



Transportation Updates and Regulatory News (TURN)

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FMCSA Seeks Comments on the Definitions of Agricultural Commodity or Livestock

On July 29, 2019, the Federal Motor Carrier Safety Administration (FMCSA) sought comments to assist in determining whether, and if so to what extent, the Agency should revise or otherwise clarify the definitions of “agricultural commodity” or “livestock” in the “Hours of Service (HOS) of Drivers” regulations. Currently, during harvesting and planting seasons as determined by each State, drivers transporting agricultural commodities, including livestock, are exempt from the HOS requirements from the source of the commodities to a location within a 150-air-mile radius from the source. This [Advance Notice of Proposed Rulemaking](#) is prompted by indications that the current definition of these terms may not be understood or enforced consistently when determining whether the HOS exemption applies. Comments ended on

September 27 and can be viewed at docket number [FMCSA-2018-0348](#).

FMCSA Proposes to Allow Commercial Driver's License Out-of-State Knowledge Test

On July 29, 2019, FMCSA proposed “to allow driver applicants to take the commercial driver's license (CDL) general and specialized knowledge tests in a State (the testing State) other than the applicant's State of domicile. Under this proposed rule, a State would not be required to offer the knowledge tests to out-of-State applicants. However, if the testing State elects to offer the knowledge tests to these applicants, it would transmit the results to the State of domicile, which would be required to accept the results.” Comments ended on September 27 and can be viewed at docket number [FMCSA-2018-0332](#).



Study of Harassment and Assaults Against Minority and Female Truckers

On July 23, 2019, FMCSA asked for comments on its information collection request to “allow for a study to understand the prevalence, seriousness, and nature of the problem of harassment and assaults against minority and female truckers.” Comments ended on September 23 and can be viewed at docket number [FMCSA-2018-0278](#).

U.S. Department of Labor Issues Opinion Letter on Time Spent by Drivers in a Sleeper Berth

On July 22, 2019, the U.S. Department of Labor issued a new Wage and Hour [Opinion Letter](#) stating “the time drivers are relieved of all duties and permitted to sleep in a sleeper berth is presumptively non-working time that is not compensable.”

Information Requested on Driver Delays During Loading and Unloading and the Impact on Safety

On June 10, FMCSA requested “information on existing or potential sources of data to better understand driver detention times during the loading and unloading of commercial motor vehicles (CMVs) and the potential impact of such delays on roadway safety. A recent study by the U.S. Department of Transportation's (DOT) Office of Inspector General found that better data are needed to fully understand the issues associated with driver detention.” Comments ended on September 9 and can be viewed at docket number [FMCSA-2019-0054](#).

Pilot Program to Allow Non-Military Drivers Aged 18, 19, and 20 to Cross State Lines

On May 15, 2019, FMCSA [requested](#) comments on allowing drivers 18, 19 and 20 years old, who may currently operate commercial motor

vehicles in intrastate commerce, to operate in interstate commerce. Comments ended on August 14 and can be viewed at docket number [FMCSA-2018-0346](#).

Commercial Vehicle Safety Alliance Encourages Proper Assignment of Responsibility for Improper Cargo Securement in Sealed Trailers and Containers

On May 8, 2019, the Commercial Vehicle Safety Alliance [encouraged](#) FMCSA and the Canadian Council of Motor Transport Administrators to address shipper, carrier, and driver responsibility when a driver is not allowed to break a door seal to determine whether or not the cargo is properly secured inside a trailer or container.

Alternate Methods for Securement of Agricultural Commodities Allowed

On April 15, 2019, FMCSA [granted](#) “a limited 5-year exemption... to allow certain alternate methods for the securement of agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units.”

California's Meal and Rest Break Rule Preemption Update

On March 22, 2019, FMCSA updated its [website](#) regarding FMCSA's December 21, 2019 preemption of California's meal and rest break rules for drivers, citing safety, cost of goods, uniformity, and FMCSA's legal opinion on pending lawsuits.

Commercial Driver's License Upgrade Costs Reduced

On March 6, 2019, FMCSA issued a [final rule](#) “to reduce the training time and costs incurred by Class B CDL holders upgrading to a Class A CDL.”



California's Meal and Rest Break Rules for Commercial Motor Vehicle Drivers Preempted

On December 21, 2018, FMCSA [granted](#) a petition to preempt California's meal and rest break rules for drivers. FMCSA determined the California rules are on safety, are incompatible and more stringent than FMCSA's regulations, but provide no additional safety benefits and interfere with interstate commerce.

States May Issue a Commercial Learner's Permit Valid for One Year

On December 21, 2018, FMCSA issued a [final rule](#) "to allow States the option of issuing a commercial learner's permit (CLP) with an expiration date of up to one year from the date of initial issuance."

Commercial Vehicle Safety Alliance Petition on Personal Conveyance Received

On December 18, 2018, FMCSA received a Commercial Vehicle Safety Alliance (CVSA) [petition](#) to define "the maximum distance

and/or time a driver may operate for personal conveyance" while they are off-duty. Citing FMCSA's [guidance](#) and the [response](#) to CVSA's comments on the draft guidance, CVSA asked that the distance and time issue be addressed in the [proposed rule](#) on the hours of service of drivers.

Commercial Vehicle Safety Alliance Expresses Concern About Exemptions

On December 17, 2018, CVSA sent a [letter](#) to FMCSA in opposition to exemptions from FMCSA regulations, citing the impact on roadside inspectors, uniformity of enforcement, resources, training, communication, and safety.

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