

2017 PUCO Transportation Regulatory Updates

3/09/17
Forbes

4901:2-5-03 Adoption and applicability of USDOT safety standards

(A) The Commission hereby adopts the provisions of the regulations of the US DOT contained in 49 CFR 40, 367, 380, 382, 383, 385, 386, 387, and 390 to 397, as effective on the date reference in paragraph (C) of rule 4901:2-5-02 of the OAC (11/9/16), unless specifically excluded or modified by a rule of the Commission, and those portions of the regulations contained in 49 CFR 107, subparts f and g, and 171 to 180 as effective on the date reference in paragraph (C) of rule 4901:2-5-02 of the OAC (11/9/16) as applicable to the transportation or offering for transportation of hazardous materials by motor vehicle. A violation by any person subject to these regulations shall constitute a violation of the Commission's rules.

4901:2-5-03 Adoption and applicability of USDOT safety standards

(B) All **motor carriers** operating in intrastate commerce shall conduct their operations in accordance with the provision of this chapter and the regulations adopted pursuant to paragraph (A) of this rule.

(C) All **motor carriers** engaged in interstate commerce in Ohio shall operate in conformity with all regulations of the USDOT which have been adopted by the Commission pursuant to paragraph (A) of this rule.

Safety Rules

- Adopted after May 14, 2014 and before November 9, 2016.
- Now enforceable by PUCO Staff after November 9, 2016.

Daily Vehicle Inspection Report (DVIR)

49 CFR 396.11(b)(2):

- A written report is not required if defects are not discovered or reported to the driver. (Except Passenger Carriers)

New Medical Forms

- 391.43(f)
- The Medical Examination Report Form, MCSA-5875, the long medical exam form.
- The Medical Examiner’s Certificate, MCSA-5876, known as the “wallet card” provided to drivers who are medically certified.

Medical Cert Cont.

- A third new form, the CMV Driver Medical Examination Results Form (MCSA-5850), is an online-only form that examiners complete through the National Registry website to report exam results to the FMCSA. There is no need for motor carriers to have paper copies of this form.

Medical Cert Cont.

- The new forms may be identified by their "MCSA" number in the top left corner of the form. Prior versions of the forms did not contain an MCSA number.
- New forms required beginning **April 20, 2016**.
- Either form allowed until existing stock depleted.

Lease/Interchange of Passenger Vehicles

- Motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to §§ 390.301, 390.303, and 390.305 of this subpart on January 1, 2018

URS – New USDOT #s

- Phase I implemented 12/12/15
- All first-time applicants for a USDOT number must file on-line
- **Date Indefinite Suspended**, for existing registrants seeking to add a registration or update registration(s) must use the URS.

URS Cont.

- The USDOT # will become the sole identifier, and MC, FF, MX, or any other #s previously assigned by FMCSA will no longer be issued.
- All new applications for registration received **Date Indefinite Suspended**, will incur a \$300 registration fee for each distinct registration type

URS Cont.

- Beginning **Date Indefinite Suspended**, all new and existing private motor carriers of hazardous materials and exempt for-hire carriers will be required to provide financial responsibility filings.

URS Violations Added

- If a Motor Carrier fails to update, the carrier's USDOT number will be deactivated one month after the filing deadline
- Motor Carriers will cited for 392.9b(a) if inspected at roadside and operating with a deactivated USDOT Number
- Placed OOS Roadside after 4/1/17

Coercion 390.6

- Coercion occurs when a motor carrier, shipper, receiver, or transportation intermediary threatens to withhold work from, take employment action against, or punish a driver for refusing to operate in violation of certain provisions of the FMCSRs, HMRs and the Federal Motor Carrier Commercial Regulations.

- An example of coercion is when a motor carrier terminates or punishes a driver for refusing to accept a load that would require the driver to violate the hours of service requirements.
- The following must have occurred in order for coercion to have existed:

- The driver informs the motor carrier, shipper, receiver, or transportation intermediary of the violation that would occur if the task is performed, such as driving over the hours of service limits or creating unsafe driving conditions; and
- The motor carrier shipper, receiver, or transportation intermediary make a threat or take action against the driver's employment or work opportunities to get the driver to take the load despite the regulatory violation that would occur.
- **Penalties at up to \$16,000 per occurrence**

Electronic Logging Device (ELD)

- 395.20 – 395.38
- December 16, 2015, ELD Rule Published
December 18, 2017, Enforcement Date
- December 16, 2019, Enforcement date for those with compliant AOBRDs prior to December 18, 2017.

