

Federal Motor Carriers Safety Administration (FMCSA)

- * Motor Carrier Safety Improvement Act of 1999
- * Enforced in Colorado by the Colorado State Patrol



Commercial Motor Vehicles

- * For **Interstate Commerce**, a commercial motor vehicle is defined as any self-propelled or towed vehicle that:
 - * Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
 - * Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
 - * Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - * Is used in transporting material found by the Secretary of Transportation to be hazardous and transported in a quantity requiring placarding.
 - * AND is driven on public roadways used in commerce (i.e. used in the furtherance of a business or organization)

Commercial Motor Vehicles

- * For **Intrastate Commerce**, a commercial motor vehicle is defined as any self-propelled or towed vehicle:
 - * Bearing an Apportioned Plate
 - * Having a gross vehicle weight rating or gross combination weight rating of at least 16,001 lbs.; or
 - * Having a gross vehicle weight rating or gross combination weight rating of at least 16,001 lbs. and used to transport 16 or more passengers (including the driver), unless the vehicle is a school bus (operated in accordance with C.R.S. 42-4-1904); or
 - * Owned or Operated by a school district which does not have a gross vehicle weight rating of 26,001 lbs. or more so long as the school district does not receive remuneration other than reimbursement of the actual costs of operating the vehicle.

Commercial Motor Vehicles

- * Colorado exemptions:
 - * Vehicles owned or operated by the federal or state government, which are not transporting hazardous materials;
 - * Authorized emergency vehicles; or
 - * Snowplows.



CMV Requirements

- * Motor Carrier Registration and USDOT Number
- * Insurance
- * Driver Qualifications
- * Hours of Service Requirements
- * Vehicle Inspection Requirements
- * Participation in CSA

Motor Carrier Registrations

- * All carriers (**interstate or intrastate**) operating commercial motor vehicles must register using the [FMCSA website](#) to complete an application via their online system.



Motor Carrier Registrations

- * A USDOT (United States Department of Transportation) carrier identification number is assigned to a business or an individual operating in commerce.
- * Intrastate only carriers must mark their vehicles with the assigned USDOT number followed by the suffix "CO"



Motor Carrier Registrations

- * Motor carriers operating in intrastate commerce, not transporting 16 or more passengers including the driver or transporting placarded hazardous materials and having a GVWR or GCWR equal to or in excess of 16,001 lbs., but not in excess of 26,000 lbs, **may meet the marking requirements of 49 CFR 390.21 by marking the trailer or secondary unit, if the GVWR of the self-propelled unit is 16,000 lbs. or less.**

Motor Carrier Registrations

- * Motor Carriers Identification Report (MCS-150) – bi-annually
- * Proof of financial responsibility/insurance (BMC-90) – at carrier's principle place of business and in each vehicle



Motor Carrier Registrations

- * Colorado specific-
 - * Liability coverage of \$750,000 or more
 - * Cargo liability coverage of \$10,000 or more



Commercial Drivers License

- * **Class A CDL:** A Class A CDL is required to drive any combination of commercial vehicles with a GCWR of 26,001 lbs. or more, provided that the GVWR of the towed vehicle unit is in excess of 10,000 lbs.
- * **Class B CDL:** A Class B CDL is required to drive any single commercial vehicle with a GVWR of 26,001 lbs. or more, or any such vehicle towing a vehicle that is not in excess of 10,000 lbs. GVWR.
- * **Class C CDL:** A Class C CDL is required to drive any single vehicle or combination of vehicles commercially that do not meet the definition of Class A or Class B, but are either designed to
 - * Transport 16 or more passengers, including the driver;\
 - * Transport material that has been designated as a hazardous material under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR Part 172; or
 - * Transport any quantity of any material listed as a select agent or toxin in 42 CFR Part 73.

