

Monthly Roundup

May 2024



This *STC Monthly Roundup* is a regular report on recent and pending legislative, regulatory, enforcement and administrative initiatives by Congress, the U.S. Department of Transportation, and certain sub-agencies of the USDOT including the Federal Motor Carrier Safety Administration (“FMCSA”), the National Highway Traffic Safety Administration (“NHTSA”), the Pipeline and Hazardous Materials Safety Administration (“PHMSA”), and other agencies that impact the trucking industry at large. It also provides the latest information on enforcement trends, research and other timely information on relevant topics.

The *Roundup* is divided into three main sections: Hot Topics, Rulemaking Activity and Compliance/Enforcement/Research Information. Within each section you will find summaries of the most recent activity.

HOT TOPICS

Thinking About Intelligence – If you’ve been to a transportation related conference lately, you’ve likely sat through an educational session in which someone describes a new technology that leverages Artificial Intelligence machine learning. Without additional context however, we’re left to decide if using AI will give us an edge over the competition or if it is beginning to the next Terminator movie. So, what exactly is AI? How does it work and how will it help?

Artificial intelligence (AI) generally refers to the theory and development of computer systems capable of performing tasks that historically reserved for humans. It is an umbrella term that encompasses a wide variety of technologies and automation, including machine learning, deep learning, and natural language processing. AI works by collecting and analyzing data extracted from various sources like sensors, databases and the internet, then processes the data using one of several algorithm types, each designed and built for a specific task. It excels at analyzing data and recognizing patterns and uses this information to make predictions or recommendations. In the trucking industry, use cases for AI include route optimization, shipment tracking, price quotes, supply chain management, predictive maintenance, and yes, autonomous trucking. Some dashcams have AI built in to identify problematic driving patterns and suggest coaching opportunities. Compliance functions are a target of AI as well, helping to speed routine compliance and auditing tasks.

What AI does not do is think critically. It lacks a holistic understanding of systems and the impact of forces outside of the data on which it has been trained. It is not self-aware and does not have intuition or an ethical frame, features that are critical to making decisions for which we don’t have reams of data to depend. It does not think. It makes predictions based on identified patterns and mathematical computations. This is an important caveat for those of us familiar with AI Chatbots being deployed in our favorite web browser or services like ChatGPT. While these services can offer useful information, they should be used with caution as the lack of context, and reliable source citation, sometimes produces inaccurate results.

To be sure, AI is a revolutionary technology that is bound to change the way we do business. We should be cautious how we use it but not fearful. It’s true that AI may ultimately displace some workers, but for those of us savvy enough to understand and leverage the power of AI, it will assist, not replace, us. Critical thought, ethical considerations and intuition will remain the domain of human brains.

A New Look at New Entrants — As new motor carriers enter the trucking industry in record numbers, more needs to be done to ensure they operate safely on our roadways. Oftentimes, new motor carriers suffer from a lack of knowledge and minimal of experience in motor carrier safety and compliance. Last month, FMCSA reported at its Safety Research Forum that graduates of the New Entrant Safety Assurance Program have had twice as many total crashes and nearly twice as many fatal crashes per power unit as the established motor carriers they were measured against. In this context, the program has failed to prepare carriers for success, a state purpose of the program. It is not enhancing safety. It needs to be changed.

There have been many challenges with the program including a surging number of new carriers entering the industry. These numbers spiked in 2021 and 2022, when, on average, approximately 10,800 for-hire carriers were registering per month, as compared to 4,800 per month in 2019. In 2023 the number remained almost double what was commonplace prior to 2020. Meanwhile, state motor carrier enforcement staff is decreasing, leading to new entrant safety audits not being completed on time and a focus on quantity over quality. This has put stress on every aspect of the program. Other challenges have included an inadequate initial carrier vetting process (to identify chameleon carriers and fraud), lack of an adequate onboarding process (including training and testing), as well as not having a robust early-stage oversight and monitoring process for these newly minted carriers. The overarching concern is it too easy to become a motor carrier. Practically speaking, it is more difficult for drivers to get a CDL than it is to become a motor carrier.