ELD Applicability

- All drivers currently **required** to fill out a grid log by Part 395
- Property and Passenger carriers operating CMVs as defined in 390.5

ELD Exceptions

- Vehicle manufactured prior to 2000 Model Year
- 100/150 Air Mile or intermittent drivers who don't exceed exception more than 8 days in any rolling 30 day window
- Drive-away operations where the vehicle being driven is being delivered

ELD Requirements

- Must be integrally synced with vehicle
- Must either have an electronic display or ability to print
- Must meet Technical Specifications
- Must be certified by Manufacture
- Listed of FMCSA's ELD website

ELD Information included in header

- | | |
|--------------------------------|-------------------------------|
| • 24-Hour Period Starting Time | • Unidentified Driver Records |
| • Carrier Name/USDOT # | • Exempt Driver Status |
| • Driver Name and ID | • Miles Today |
| • Driver's License # | • Print/Display Date |
| • Driver's License State | • Record Date |
| • Co-Driver Name and ID | • Shipping ID |
| • Current Location | • Current Engine Hours |
| • Data Diagnostic Indicators | • Current Odometer |
| • ELD Malfunction Indicators | • Time Zone |
| • ELD Manufacturer Name | • Truck Tractor ID and VIN |
| • ELD Registration ID | • Trailer ID |

ELDs and Roadside Inspections

- Must be able to transfer data in grid format to inspector by 2 of 4 ways 1 in each type identified below.
- Wireless web and wireless e-mail; or
- USB 2.0 and Bluetooth

Seat Belts - Passengers

- 392.16 (b) Passengers. No driver shall operate a property-carrying CMV that has seat belt assemblies installed at the seats for other occupants of the vehicle unless all other occupants are properly restrained by such seat belt assemblies.

396.17 Periodic Inspection

- FMCSA removed the option for a motor carrier to meet the periodic inspection requirements through a defect free Level 1 or 5 roadside inspections.
- Inspections that are part of Ohio’s mandatory bus inspection program still meet through a defect free Level 1 or 5 inspections.

Ready Mix Concrete Vehicles

- 395.2 Ready-mixed concrete delivery vehicle means a vehicle designed to deliver ready-mixed concrete on a daily basis and equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

Ready Mix Concrete Vehicle

- 390.1(t) A driver of a ready-mixed concrete delivery vehicle subject to the 30-minute rest break may use 30-minutes or more of time spent waiting with the CMV at a job site or terminal to meet the requirement for the 30-minute rest break, providing the driver performs no other work during the break.

Ready Mix Concrete Vehicle

- 395.1(e) 100 Air Mile Short Haul Operation
- (ii)(B) The driver of a ready-mixed concrete delivery vehicle returns to the work reporting location and is released from work within 14 consecutive hours;

Ready Mix Concrete Vehicle

- 395.1(e)(ii)(B) A driver of a ready-mixed concrete delivery vehicle has at least 10 consecutive hours off duty separating each 14 hours on duty;

Construction Materials

- 395.2 means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (start to finish) within a 75 air mile radius of the normal work reporting location of the driver.

Construction Materials

- a State may establish a different air mile radius limitation for purposes of this definition if such limitation is between 50 and 75 air miles and applies only to movements that take place entirely within the State.
- Except for Placard required Hazardous Materials transportation.

Pipeline Welding Truck

- 390.38(a) A pipeline welding truck, as defined in paragraph (b) of this section, including the individuals operating such vehicle and the employer of such individual, is exempt from the following:

Pipeline welding Trucks

- (1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a USDOT number, in [390](#).
- (2) Any requirement relating to driver qualifications in part [391](#).
- (3) Any requirement relating to driving of commercial motor vehicles in part [392](#).

Pipeline Welding Trucks

- (4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles in parts 393 and 396.
- (5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, found in part [395](#).

Pipeline Welding Truck Defined

- Means a motor vehicle that is travelling in the State in which the vehicle is registered or another State, is owned by a welder, is a pick-up style truck, is equipped with a welding rig that is used in the construction or maintenance of pipelines, and has a GVW and GCWR of 15,000 pounds or less.

License Plate Lamp

- 393.11
- Footnote—11 To be illuminated when headlamps are illuminated. No rear license plate lamp is required on vehicles that do not display a rear license plate.

Major Tread Groove

- 393.5 Major tread groove is the space between two adjacent tread ribs or lugs on a tire that contains a tread wear indicator or wear bar. (In most cases, the locations of tread wear indicators are designated on the upper sidewall/ shoulder of the tire on original tread tires.)