Commercial Drivers License

- * T Endorsement: Endorsement to drive double/triple trailers.
- * P Endorsement: Endorsement to drive passenger vehicles like buses. Required when operating a vehicle designed by the manufacturer to transport 16 or more passengers including the driver. In Colorado, the passenger endorsement is divided into two classes, P1 and P2 according to the GVWR of the vehicle being operated.
- * N Endorsement: Endorsement to drive tank vehicles. Required for all CDL class vehicles that transport liquids in bulk containers of 1,000 gallons or more.
- * H Endorsement: Endorsement to transport hazardous materials that are required to be placarded under the federal regulations. Retesting is required at each renewal of a CDL with a HM endorsement and there are additional requirements imposed through the TSA.
- * X Endorsement: Endorsement that combines the Hazardous Materials and Tankers endorsements.
- * S Endorsement: Endorsement to drive pre-primary, primary or secondary school students from home to school, school to home, or to and from school sponsored events.

CDL



- * Driver Qualifications
 - * Employment application and previous 3 year employment history
 - * MVR for past 3 years and annually thereafter (all states)
 - * Medical Examiner's Certificate (every 2 years), if needed*
 - * Annual driver's certification of violations
 - * Road test certificate or equivalent

CDL

* Intrastate Driver Qualifications

- * CMV drivers must be at least 21 years old if engaged in interstate commerce or transporting hazardous materials of a type or quantity that would require the vehicle to be marked or placarded under 49 CFR 177.823. **All other drivers must be at least 18 years of age.**
- * Drivers of intrastate vehicles and combination of vehicles are **not required to obtain a medical certificate** provided the vehicle does not require a Commercial Driver's License (CDL) to operate.

Driver Disqualification

- * Suspension, revocation or cancelation of CDL
- * Determination by FMCSA, state or local agency that driver is not qualified
 - * CMV operation DUI/D
 - * Leaving the scene of an accident
 - * Using CMV to commit a felony
 - * Committing a serious traffic violation
 - * Violating an Out-of-Service Order
 - * Violating the Railroad-Highway Crossing Rule

Serious Traffic Violations

- * Speeding 15 mph over limit
- * Reckless driving – including erratic lane changes and following too closely
- * Traffic offenses involving a fatal accident
- * Driving a required CMV without a CDL, without the proper endorsement on CDL or without CDL in possession

Hours of Service

- * Applies to any driver operating a CMV in excess of 10,001 lbs in interstate commerce, or state ratings intrastate (16,001 lbs in CO)
- * Applies to any CDL driver operating in a radius greater than 100 air miles of normal work reporting location
- * Applies to any non- CDL driver operating in a radius greater than 150 air miles of normal work reporting location with restrictions

Hours of Service Restrictions

- * 14 Hour Driving Window:
 - * Driver is allowed 11 total hours of driving time, following 10 consecutive hours off-duty during any 14 hour period
 - * Driver must have 30 minutes off-duty after 8 consecutive hours of driving and,
 - * May not drive after having been on duty for 14 hours.

Hours of Service Restrictions

- * Motor Carriers shall not allow drivers to operate a CMV after:
 - * Having been on-duty 60 hours in any period of 7 consecutive days or,
 - * Having been on-duty 70 hours in any period of 8 consecutive days
- * Motor Carriers may re-start the clock after 34 hours or more off-duty

Hours of Service Restrictions

- * Off-duty time only includes time where driver is relieved of all duty and responsibility for performing work
- * On-duty time excludes any time resting in a parked CMV where the driver is relieved of any responsibility for the vehicle
- * On-duty time excludes up to 2 hours in the passenger seat of a moving CMV immediately before or after 8 hours in a sleeper berth

Hours of Service Restrictions

- * Adverse Driving Conditions
 - * A driver of a CMV may drive up to 2 extra hours in adverse driving conditions



Short Haul Exemptions

- * Short haul operations exempts drivers of commercial motor vehicles from the requirement to maintain a logbook provided that they:
 - * operate within a 100 air-mile radius of the normal work reporting location
 - * return to the work reporting location and are released from work within 12 consecutive hours, and
 - * have at least 10 consecutive hours off-duty separating each 12 hours on duty

