

## NPTC LEGISLATIVE & REGULATORY POLICY POSITIONS

Updated April 7, 2022

| Issue                                       | Agency/Govt. Entity        | Status  | NPTC Policy/Action  | Major Questions/Comments  |
|---|----------------------------|---|---|---|
| 1. Driver Hours of Service                  | FMCSA;<br>Congress         | FMCSA issued Final Rule on June 1, 2020; expands short-haul exception to 14 hours and 150 air-miles; allows split sleeper berth of 7/3, grant extra 2 hours of drive time for adverse driving conditions, allows 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;<br>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 has been delayed until January 1, 2023 as no devices have been certified by outside third party yet |
| 3. Qualification of 18 Year-Old CMV Drivers | FMCSA;<br>Congress         | Per congressional mandate, FMCSA has proposed pilot program that would allow drivers to qualify to operate CMVs at 18 years of age after completing two apprenticeships with 400 hours of training  | NPTC supports this effort as a prudent method to address the driver shortage and encourage younger drivers to enter the industry            | Despite opposition from highway safety advocacy groups, Biden Administration supports this approach as means to ease supply chain crisis                                |
| 4. Speed Limiting Devices                   | NHTSA/FMCSA;<br>Congress   | Joint NPRM issued in 2016 to require all vehicles 26,000 lbs. GVW and over to have  | Prior NPTC comments questioned need for nationwide limit due to variances in  | ATA had petitioned for the rulemaking in 2007 but now questions whether uniform   |

|  |                 |  |   |  |
|--|-----------------|--|---|--|
|  |                 | speed limiters set at some level to be determined  | geography, traffic congestion   | national policy is necessary   |
| 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. Liability Insurance   | FMCSA; Congress | Unified Registration System requires filings by hazmat carriers but not yet in effect  | Accept minimum coverage for private fleets in same current amounts as for-hire carriers | FMCSA withdrew ANPRM to revise minimum insurance requirements for for-hire and hazmat carriers on June 2, 2017; this rulemaking might be pursued by FMCSA even if not mandated by Congress |
| 8. Unified Carrier Registration Plan                           | FMCSA           | FMCSA adopted reduced registration fees for 2021 through 2023  | NPTC opposes any increased fees, supports stronger enforcement of current fees          | NPTC would prefer repeal of UCR program and fees and replace revenue by increasing MCSAP funding to states   |
| 9. Drug and Alcohol Testing Clearinghouse                      | FMCSA           | Final rule implemented Jan. 6, 2020; requires employers to submit positive drug or   | NPTC supports clearinghouse as a means to obtain more accurate and comprehensive        | Once three years of data is in the database, FMCSA will eliminate requirement to request drug and  |

|  |                 |  |  |  |
|--|-----------------|--|--|--|
|  |                 | alcohol tests or refusals to online database; prospective employers must query database to see driver applicant testing history and make annual query for all current drivers  | data about driver drug and alcohol testing history   | alcohol test results directly from prior employers   |
| 10. Sleep Apnea Screening Standards                  | FMCSA           | New Infrastructure Law does not mandate regulations for sleep apnea screening  |  | FMCSA still considering whether to impose screening requirements for drivers   |
| 11. Revision of Carrier Safety Fitness Standards     | FMCSA; Congress | NPRM issued January 21, 2016 was withdrawn March 23, 2017; standards were to be based on CSA BASIC scores and roadside inspection data   | FMCSA response to National Academy of Sciences report on SMS and Corrective Action Plan released in August 2018; agency is proceeding with SMS revisions as suggested by NAS | Need to improve data on carrier exposure and crashes; whether to use absolute or percentile scale for carrier evaluation; use of non-fault crash data in crash BASIC |
| 12. Compliance, Safety, Accountability (CSA) Program | FMCSA; Congress | National Academy of Sciences issued report in July 2017 recommending FMCSA adopt item response theory model to identify high risk carriers, improve carrier data; if successful, IRT model will replace current SMS BASICs | NPTC opposed rulemaking on safety fitness standards based on CSA scores until study is completed and issues in data collection and analysis are addressed                    |  |
| 13. 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                      | 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   |

|  |                 |   |   |   |
|--|-----------------|---|---|---|
|  |                 | published Nov. 24, 2020 clarified and expanded definition of agricultural commodities   |   |   |
| 14. 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; working with Alliance for Toll-Free Interstates   | Rhode Island has imposed truck-only toll on I-95; ATA challenging in federal court  |
| 15. Infrastructure Funding                             | Congress        | New Infrastructure Law enacted in 2021 kept the same federal fuel and excise taxes for next five years  | NPTC, ATA and U.S. Chamber all support increased fuel taxes if dedicated to Highway Trust Fund; NPTC on advisory 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 | Next highway reauthorization bill will likely transition to Vehicle Miles Traveled Tax structure for personal and commercial vehicles in lieu of fuel taxes |
| 16. Qualification of CMV Drivers with Monocular Vision | FMCSA           | FMCSA issued final rule January 21, 2022 to allow drivers who cannot meet either the current distant visual acuity or field of vision standard, or both, in   | New standards went into effect March 22, 2022   |   |

|                              |  |   |   |   |
|------------------------------|--|---|---|---|
|                              |  | one eye to be physically qualified to operate a CMV; requires medical exam of driver and road test, and eliminates waiver program   |   |   |
| 17. Vehicle Size and Weight  | Congress/FHWA/<br>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   |
| 18. Electric Vehicles        | Congress/FHWA  | New Infrastructure Law provides \$7.5 billion for network of EV charging stations along federally-funded highways   |   | No mandate to adopt EV technology; outstanding questions about sourcing of minerals for batteries, battery disposal, capacity needs for electric grid |
| 19. Underride Guards         | Congress/FMCSA   | Infrastructure Law did not mandate standards for underride guards on trucks, tractors and trailers; FMCSA final rule on Nov. 9, 2021 requires annual inspections for rear underride guards        |   | No current design standard for front underride guards for conventional tractor  |
| 20. Truck Leasing Task Force | FMCSA/DOL/<br>Consumer<br>Financial<br>Protection Bureau | Truck Leasing Task Force now seeking applicants will review driver leasing arrangements to identify actions that could make leases more equitable and transparent and prevent predatory practices | Will also review truck leasing arrangements for ports that involve a requirement for trucks to convert to zero emissions        |   |