



Transportation Updates and Regulatory News (TURN)

A quarterly publication of the Agricultural Marketing Service
www.ams.usda.gov/rules-regulations/transportation/turn
December 2017

FMCSA to Provide 90-day Temporary Waiver from ELD Requirement for Agricultural Commodities

On November 20, 2017, in advance of the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration’s (FMCSA) December 18, 2017—the implementation deadline for the electronic logging device (ELD) rule—FMCSA [announced](#) it will provide a 90-day temporary waiver from the ELD requirement for transporters of agricultural commodities. The waiver was provided in order to ease the transition of motor carriers to the rule. In the announcement, FMCSA said it will provide additional guidance related to enforcement procedures during the ELD transition, such as the existing Hours-of-Service exemption for the agricultural industry and guidance on the “personal conveyance” provision. FMCSA said the new guidance on the

existing 150 air miles hours-of-service agricultural exemption will be provided to improve clarity for both law enforcement and the agricultural industry and allow the agricultural industry to maximize the use of this statutory exemption. FMCSA will consider comments received before publishing the final guidance.

EPA Proposes to Repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits

On November 16, 2017, the Environmental Protection Agency (EPA) [proposed](#) to repeal the application of the Medium- and Heavy-Duty Truck Phase II Greenhouse Gas Emission and Fuel Efficiency Standards for the glider industry. Gliders are a specially manufactured type of heavy duty highway vehicle assembled from newly manufactured kits that

include the vehicle’s frame and cab to which a used engine, transmission, and axles are added. EPA estimates that about 10,000 gliders are manufactured annually, comprising less than 5 percent of the Class 8 heavy-duty highway truck market. Comments can be viewed in regulations.gov Docket No. [EPA-HQ-OAR-2014-0827](#).

Court Grants TTMA Request to Delay the Effectiveness of EPA and NHTSA Trailer Standards

On October 27, 2017, the U.S. Court of Appeals for the District of Columbia Circuit [granted](#) the Truck Trailer Manufacturers Association’s (TTMA) request to stay the January 1, 2018, effectiveness of the trailer standards in the Greenhouse Gas and Fuel Efficiency Standards for Engines and Vehicles—Phase 2 [final rule](#), pending court review. The trailer standards require trailer



Transportation Updates and Regulatory News (TURN)

manufacturers to provide aerodynamic equipment, low rolling resistant tires, and tire pressure monitoring or automatic tire inflation systems beginning with model year 2018, even when trailer buyers do not want or need these accessories. The trailer accessories are designed to reduce the carbon dioxide emissions and fuel consumption of tractor-trailer combinations when they are traveling at highway speeds. Previous [TTMA comments](#) expressed strong concerns about EPA's and National Highway Traffic Safety Administration's statutory authority to regulate trailers, trailer accessories, and trailer manufacturers, and the trailer operational assumptions made by EPA and NHTSA in the rule.

USDOT Releases 2016 Fatal Traffic Crash Data

On October 6, 2017, U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) [released](#) fatal traffic crash data for calendar year 2016. There were 4,317 fatalities in crashes involving large trucks, 5.4 percent more fatalities than in 2015, the highest since 2007. Of the 4,317 fatalities, 722 (16.7 percent) were occupants of large trucks, 10.8 percent were non-occupants, and 72.4 percent were occupants of other vehicles.

FMCSA and FRA Withdraw Proposed Rulemaking on Obstructive Sleep Apnea

On August 8, 2017, FMCSA and the Federal Railroad Administration (FRA) [withdrew](#) the March 10, 2016, advance notice of proposed rulemaking concerning the prevalence of moderate-to-severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation and its potential consequences for the safety of highway and rail transportation. FMCSA and FRA have decided to not issue a notice of proposed rulemaking at this time and believe the current safety programs and FRA's rulemaking addressing fatigue risk management are appropriate avenues to address OSA.

FMCSA Rulemaking Procedures Update

On August 7, 2017, FMCSA [proposed](#) to amend its rulemaking procedures by revising the process for preparing and adopting rules, petitions, and direct final rules. FMCSA also proposed adding new definitions, and general administrative corrections throughout its rulemaking procedures. These proposed actions are authorized under the Fixing America's Surface Transportation Act and the Administrative Procedure Act. Comments can be viewed in regulations.gov [Docket No. FMCSA-2016-0341](#).



Transportation Updates and Regulatory News (TURN)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.