Short Haul Exemptions

- * Short haul operations exempts drivers of commercial motor vehicles **which do not require a CDL to operate** from the requirement to maintain a logbook provided that they:
 - * operate within a 150 air mile radius of their normal work reporting location
 - * drive a maximum of 11 hours after coming on-duty following 10 or more consecutive hours off-duty
 - * do not drive after the 14th hour after coming on-duty 5 days a week or,
 - * do not drive after the 16th hour after coming on duty 2 days a week

Hours of Service

- * Oilfield Operations – drivers of vehicles used exclusively in the transportation of oilfield equipment
 - * Allows for extension of 14 hour period by allowing on-duty not driving time
 - * May have 8 consecutive days of service beginning and ending with a 24 hour off-duty period



Electronic Logging Device Rule

- * Requires ELD use by commercial drivers who are required to prepare hours-of-service records of duty status (RODS)
- * Sets ELD performance and design standards, and requires ELDs to be certified and registered with FMCSA ([https://3pdp.fmsca.dot.gov/ELD/ELD list.aspx](https://3pdp.fmsca.dot.gov/ELD/ELD%20list.aspx))
- * Establishes what supporting documents drivers and carriers are required to keep
- * Prohibits harassment of drivers based on ELD data or connected technology (such as fleet management system).

Electronic Logging Device Rule

* Exemptions:

- * Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs
- * Drivers who use paper RODS for not more than 8 days out of every 30-day period
- * Drivers who conduct drive-away-tow-away operations, in which the vehicle being driven is the commodity being delivered
- * Drivers of vehicles manufactured before 2000

Electronic Logging Device Rule

- * Information packet on-board (may be electronic):
 - * A user's manual for the driver describing how to operate the ELD
 - * An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hours-of-service records to an authorized safety official
 - * An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
 - * A supply of blank driver's records of duty status (RODS) graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days

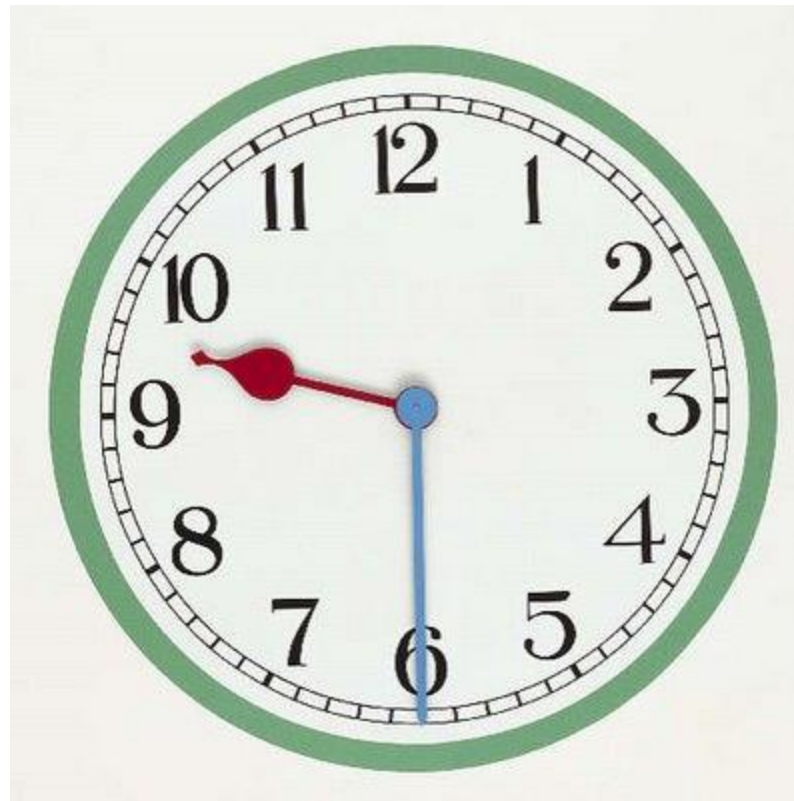
Electronic Logging Device Rule

- * Records, including a back-up copy of the ELD records, must be kept for a 6 month period



