

Regulatory Roadmap

The [Institute for Safer Trucking](#) (IST), a 501(c)(3) based in Washington, D.C., prepared this document on regulations affecting truck safety that need to be reintroduced, revisited, or reviewed.

Please contact Harry Adler (hadler@safetrucking.org) or John Lannen (jlannen@safetrucking.org) if you have any questions.

Reintroduce:

Financial Responsibility for Motor Carriers, Freight Forwarders, and Brokers

Docket No.: [FMCSA-2014-0211](#)

Status: Advance Notice of Proposed Rulemaking (79 FR 70839), withdrawn on 06/05/2017 (82 FR 25753)

IST's Recommendation: Reintroduce rulemaking and raise amount from \$750,000 to \$5,000,000 for For-Hire Interstate General Freight Carriers.

Relevant Research/Data:

- [Potential Damages in Heavy Truck Crashes \(Miller 2013\)](#)

Additional Documents:

- [Background on Legislative History of Minimum Insurance \(Institute for Safer Trucking 2020\)](#)

Sleep Apnea Screening Criteria for Medical Examiners to Screen Drivers

Docket No.: [FMCSA-2015-0419](#)

Status: Advance Notice of Proposed Rulemaking (81 FR 12642), withdrawn on 08/08/2017 (82 FR 37038)

IST's Recommendation: Reintroduce rulemaking and require sleep apnea screening for drivers operating CMVS in interstate commerce. Incorporate recommendations from MRB and MCSAC.

Relevant Research/Data:

- [Nonadherence with Employer-Mandated Sleep Apnea Treatment and Increased Risk of Serious Truck Crashes \(Burks et al., 2016\)](#)
- [Commercial Motor Vehicle Driver Obstructive Sleep Apnea Screening and Treatment in the United States: An Update and Recommendation Overview \(Colvin and Collop, 2016\)](#)
- [Truck Driver Fatigue Management Survey \(FMCSA 2006\)](#)

Additional Documents:

- [MCSAC-MRB Meeting Minutes October 2016](#)

Finalize:

Speed Limiting Devices

Docket No.: [NHTSA-2016-0087](#) and [FMCSA-2014-0083](#)

Status: Notice of Proposed Rulemaking (81 FR 61942), Long Term Action Item (See [Unified Agenda Fall 2020](#))

IST's Recommendation: Final rule to require the use of speed limiters in class 7 & 8 trucks.

Relevant Research/Data:

- [Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II \(FMCSA 2012\)](#)
- [Ex-post evaluation of Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, as amended by Directive 2002/85/EC \(European Commission, Directorate-general for Mobility and Transport 2013\)](#)

Additional Documents:

- [National Survey of Likely Votes conducted by McLaughlin and Associates in September 2018](#)

Rear Impact Guards and Rear Impact Protection - Inspection and Labeling

Docket No.: [FMCSA-2019-0211](#)

Status: Notice of Proposed Rulemaking (85 FR 85571). Comments due 03/01/2021.

IST's Recommendation: Final rule amending FMCSRs to include rear impact guards on the list of items that must be examined as part of the required annual inspection of each CMV.

Relevant Research/Data:

- [TRUCK UNDERRIDE GUARDS: Improved Data Collection, Inspections, and Research Needed \(United States Government Accountability Office 2019\)](#)

Additional Documents:

- [Rear Truck Underride Guard Ratings from the Insurance Institute for Highway Safety](#)

Rear Impact Guards and Rear Impact Protection - Upgrade

Docket No.: [NHTSA-2015-0118](#)

Status: Notice of Proposed Rulemaking (80 FR 78417), Long Term Action Item (See [Unified Agenda Fall 2020](#))

IST's Recommendation: Final rule to upgrade FMVSS No. 223, Rear impact guards, and FMVSS No. 224, Rear impact protection, to improve rear underride crash protection. The new federal standards should exceed the IIHS [TOUGHGUARD](#) criteria.

Finalize (continued):

Heavy Vehicle Forward Crash Avoidance and Mitigation Systems

Docket No.: [NHTSA-2015-0099](#)

Status: Petition for rulemaking granted October 16, 2015 (80 FR 62487). No further action taken by NHTSA.

IST's Recommendation: Notice of Proposed Rulemaking to require automatic emergency braking on all new class 7 & 8 trucks (26,001-lbs or more). Advance Notice of Proposed Rulemaking to require AEB on all new class 3-6 trucks (10,001-lbs - 26,000-lbs).

