

FMCSA Regulations Simplified...

Are You Truly Compliant?

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Agenda

- ▶ Introduction
- ▶ Idaho Law on Passenger Carriers - Intrastate Rules
- ▶ Federal Motor Carrier Safety Regulations - Interstate Rules
- ▶ Complaints on Drivers
- ▶ Q & A



Introduction

- ▶ 15 years Enforcement
 - ▶ Idaho Transportation Department POE
 - ▶ Idaho State Police
 - ▶ Commercial Vehicle Program
 - ▶ Specialist
 - ▶ Hazardous Materials Specialist
 - ▶ Sergeant
 - ▶ FMCSA Instructor
- ▶ Started Safety & Compliance Solutions in 2016 to assist carriers with compliance

Disclaimer

- ▶ The laws and rules discussed in this presentation do not take into factors or each individual business represented in the room. There may be certain exception or exemptions that a carrier may be eligible to claim or may operate under.
- ▶ Due to time constraints ADA requirements, operating authority exceptions, small vehicle exceptions, and other more specific exemption will not be discussed.
- ▶ Enforcement personnel and agencies may not enforce all rules, however not enforcing a rule or regulation does not remove a carriers liability or responsibility from compliance.

Idaho Law on Passenger Carriers - Intrastate Rules - Definitions

- ▶ Definitions

- ▶ I.C. 49-103 (6) "Bus"



Idaho Law on Passenger Carriers - Intrastate Rules - Definitions

▶ Definitions

- ▶ I.C. 49-103 (6) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and **every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.**
- ▶ A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, **shall not** be a "bus" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

Idaho Law on Passenger Carriers - Intrastate Rules -Definitions

- ▶ Definitions
- ▶ Commercial Vehicle I.C. 49-123 (d) Commercial vehicle or commercial motor vehicle. For the purposes of **chapters 3 and 9*** of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:
 - ▶ (i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
 - ▶ (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
 - ▶ (iii) Is designed to transport sixteen (16) or more people, including the driver; or
 - ▶ (iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

* Chapter 3 is Drivers license information, Chapter 9 is vehicle equipment

Idaho Law on Passenger Carriers - Intrastate Rules -Definitions

- ▶ Definitions
- ▶ Commercial Vehicle IDAPA Rule 11.13.0101.
 - ▶ Commercial Motor Vehicle (CMV). Any self-propelled or towed motor vehicle used on a highway in **interstate or intrastate** commerce to transport passengers or property when the vehicle: (3-29-10)
 - ▶ a. Has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW), of four thousand, five hundred thirty-six kilograms (4,536 kg.), (ten thousand, one pounds (10,001 lbs.)) or more, whichever is greater; or (3-29-10)
 - ▶ b. Is designed or used to transport more than eight (8) passengers, including the driver, for compensation; or
 - ▶ c. Is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation; or
 - ▶ d. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C

Idaho Law on Passenger Carriers - Intrastate Rules

▶ Intrastate and Interstate Carriers

- ▶ Commercial carriers whose GVWR (Gross Vehicle Weight Rating), is greater than 10,001 and operate outside the state of Idaho are considered Interstate carriers and are required to have an Interstate DOT number. They can also be required to complete log books and carry medical cards. For more information see the [Code of Federal Regulations](#).
- ▶ Commercial vehicles who ONLY operate in Idaho, have a GVWR of 26,001 or greater or combination weight rating, who transport more than 8 passengers, or that haul hazardous materials requiring placards, are required by Rule 19 of the Idaho Motor Carrier Rules to have an assigned Intrastate DOT number
- ▶ www.isp.idaho.gov/gvwr.html