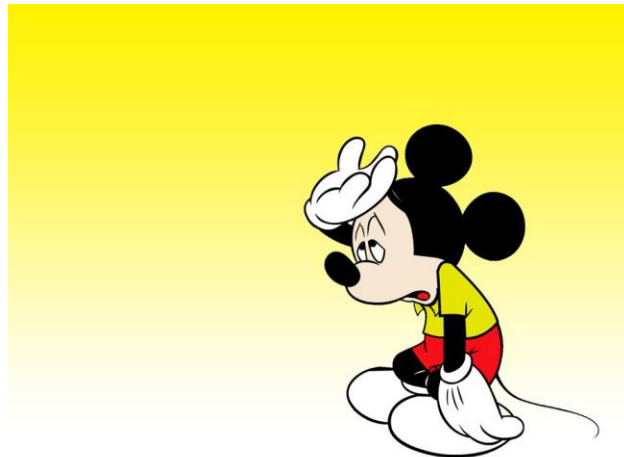
Electronic Logging Device Rule

* Compliance date is 12/18/2017



Electronic Logging Device Rule

- * If a company already has approved Automatic On-Board Recording Devices (AOBRDs), they do not have to meet the ELD requirements until 12/16/2019



Vehicle Safety Standards

- * Motor carriers are required to maintain the following maintenance records for every vehicle they have control over for 30 days or more:
 - * Identifying information to include, the make, company number if so marked, serial number or VIN, year and tire size
 - * A schedule of inspections to be performed including type and due date
 - * Records of inspections, repairs and maintenance performed with supporting documents and receipts, and
 - * Documentation that a Periodic Inspection has been completed within the last 12 months by a qualified inspector
- * These records must be retained for one year at the location where the vehicle is garaged and maintained for six months after the vehicle leaves the carriers control via sale, trade-in or scrap
- * Every motor carrier shall require its drivers to complete a Driver Vehicle Inspection Report in writing at the completion of each day's work only on each vehicle when defects are found

Vehicle Safety Standards

- * Individual vehicle records maintenance, including: Company DOT number; vehicle make, serial number, year of manufacture and tire size; inspection records; repair and maintenance records. Records must be on file for past year, or six months after vehicle leaves control.
- * Annual vehicle inspection by a qualified USDOT inspector (original at Motor Carrier, copy in vehicle).
- * Post-trip daily driver inspection reports.
 - * Signed and dated by driver
 - * Statement of safe operation, or
 - * Listing of defect
 - * Method of removing unsafe vehicles
 - * Method of verification of defect repair

Additional Colorado Requirements

- * CMVs, with the exception of mobile cranes, that are operated on I-70 between milepost 133 and milepost 259 from September 1st through May 31st, must carry tire chains or an alternative traction device



Drugs and Alcohol

- * No driver of a CMV shall be on duty and possess, be under the influence of, or use:
 - * A 21 CFR 1308.11 Schedule 1 substance
 - * An amphetamine
 - * A narcotic drug
 - * Any other substance which renders the driver incapable of safely operating the CMV

Drugs and Alcohol

- * No driver of a CMV shall :
 - * Use or be under the influence of alcohol within 4 hours of going on duty or operating a CMV
 - * Use or have any measured alcohol presence while on duty or operating a CMV
 - * Possess wine, beer or distilled spirits while on duty or operating a CMV

Controlled Substance Testing



- * Pre-employment
- * Random (50%)
- * Post accident
- * Reasonable suspicion
- * Return to duty
- * Follow-up

Alcohol



- * Alcohol concentration limit – 0.04

Post Accident Testing

- * Accident involving:
 - * Human fatality
 - * Bodily injury with immediate medical treatment away from the scene if citation issued
 - * Disabling damage to vehicle needing to be towed if citation issued

