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Ten Applications for Exemption from the Electronic Logging Device Rule Denied

On December 7, 2018, the Federal Motor Carrier Safety Administration (FMCSA) [announced](#) the denial of 10 applications for exemptions from the hours of service electronic logging device rule, stating it “has concluded that each application lacks sufficient merit to justify the exemptions sought.” FMCSA reviewed any safety analyses and public comments submitted and [determined](#) whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation. The applicants included associations that represent retailers and distributors of farm-related products and services, agricultural equipment dealers, and small business trucking companies, including those that haul fresh produce.

Renewing the National Commitment to the Interstate Highway System: A Foundation for the Future

On December 6, 2018, the Transportation Research Board (TRB) [released](#) the Congressionally-mandated study, *Renewing the National Commitment to the Interstate Highway System: A Foundation for the Future*, with 10 recommendations. TRB said, “These include as a near-term step: (1) increase the federal motor fuel tax to a level commensurate with the federal share of the required Renewal and Modernization Program investment, and (2) adjust the tax as needed to account for inflation and changes in vehicle fuel economy.” The study also recommends Congress “prepare for the need to employ new federal and state funding mechanisms, such as the imposition of tolls or per-mile charges on users of the Interstate Highway System.”



Guide for Drivers on Electronic Logging Device Data Transfer Announced

On December 4, 2018, FMCSA, announced [Using ELDs: A Guide for Drivers](#), which “Gives the driver a high-level overview of the various data transfer processes and includes some tips on troubleshooting common questions that could arise during data transfer.” The information provided in the guide could be useful background for drivers if they ever experience a request by a safety official to review the driver’s electronic logging device data for potential hours of service violations.

Update on Pilot for 18-21-Year-Old Ex-Military Drivers to Operate Vehicles in Interstate Commerce

On November 27, 2018, FMCSA [announced](#) its plan to submit an Information Collection Request to the Office of Management and Budget for review and approval. It will request permission for the 3-year pilot program to allow a limited number of individuals, ages 18 to 20, to operate commercial motor vehicles (CMVs) in interstate commerce, if they received specified heavy-vehicle driver training while in military service and were hired by a participating motor carrier. On July 6, 2018, FMCSA [published](#) the details and FMCSA’s responses to comments on the pilot program. In a separate July 6, 2018, [notice](#), FMCSA asked for comments on the information to be collected during the pilot program. U.S. Secretary of Transportation Elaine L. Chao [said](#), “This program will allow our Veterans and Reservists, to translate their extensive training into good-paying jobs, operating commercial vehicles safely across the country, while also addressing the nationwide driver shortage.” Documents and comments are available in Docket No. [FMCSA-2017-0196](#) for the information

collection, and Docket No. [FMCSA-2016-0069](#) for the pilot program.

Research Plan to Improve Estimates of Impacts of Changes in Truck Size and Weight Regulations

On November 27, 2018, the Transportation Research Board’s Truck Size and Weight Limits Research Plan Committee [announced](#) it “has issued its second and final report to the U.S. Department of Transportation. The report presents a research plan to reduce the major sources of uncertainty in projections of the consequences of proposed changes in truck size and weight limits. The report defines a program of 27 coordinated research projects in six areas. The committee issued its [first report in April 2018](#), which summarized the research recommendations of past truck size and weight limit studies and identified criteria for deciding the priority of topics for inclusion in the research plan.”

California Air Resources Board Increases Tracking of Vehicle Emissions

- On November 15, 2018, the California Air Resources Board announced it had [“adopted](#) a new emissions tracking program that will help regulators identify vehicles with excess smog-related and greenhouse gas emissions and propel California further towards its goal of meeting state and federal air quality standards in the decades ahead. Real Emissions Assessment Logging (REAL) is part of the amendments to the OBD (On-board Diagnostic) Regulations approved by the Board. The REAL program will require no new technology since it will take advantage of existing sensors to track the necessary data. Older vehicles will not be part of the REAL program and will not require any new equipment.”



EPA Acting Administrator Wheeler Launches Cleaner Trucks Initiative

On November 13, 2018, “U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler [launched](#) the Cleaner Trucks Initiative (CTI) to further decrease nitrogen oxide (NOx) emissions from on-highway heavy-duty trucks and engines. He was joined by EPA Office of Air and Radiation Assistant Administrator Bill Wehrum, White House officials, state partners, labor representatives, and leaders from the trucking and engine manufacturing industry. The CTI will include a future rulemaking that will update the existing NOx standard which was last set in 2001 while also streamlining compliance and certification requirements.”