Idaho Law on Passenger Carriers - Intrastate Rules

- ▶ Idaho requires **INTRASTATE** passenger carriers to follow **FMCSR** requirements like **INTERSTATE** passenger carriers for all passenger carriers with only a few exceptions:
- ▶ (a) Motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are either:
 - ▶ (i) Wholly owned and operated by such school, or
 - ▶ (ii) Leased or contracted by such school and the motor vehicle is not used in the furtherance of any other commercial enterprise; or
- ▶ (b) Taxicabs or other motor vehicles performing a licensed or franchised taxicab service, having a seating capacity of not more than seven (7) passengers within twenty-five (25) miles of the boundaries of the licensing or franchising jurisdiction; or
- ▶ (c) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or airports or other common carrier stations; or
- ▶ (d) Transportation of persons or property by motor vehicle at an airport when incidental to transportation by aircraft or other transportation in substitution for scheduled airline service when the carrier cannot provide the scheduled service because of weather and/or mechanical conditions and the transportation is arranged for and paid by the affected airlines

Federal Motor Carrier Safety Regulations - Interstate Rules - Definitions

- ▶ *Commercial motor vehicle* means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—
 - ▶ (1) 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
 - ▶ (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
 - ▶ (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - ▶ (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Federal Motor Carrier Safety Regulations - Interstate Rules - Definitions

- ▶ *Bus* means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.
- ▶ *School bus operation* means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home.

Federal Motor Carrier Safety Regulations - Interstate Rules - Definitions

- ▶ *Private motor carrier* means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.
- ▶ *Private motor carrier of passengers (business)* means a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.
- ▶ *Private motor carrier of passengers (nonbusiness)* means private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).

Federal Motor Carrier Safety Regulations - Interstate Rules - Definitions

- ▶ *For-hire motor carrier* means a person engaged in the transportation of goods or passengers for compensation.
- ▶ *Private motor carrier* means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.
- ▶ *Private motor carrier of passengers (business)* means a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.
- ▶ *Private motor carrier of passengers (nonbusiness)* means private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).

Federal Motor Carrier Safety Regulations - Interstate Rules

Bottom Line

- ▶ Basically there is NO difference between Idaho definition of bus and Commercial Vehicles as they relate to passenger carriers. Idaho law has a slightly different definition, however IDAPA rule covers the same as FMCSR

Federal Motor Carrier Safety Regulations - Interstate Rules - General Applicability

- ▶ 390.3(a)(1) The rules in this subchapter are applicable to all employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce.
- ▶ (f) *Exceptions*. Unless otherwise specifically provided, the rules in this subchapter do not apply to—
 - ▶ (1) All school bus operations as defined in §390.5T, except for the provisions of §§391.15(e) and (f), 392.80, and 392.82 of this chapter.
 - ▶ (2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

Federal Motor Carrier Safety Regulations - Interstate Rules - For Hire

▶ You are For Hire if:

- ▶ 1. You offer interstate transportation to passengers for a commercial purpose AND
- ▶ 2. You are compensated, either directly or indirectly, for the transportation service provided. AND
- ▶ 3. The transportation generally available to the public at large.

Federal Motor Carrier Safety Regulations - Interstate Rules - For Hire

- ▶ Requirements:
 - ▶ CDL (if vehicle is designed to transport 16 or more passengers including the driver)
 - ▶ Drug and Alcohol Testing (if vehicle requires CDL)
 - ▶ Insurance ***
 - ▶ 16 or more passengers requires \$5,000,000
 - ▶ 15 or less requires \$1,500,000
- ▶ ***387.33(b) sets limits specifically for transit service providers

Federal Motor Carrier Safety Regulations - Interstate Rules - For Hire

- ▶ Requirements (cont'd):
 - ▶ USDOT number, Operating Authority, vehicle markings
 - ▶ Driver qualification file
 - ▶ Part 392 Driving of CMV's
 - ▶ Parts and Accessories (fire extinguisher, emergency exits, etc..)
 - ▶ Hours of service
 - ▶ Part 396 Inspection Repair and Maint.

Federal Motor Carrier Safety Regulations - Interstate Rules - Business PMCP

- ▶ You are *Private motor carrier of passengers (business)* if you are a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.

