

NPTC LEGISLATIVE & REGULATORY POLICY POSITIONS

Updated May 6, 2023

Issue	Agency/Govt. Entity	Status	NPTC Policy/Action	Major Questions/Comments
1. Driver Hours of Service	FMCSA; Congress	FMCSA issued Final Rule on June 1, 2020; expanded short-haul exception to 14 hours and 150 air-miles; split sleeper berth of 7/3; extra 2 hours of drive time for adverse driving conditions; on duty not driving for 30-minute rest break after 8 hours driving	NPTC petitioned for reconsideration of short-haul exception to include driver salesmen; FMCSA will consider it as a petition for rulemaking	FMCSA no longer reconsidering expanded short-haul exception
2. Electronic Logging Devices	FMCSA; Transport Canada	FMCSA mandate effective Dec. 2017 for all CMV drivers in interstate commerce except short-haul drivers and transporters of agricultural commodities	NPTC supported adoption of the ELD requirements	Mandate for ELDs in Canada effective June 12, 2021, but enforcement was delayed until January 1, 2023 to allow sufficient number of devices to be certified as compliant
3. Qualification of 18-20 Year-Old CMV Drivers in Interstate Commerce	FMCSA; Congress	Per congressional mandate, FMCSA is implementing a pilot program to allow drivers to qualify to operate CMVs at 18 years of age after completing two apprenticeships with 400 hours of training	NPTC supported this effort as a prudent method to address the driver shortage and encourage younger drivers to enter the industry (49 States allow 18 y.o. drivers to operate CMVs intrastate)	Only 15 carriers participating due to requirements to sign up with DOL apprenticeship program and have inward-facing cameras in truck
4. Speed Limiting Devices	FMCSA	Advance Supplemental NPRM issued May 4, 2022 to require all vehicles 26,000 lbs. GVW and over equipped with an electronic engine	NPTC comments questioned need for nationwide limit due to variances in geography, traffic congestion	Issue of whether FMCSA will propose a single nationwide speed limit, and at what level

		control unit capable of governing the maximum speed to have speed limiters set at some level to be determined		
5. Entry-Level Driver Training Requirements, Learner's Permits	FMCSA	Final rule became effective February 7, 2022 on driver training curriculum for entry-level CDL drivers; applicants for Class A or B CDL, or hazmat endorsements, required to complete knowledge and behind-the-wheel training from an instructor under FMCSA standards		List of certified training entities included in online Training Provider Registry and are searchable by location
6. Medical Examiner Forms, Driver Certification	FMCSA	Final rule issued June 2015; requires all MEs to electronically submit results of driver exams to FMCSA, which will forward to state driver licensing agency for inclusion in CDL	NPTC supports uniform and efficient incorporation of medical exam data into CDLs	June 22, 2018 deadline was further delayed to June 22, 2025; delay due to lack of state readiness and security breach of National Registry of Certified Medical Examiners
7. Crash Preventability Determination Program	FMCSA	April 13, 2023 notice to revise standards for crash preventability; broadened eligibility and added four new crash types for review		FMCSA will respond to comments it receives on the proposal and announce the start of the updated CPDP through a subsequent Federal Register notice
8. Drug and Alcohol Testing Clearinghouse	FMCSA	Final rule implemented Jan. 6, 2020; requires employers to submit positive drug or alcohol tests or refusals to online database; prospective employers must query	NPTC supports clearinghouse as a means to obtain more accurate and comprehensive data about driver drug and alcohol testing history	FMCSA has eliminated requirement to request drug and alcohol test results directly from prior employers now that there is 3 years of data in the clearinghouse database

		database to see driver applicant testing history and make annual query for all current drivers		
9. Oral Fluids Sample for Drug Testing	DOT/FMCSA	New final rule May 2, 2023 allows carriers to use testing of oral fluids instead of urine in DOT drug tests		New alternative will discourage adulteration of samples as all oral fluid sample collections will be observed; but rule will not be implemented until DHHS certifies at least two labs to test oral fluids
10 Compliance, Safety, Accountability (CSA) Program	Congress/FMCSA	Notice and request for comments issued February 15, 2023; FMCSA will not use Item Response Theory as suggested by National Academies of Sciences; will combine 959 violations used in SMS plus 14 additional violations into 116 violation groups; will also simplify violation severity weights, remove percentile jumps when carriers move into a new safety event group, and adjust Intervention Thresholds	The IRT approach was incomprehensible and would not have improved the selection process for identifying at risk carriers for interventions	Still need to improve data on carrier exposure and crashes; consider using absolute instead of percentile scale for carrier evaluation; use of non-fault crash data in crash “safety category”
11.Engine Emissions Requirements	EPA	In January 2023, EPA published final rule requiring two-phased approach to achieve 90% reduction in NOx emissions by 2031 (cutting NOx emissions from 0.2 to 0.035 by model year 2027 and from 0.035 to .02	Truck and Engine Manufacturers Association estimate this approach will add approximately \$42,000 to the cost of a new vehicle when fully implemented	Senate voted 50-49 to withdraw the EPA rule; House also likely to pass a resolution of disapproval under the Congressional Review Act, but Biden will veto the resolution and there are not enough votes to override a veto