Speed Restricted Tires

- 393.75(f) No motor vehicle may be operated with speed-restricted tires labeled with a maximum speed of 55 mph or less in accordance with S6.5(e) of FMVSS No. 119 at speeds that exceed the rated limit of the tire.

Defect on Inspection Reports

- 396.9(a) (2) Motor carriers and intermodal equipment providers shall examine the report. Violations or defects noted thereon shall be corrected in accordance with § 396.11(a)(3).

396.11(a)(3)(i)

- Prior to allowing a motor carrier to transport a piece of intermodal equipment for which a motor carrier or driver has submitted a report about damage, defects or deficiencies, each IEP must repair the reported damage, defects, or deficiencies that are likely to affect the safety of operation of the vehicle.

Appendix G - ABS

- I. Antilock Brake System
- (1) Missing ABS malfunction indicator components (i.e., bulb, wiring, etc.).
- (2) ABS malfunction indicator that does not illuminate when power is first applied to the ABS controller (ECU) during initial power up.

Appendix G - ABS

- (3) ABS malfunction indicator that stays illuminated while power is continuously applied to the ABS controller (ECU).
- (4) ABS malfunction indicator lamp on a trailer or dolly does not cycle when electrical power is applied to the vehicle's constant ABS power circuit, or to the vehicle's stop lamp circuit.

Appendix G - ABS

- (5) With its brakes released and its ignition switch in the normal run position, power unit does not provide continuous electrical power to the ABS on any air-braked vehicle it is equipped to tow.
- (6) Other missing or inoperative ABS components.

Appendix G – Auto Slack

- m. Automatic Brake Adjusters
- (1) Failure to maintain a brake within the brake stroke limit specified by the vehicle manufacturer.
- (2) Any automatic brake adjuster that has been replaced with a manual adjuster.
- (3) Damaged, loose, or missing components.

Appendix G – Auto Slack

- (4) Any brake that is found to be out of adjustment on initial inspection must be evaluated to determine why the automatic brake adjuster is not functioning properly and the problem must be corrected in order for the vehicle to pass the inspection.

Appendix G – Auto Slack

- It is not acceptable to manually adjust automatic brake adjusters without first correcting the underlying problem.
- There may be other components within the braking system that are distressed or out of specification that would require immediate attention.

Appendix G - Tires

- 10c. Installation of speed-restricted tires unless specifically designated by motor carrier.

Appendix G - Motorcoach

- 14. Motorcoach Seats
 - a. Any passenger seat that is not securely fastened to the vehicle structure.

Windshield Mounted Technology

- 393.5 Vehicle safety technology includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder.

390.60 Windshields

- (e) Prohibition on obstructions to the driver's field of view--(1) Devices mounted on the interior of the windshield. (i) Antennas, and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield.

Windshield Mounted Technology

- 390.60 (ii) Paragraph (e)(1)(i) of this section does not apply to vehicle safety technologies, as defined in Sec. 393.5, that are mounted on the interior of a windshield. Devices with vehicle safety technologies must be mounted:

Windshield Mounted Technology

- (A) Not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers; (B) Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and (C) Outside the driver's sight lines to the road and highway signs and signals.

382.305 Random Testing

- (a)(2) The minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.

Housekeeping

- The Agency replaces the phrase "common or contract motor carrier" with the phrase "for-hire motor carrier, except for an exempt motor carrier as defined in Sec. 390.5 of this subchapter.
- Replace the term "USDOT Registration" with "safety registration".

Housekeeping

- 392.9b Prohibited transportation. (a) Safety registration required. A commercial motor vehicle providing transportation in interstate commerce must not be operated without a safety registration and an active USDOT Number.

New PUCO Rule

- Dealing with For-Hire tow trucks.
- Applies additional safety rules to tow operations
- OAC 4901:2-22- 01 through 06
- Applies to Motor Vehicles not just CMVs

Final Rules – Federal

- Controlled Substance & Alcohol Clearinghouse
- The final rule requires motor carriers, medical review officers, third-party administrators, and substance abuse professionals to report information about drivers who:

D & A Clearinghouse

- Test positive for drugs or alcohol;
- Refuse drug and alcohol testing; and
- Undergo the return-to-duty drug and alcohol rehabilitation process.
- Compliance Date – January 6, 2020

Pending FMCSA Issues

- Safety Fitness Determination - Delayed
- Heavy Vehicle Speed Limiters - Delayed/Dead
- HOS Study reference 34 hour restart times - Delayed
- Entry Level Driver Training (On - Hold)

- ???? QUESTIONS
