



What You Need to Know About DOT Rules & Regulations

Written by Dan Laurencelle, Arctic Glacier, Inc.

The ever-changing DOT rules and regulations continue to leave many of us trying to determine what is fact or fiction. It seems every time one rule is implemented another is on the horizon making it difficult for us to keep our Distribution operations compliant. With FMCSA rules constantly changing, and now the introduction of the Clearinghouse, we all want to make sure we do not find ourselves with the authorities showing up to audit your business.

FMCSA being governed Federally, our operations primarily follow these rules and regulations, but in some instances State rules supersede some FMCSA rulings. Please refer to your state DOT rules to determine which set of rules you must adhere to.

Although it seems barriers are being put up on every turn, actuality is that many of these rules are implemented to not only protect your business, but it is also to protect the driver and the public making sure legal and safe drivers are behind the wheel of all Commercial Vehicles.

Here are just some of the regulations that apply to both Canada and U.S.:

- Short Haul Exemption
 - California has its own exemption ruling
- Drug and Alcohol
- Hours of Service
- Vehicle Markings
- ELD Mandate
- ELDT Mandate

Here's what's coming:

- The Push for Speed Limiters affecting trucks in interstate commerce over GVW 26,000 lbs.
- Automatic Emergency Breaking - this has been a joint effort between NHTSA and FMCSA. Although some newer trucks already have this, they propose requiring and standardizing EABS.
- More changes to come to ELDT standardization

- Expanding additional D&A testing via Hair and Oral Fluids Testing. An arm of the Health and Human Services called Substance and Abuse Health Services Administration (SAMHSA), is responsible for the technical and scientific standards FMCSA and DOT regulatory agencies must follow when conducting drug and alcohol testing. SAMHSA is working to adopt new standards for this new type of D&A testing, but not yet finalized.
- In January 2023, Clearinghouse will have 3 years of data, as long as carriers reported truthfully prior employers about driver applicants. Expect to see the Clearinghouse continue to evolve.
- ELD revisions not yet known, very early stages
- Possible changes to Carrier Safety Ratings (aka Safety Fitness). Changes may be coming in the manner to the way agency rates the carrier through audits. The Ratings are Satisfactory, Conditional, and Unconditional, these ratings are critical data points for carriers as significantly influence insurance premiums and customer relationships and can ultimately lead to fleet wide shut down. Essentially working toward using data and resources more effectively to identify unfit carriers.

The introduction of the FMCSA Clearinghouse brought another layer of compliance for CDL drivers.

What is the FMCSA Clearinghouse?

A secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).



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The purpose of the Clearinghouse is short of to prevent job bouncing where positive drug and alcohol tests results, refusing to test and information of return-to-duty status.

The return-to-work steps require the driver must do the following to be eligible to perform a safety-sensitive function.

- Be evaluated by a substance abuse professional (SAP).
- Participate in/complete the treatment prescribed by the SAP.
- Pass a drug and/or alcohol return-to-duty test following the results:
 - Alcohol with a result indicating an alcohol concentration of less than 0.02; and/or
 - Controlled Substances with a result indicating a verified negative result drug use.
- Have documented follow-up testing schedule

Employers do have a level of responsibility to report negative results within 72 hours of receiving the information.

Canada-Specific:

Canada does have a similar agency, the CCMTA (Canadian Council of Motor Transportation Administrators).

The CCMTA has a Strategic Plan 5-year Plan to focus on making Canadian roads safer.

The 5 Priorities:

- Member Driven Solutions
 - Meet Member Needs
 - Maximize Resources
 - Exchange Knowledge
- Agreements (Develop and Maintain Pan-Canadian and International Agreements)
 - Supporting reciprocity, a core component
 - Support MOUs
 - Emphasize the NSC Standards (National Safety Code)
 - The Canadian License Agreement
 - Canada's Road Safety Strategy 2025 (Towards Zero: The Safest Roads in the World Program)

- Government and Stakeholder Relationships (Value Added Key Initiatives)
 - Responsiveness
 - Effectiveness
 - Consultation
- Organizational Effectiveness
 - Capacity
 - Capability
 - Monitor and improve governance
 - Identify appropriate revenue and growth strategies to ensure sustainability
- Technology Services
 - Enhance Data Exchange
 - Develop and Provide Digital Services
 - Continue to meet current and emerging data requirements
 - Support to development and provision of digital services

There are a few DOT rules in Canada that differ from US.

- HOS rule allows Canadian drivers 13 hours of drive time in a day with a total of 14 hours on duty.
- When operating in the US, Canadian drivers must comply with US DOT Rules.

It is important to remain diligent with the various rules and regulations that apply to your operations. We continue to see the FMCSA and other Federal (Canada and U.S.), as well as State and Provincial enforcement entities make changes that most certainly can affect how we operate our fleet and drivers.

Having a DOT Consulting company can certainly benefit navigating the current and changing regulations. Understanding how many of these rules is important for all of us to understand so you can manage your operations effectively, but most of all safely.