		by 2031), with an 84% increase in the useful life period (from 435,000 to 800,000 miles) and a 500% increase in the emission warranty period (from 100,000 to 600,000 miles) by 2031		
12. HOS Exemption for Agricultural Commodities	FMCSA	In 2018 FMCSA issued revised guidance on scope of exemption from 49 CFR Part 395 for transport of agricultural commodities; complete HOS exemption within 150 air-mile radius; new Interim Final Rule published Nov. 24, 2020 clarified and expanded definition of agricultural commodities	NPTC supports additional flexibility for motor carriers of livestock and other agricultural commodities, and clarity in the definition	Prior ICC and FMCSA definitions of agricultural commodities have been piecemeal and inconsistent
13. Highway Tolls	Congress/States	New Infrastructure Law has \$250 million grant program for congestion management systems, high occupancy vehicle toll lanes or pricing strategies, and incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods; provides for tolling on the Interstate System	NPTC opposes new tolls on existing highways; OK for new highways to cover costs of construction, keep Highway Trust Fund mechanism	Rhode Island has imposed truck-only toll on I-95; ATA challenging in federal court; decision expected in September 2022
14. Infrastructure Funding	Congress	New Infrastructure Law enacted in 2021 kept the same federal fuel and excise	NPTC supported increased fuel taxes dedicated to Highway Trust Fund; NPTC on advisory	Next highway reauthorization bill will likely transition to Vehicle Miles Traveled Tax

		taxes for next five years	committee for Eastern Transportation Coalition to review vehicle miles traveled tax structure for CMVs; NPTC also supports repeal of 12% Federal Excise Tax on trucks, tractors and trailers	structure for personal and commercial vehicles in lieu of fuel taxes
15. Tax Credits for Clean Vehicles	Congress/IRS	Inflation Reduction Act provided credit of up to \$40,000 for purchase or lease of clean vehicles (i.e., electric or hydrogen fueled) over 14,000 lbs. GVW; credit effective Jan. 1, 2023 through 2033		Credit does not match the additional initial cost of battery electric vehicles versus diesel engines
16. Vehicle Size and Weight	Congress/FHWA/ States	New Infrastructure Law does not include allowances for additional truck weights or lengths; issue is dormant at the moment due to opposition	NPTC supports use of 91,000 lbs. or more GVW with 6 axles (with adjusted bridge formula, if necessary); 33-foot double trailers	UMTRI study completed in April 2009 showing economic benefits of heavier vehicles
17. Electric Vehicle Infrastructure	Congress/FHWA	Bipartisan Infrastructure Law provides \$7.5 billion for network of EV charging stations along federally funded highways		FHWA funding program provides for consistent plug types and charging speeds, common payment systems, and accessible pricing information, locations and availability
18. Side Underride Guards	NHTSA	On April 21, 2023 NHTSA issued ANPRM on effectiveness, feasibility, benefits, costs, and other impacts of installing side underride guards on trailers and semitrailers		

19. Worker Classification	Congress, States	In last Congress the House ABC test for independent contractor classification; effectively precludes use of owner-operators except as employees; California and New Jersey have adopted ABC test as State law	U.S. Supreme Court denied review of appeals court decision holding federal law does not preempt use of ABC test for truck drivers (NPTC had joined ATA amicus brief asking Court to hear the case)	Effect of California law on trucking operations is unsettled; former Calif. Labor Commissioner Julie Su is currently the nominee for U.S. Labor Secretary
20. Phase 3 Greenhouse Gas Emission Standards	EPA	On April 27, 2023 EPA issued NPRM for more stringent standards to reduce greenhouse gas emissions from heavy-duty vehicles beginning in model year 2027		EPA notes California and other states have adopted the Advance Clean Trucks program with manufacturer requirement for ZEV truck sales as an increasing percentage of their annual California sales from 2024 to 2035; also, 17 states and D.C. have signed a MOU establishing goals to support widespread electrification of the HD vehicle market