Relevant Research/Data:

- [Effectiveness of Front Crash Prevention Systems in Reducing Large Truck Crash Rates \(Insurance Institute for Highway Safety 2020\)](#)
- [Research and Testing to Accelerate Voluntary Adoption of Automatic Emergency Braking \(AEB\) on Commercial Vehicles \(FMCSA 2020\)](#)
- [Cost and Weight Analysis of Heavy Vehicle Forward Collision Warning \(FCW\) and Automatic Emergency Braking \(AEB\) Systems for Heavy Trucks \(NHTSA 2018\)](#)
- [A Target Population for Automatic Emergency Braking in Heavy Vehicles \(NHTSA 2017\)](#)
- [Leveraging Large-Truck Technology and Engineering to Realize Safety Gains: Automatic Emergency Braking \(AAA Foundation 2017\)](#)
- [The Use of Forward Collision Avoidance Systems to Prevent and Mitigate Rear-End Crashes \(NTSB 2015\)](#)
- [Crash Avoidance Potential of Four Large Truck Technologies \(Jermakian 2012\)](#)

Additional Documents:

- [Testimony of Dr. Christopher B. Lofgren, Chief Executive Officer of Schneider National at Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Hearing on February 15, 2017, Moving America: Stakeholder Perspectives on our Multimodal Transportation System](#)

Review:

Changes to Hours-of-Service Rules

Docket No.: [FMCSA-2018-0248](#)

Status: Final Rule. Effective on 09/29/2020.

IST's Recommendation: Reverse changes not supported by data demonstrating statistically significant safety benefits.

Changes to Hours-of-Service Rules:

1. Short-haul Exception (§395.1(e)(1))

Expands the short-haul exception from 100 air-miles to 150 air-miles. Increases the maximum allowable workday from 12 to 14 hours as part of the short-haul exception.

2. Adverse Driving Conditions Exception (§395.3(a)(2))

Expands the driving limit and on-duty limit during adverse driving conditions by up to an additional 2 hours. A driver using the adverse driving conditions exception can drive 13-hours within a 16-hour on-duty limit.

3. 30-Minute Break Requirement (§395.3(a)(3)(ii))

Changes the 30-minute break requirement: 8 hours on-duty without at least a 30-minute break → 8 hours of driving w/o at least a 30-minute break, and 30-minute break can be satisfied by time on-duty/not driving period.

4. Sleeper Berth Provision (§395.1(g))

Modifies the sleeper berth exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7, rather than at least 8 hours of that period in the berth and a minimum off-duty period of at least 2 hours spent inside or outside the berth, provided the two periods total at least 10 hours, and that neither qualify period counts against the 14-hour driving window.

Exemptions - Flashing Amber/Red Lights in Addition to Steady Burning Brake Lamps

Docket No.: [FMCSA-2019-0260](#) (National Tank Truck Carriers) and [FMCSA-2020-0122](#) (Grote Industries, LLC)

Status: Grant of Exemption

IST's Recommendation: Broaden efforts to use technology to improve truck conspicuity to prevent rear and side underride collisions.

Exemptions Granted

- Limited 5-year exemptions to National Tank Truck Carriers Inc. and Grote to allow motor carriers to install red or amber brake-activated pulsating lamps on the rear of the trailers, in addition to the steady-burning brake lamps required by the FMCSRs.

Review (Continued):

Proposal	Docket No.	Status	IST's Recommendation
Beyond Compliance	FMCSA-2018-0328	Information Collection Request	Establish a safety BASIC in SMS per Section 5222 of FAST Act (Pub L. 114-94, 129 Stat. 1312, Dec. 4, 2015). See IST's comments, here .
Record of Violations	FMCSA-2018-0224	NPRM, Comments Due 02/12/21	Withdraw. Removes an additional measure for motor carriers to monitor a driver's safety performance on the road. No safety benefit to removing this reporting requirement.
18-20-Year-Old CMV Drivers	FMCSA-2018-0346	Notice of Proposed Pilot Program	Withdraw. Data shows younger drivers are higher risk. Additionally, there is insufficient data to confirm there is a truck driver shortage .
Pause 14-Hour Driving Window	FMCSA-2020-0098	Notice of Proposed Pilot Program	Withdraw. Insufficient data on safety benefits, and this pause could exacerbate unpaid detention time.
Split Sleeper Berth	TBD	Notice of Proposed Pilot Program	Withdraw. Insufficient data on safety benefits. 5/5 and 4/6 splits do not grant enough time for adequate rest.
Personal Conveyance	FMCSA-2017-0108	Regulatory Guidance (Effective 06/07/18-06/07/23)	Reconsider. This replaced an objective standard with a subjective standard, which weakens enforcement and safety.
Agricultural Commodities	FMCSA-2017-0360	Regulatory Guidance (Effective 06/07/18-06/07/23)	Reconsider. The regulatory guidance is unstudied and will increase the number of drivers exempted from HOS rules.
Agricultural Commodities	FMCSA-2018-0348	Interim Final Rule. Effective 12/09/21	Reverse. This will increase number of carriers using HOS exemptions, and agency did not estimate quantitative impacts of this IFR.

Value of Statistical Life

The [Value of Statistical Life in U.S. Department of Transportation Analyses](#) has not been adjusted since 2016. The DOT should immediately remedy this issue by issuing guidance to increase the amount (to 2021 dollars) and then continue to do so annually, as was done during the Obama Administration.