keep track of carriers by only the USDOT number. Thanks to the government for getting this one right!