Example: Employer who provides transportation for its employees to or from work. It is business use, however not available to the general public

Federal Motor Carrier Safety Regulations - Interstate Rules - Business PMCP

- ▶ Requirements:
 - ▶ CDL (if vehicle is designed to transport 16 or more passengers including the driver)
 - ▶ Drug and Alcohol Testing (if vehicle requires CDL)
 - ▶ Insurance
 - ▶ Federal Rule exception, state requirement

Federal Motor Carrier Safety Regulations - Interstate Rules - Business PMCP

- ▶ Requirements (cont'd):
 - ▶ USDOT number, vehicle markings
 - ▶ Driver qualification file (some documents not required)
 - ▶ Part 392 Driving of CMV's
 - ▶ Parts and Accessories (fire extinguisher, emergency exits, etc.)
 - ▶ Hours of service
 - ▶ Part 396 Inspection Repair and Maint.

Federal Motor Carrier Safety Regulations - Interstate Rules - Non-Business PMCP

- ▶ *Private motor carrier of passengers (nonbusiness)* means private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).

Examples: church providing ride to services, scout groups, private schools

Federal Motor Carrier Safety Regulations - Interstate Rules - Non-Business PMCP

- ▶ Requirements:
 - ▶ CDL (if vehicle is designed to transport 16 or more passengers including the driver)
 - ▶ Drug and Alcohol Testing (if vehicle requires CDL)
 - ▶ Insurance
 - ▶ Federal Rule exception, state requirement

Federal Motor Carrier Safety Regulations - Interstate Rules - Non-Business PMCP

- ▶ Requirements (cont'd):
 - ▶ USDOT number, vehicle markings
 - ▶ Driver qualification many exceptions including medical card, background inquiry, files and all paperwork
 - ▶ Part 392 Driving of CMV's
 - ▶ Parts and Accessories (fire extinguisher, emergency exits, etc.)
 - ▶ Hours of service - applicable but no paperwork required
 - ▶ Part 396 Inspection Repair and Maint.- many exceptions

Complaints on Drivers

<http://www.startribune.com/complaints-rise-about-metro-transit-bus-drivers/233173721/>

Complaints rise about Metro Transit bus drivers

Metro Transit says that because of social media, it's easier than ever to report possible problems.

By Tim Harlow Star Tribune | DECEMBER 2, 2013 — 10:37AM



RICHARD TSONG-TAATARIII • RTSONG-TAATARIII@STARTRIBUNE.COM

Faye Brown is a driver and trainer who enjoys special assignments such as providing shelter in a bus during emergencies. Although complaints about drivers are up, Metro Transit hears lots of praise, too.

Cut off in traffic by a bus and then flipped off by its driver, Roger Watts filed a complaint with Metro Transit. Mark Jackson did the same thing after he endured a harrowing bus ride with “a very aggressive driver.”

A sharp rise in complaints about bus drivers has accompanied the recent jump in transit ridership. Metro Transit logged more than 6,111 complaints against bus drivers in 2012, up 30 percent from 4,686 filed five years ago.

Last year, there was one complaint for every 11,421 riders, compared to one in

TEXT SIZE

0

EMAIL

Complaints on Drivers

- ▶ Company policy?
- ▶ Social Media
- ▶ Phone cameras
- ▶ Tracking driver and vehicle behavior
 - ▶ How do you track vehicles?
 - ▶ Video
 - ▶ Telematics, GPS Tracking live vs. download

Questions?

- ▶ Safety & Compliance Solutions LLC
 - ▶ 208-229-9063 or seth@safecompsolutions.com

- ▶ FMCSA Idaho Field Office
 - ▶ 208-334-1842
- ▶ Idaho State Police Commercial Vehicle Safety
 - ▶ 208-884-7220 or cvs@isp.idaho.gov
- ▶ <https://www.fmcsa.dot.gov/safety/passenger-safety/passenger-safety-publications>