Post Accident Testing

- * Refusal of a drug test is a failure

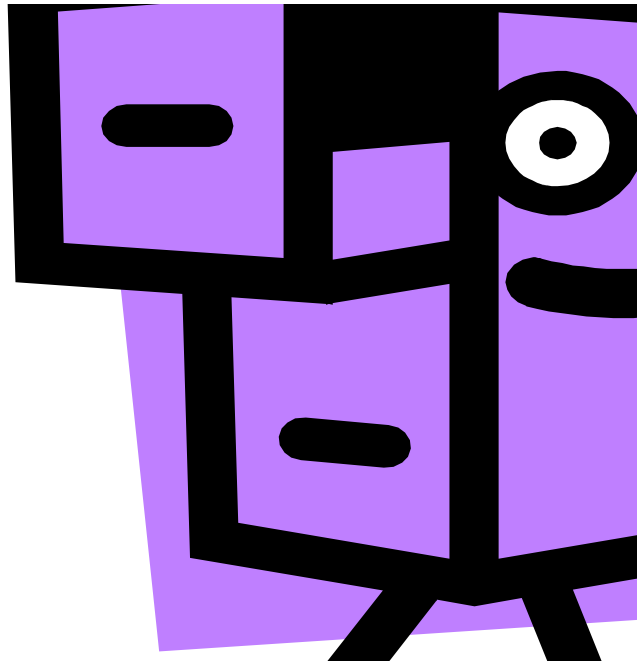


Reasonable Suspicion Testing

- * Reasonable suspicion is determined by a TRAINED SUPERVISOR



Testing Records Retention

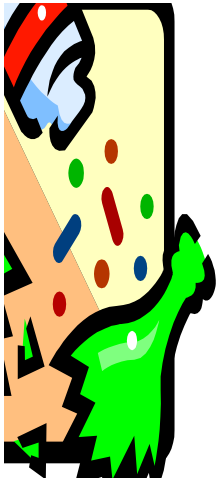


- * 5 years:
 - * Alcohol over 0.02
 - * Positive controlled substance
 - * Refusals
 - * Annual calibrations and summaries
- * 2 years:
 - * Collection process information
- * 1 year:
 - * Negative results

Reporting

- * Annual Management Information System Reports
 - * Motor carriers submit MIS drug and alcohol reports to FMCSA upon FMCSA request. Every motor carrier shall prepare and maintain their previous year's drug and alcohol MIS report in a safe and secure location, with controlled access, and make them available for inspection when requested by authorized personnel. These records should be maintained for a period of 5 years.

Consequences



Rehabilitatic

- * Removal from driving position until completion of an education/treatment program and return to duty testing

Compliance, Safety, Accountability

- * Safety compliance and enforcement program
- * Motor Carriers data appears on-line in the FMCSA's Safety Measurement System (SMS)
 - * The number of safety violations
 - * The severity of violations or crashes
 - * The number of trucks and the vehicle miles traveled
 - * Acute and Critical violations found during inspections
 - * <https://csa.fmcsa.gov>

CSA

- * SMS groups carriers using Behavior Analysis and Safety Improvement Categories (BASIC)
- * SMS ranks carriers in their groups and uses ranking to prioritize interventions

CSA

- * Intervention

- * Early Contact

- * Warning Letters

- * Targeted Inspections

- * At point of entry

- * By state and local law enforcement

- * Investigation

- * Forced Follow-on

- * Cooperative Safety Plans

Additional Colorado Requirements

- * Compliance Review
 - * On-site examination of motor carrier's records and operations to determine if motor carrier meets the Safety Fitness Standard.
 - * Ratings:
 - * Satisfactory
 - * Conditional
 - * Unsatisfactory

Additional Colorado Requirements

- * CSP Education & Technical Assistance Packet

- * <https://www.colorado.gov/pacific/sites/default/files/ETA%20Packet%202017.pdf>



Keep on Truckin'...