Personal Conveyance Frequently Asked Questions and Guidance Updated

In November 2018, the Federal Motor Carrier Safety Administration (FMCSA) published [Personal Conveyance Frequently Asked Questions](#). FMCSA states, “personal conveyance is the movement of a commercial motor vehicle (CMV) for personal use while off-duty. A driver may record time operating a CMV for personal conveyance 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 motor 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, the [guidance](#) provided.”

Periodic Update of the Jason’s Law Survey on Truck Parking Underway

In November 2018, the Federal Highway Administration began the [required](#) periodic survey of States to inventory public rest areas and the periodic surveys of [commercial motor vehicle operators \(drivers\)](#), [trucking operations managers](#), and [truck stop owners and operators](#) to “improve [truck parking](#) and provide States and metropolitan planning organizations with resources to identify parking needs and to encourage improvements and investments.” Under Jason’s Law, Section 1401 of Moving Ahead for Progress in the 21st Century, Public Law 112-141, the inaugural [Jason’s Law Truck Parking Survey Results and Comparative Analysis](#) was completed in August 2015.

Critical Issues in the Trucking Industry – 2018

On October 29, 2018, the American Transportation Research Institute (ATRI) [released](#) *Critical Issues in the Trucking Industry – 2018*. ATRI said the report was “based on an annual survey, which generated more than 1,500 responses from motor carriers and commercial drivers.” The top ten issues were: (1) driver shortage; (2) hours of service; (3) driver retention; (4) electronic logging device mandate; (5) truck parking; (6) [compliance, safety, and accountability scoring program](#); (7) driver distraction; (8) transportation infrastructure, congestion, and funding; (9) driver health and wellness; and (10) economy. Emerging issues ranked close to the top ten were: (11) highway safety and crash reduction; (12) tort reform; and (13) automated truck technology.



Federal Motor Carrier Safety Administration (FMCSA) Assessing Crash Risk Based on Commercial Motor Vehicle Driver Schedules

On October 25, 2018, FMCSA [announced](#) it will collect data as part of a “study to investigate how commercial motor vehicle (CMV) drivers’ schedules impact overall driver performance and safety. FMCSA needs these data to answer important research questions related to driver schedules and how these affect overall driver performance and fatigue.” Comments on the data collection were due by December 24, 2018, and can be viewed in [Docket No.FMCSA-2018-0279](#).

Cost of Congestion to the Trucking Industry: 2018 Update

On October 18, 2018, the American Transportation Research Institute [released](#) *Cost of Congestion to the Trucking Industry: 2018 Update*, which states that “traffic congestion on the U.S. National Highway System added nearly \$74.5 billion in operational costs to the trucking industry in 2016, a 0.5 percent increase over 2015.” Delays totaled “nearly 1.2 billion hours of lost productivity. This equates to 425,533 commercial truck drivers sitting idle for a working year.” The top ten States with the highest congestion costs were: Texas, California, Florida, New York, New Jersey, Illinois, Pennsylvania, Tennessee, Ohio, and North Carolina.

FMCSA Will Seek Input on the Definition of Agricultural Commodity

In October 2018, the White House Office of Management and Budget published a [notice](#)

indicating that the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) will seek, by March 2019, “public input and data for use in a future proposal on the definition of agricultural commodity in the hours of service of drivers regulations at [49 CFR 395.1\(k\)\(1\)](#) and [49 CFR 395.2](#).” The regulations state that “hours of service rules do not apply during planting and harvest periods, as determined by each State, to drivers transporting agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source. Agricultural commodity means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471] and insects).”

An Analysis of the Operational Costs of Trucking: 2018 Update

On October 2, 2018, the American Transportation Research Institute [released](#) *An Analysis of the Operational Costs of Trucking: 2018 Update*. The ATRI report indicates “the average marginal cost per mile incurred by motor carriers increased six percent to \$1.69” in 2017, compared to 2016. Driver wages and benefits accounted for 43 percent of the total average marginal costs in 2017, and fuel costs accounted for 22 percent.

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