We can change this paradigm. FMCSA has on its docket implementing a proficiency examination requirement for new entrants, which is long overdue. Secondly, much more education needs to take place. Most carriers entering the business want to do things right but need some training and guidance. We also need to provide more support and assistance to states to streamline the program and make it more flexible and efficient for them to implement. Like most employers do in the workplace, when bringing on a new hire, they are not just onboarded and left to figure things out on their own. New employees need continual care, training, assessment, monitoring and mentoring to help them be successful. New entrant motor carriers are no different, yet today we let them run their business essentially untrained and with no substantive oversight. It should not be a surprise they are having problems. We can and need to do better. Many of these new motor carriers will end up being the future of trucking, and we owe it to them, the motoring public, and the rest of the industry to help those along that want to do it right, and to make it a bit harder on those who don’t.

LEGISLATION, RULEMAKING & RELATED ACTIVITY

Legend

Near Term/Final Action

Medium Term/Proposal

Long term/No clear timeline



Red Text: New or updated in the last month

Agency	Name Of Action	Status	Information & Industry Impact
DEA / DOJ	NPRM to Transfer Marijuana to Schedule III Drug	Scheduled for publication May 22 Comments due Jul 22	The Department of Justice proposes to transfer marijuana from schedule I of the Controlled Substances Act (“CSA”) to schedule III of the CSA. In response, industry advocates, including American Trucking Associations, noted that DOT’s current drug and alcohol testing authority allows motor carriers to test for Schedule I or II drugs but not for Schedule III drugs.
Illinois	S.B. 2979 to Amend IL BIPA Provisions	Passed May 16	The Illinois legislature passed a bill amending certain provisions of the state’s Biometric Information Privacy Act (BIPA). The amendment overturns an state Supreme Court’s decision that an individual can recover statutory penalties for each separate biometric scan. Through SB2979, the state legislature makes clear that an individual can only recover a single statutory penalty when their biometric identifier is collected in violation of BIPA. It also now makes clear that entities can get written consent in the form of an electronic signature. When signed by the Governor, the amendment will go into effect immediately.
Biden Administration	Tariff increases on Chinese goods	Announced May 14	Announced tariff increases on key goods made in China, focused on electric vehicles, batteries, critical minerals, semiconductors, solar cells and more. The USTR noted existing Section 301 tariffs would remain on China and it would increase the import tax in strategic sectors. The modifications are envisioned to better protect U.S. manufacturers against China’s trade practices. The tariffs will cover \$18 billion worth of imports in clean energy and technology sectors. The announcement has been met with mixed reviews, with ATA mentioning this action would result in higher vehicle purchase prices and put more inflationary pressure on the industry.
FMCSA	Safe Driver Apprenticeship Program Notice of Revision to Pilot Program	Published May 14	As required by Congress in the FY2024 THUD Transportation Bill, FMCSA has officially updated the program requirements for the Safe Driver Apprenticeship Pilot Program to exclude the mandatory use of the driver facing cameras and to be a registered apprenticeship program under the DOL
US Senate	Senate Passes Diesel Emissions Reduction Bill Update	Passed Senate May 9 Awaiting House passage	The US Senate passed bipartisan legislation updating the Diesel Emissions Reduction Act. The measure would fund programs through fiscal 2029 that promote health benefits through air quality improvements.
NHTSA	Automatic Emergency Braking	Final Rule published May 9, Compliance date Sept 1, 2029	This final rule requires within five years, all new passenger vehicles be equipped with forward collision warning, automatic emergency braking and pedestrian automatic emergency braking systems.
Congress	Victim and Survivor Advocate Act	Introduced May 9	Introduced concurrently in both chambers, the bill would create a career-position advocate within DOT to ensure communications and recommendations to the Transportation secretary from safety advocates on the needs and objectives of DOT programs and activities relating to roadway safety.

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Federal Trade Commission	Rule Banning Non-competes	Final rule issued Apr 23 Published in Federal Register May 7, effective date Sept 4, 2024	FTC issued a Final Rule declaring that noncompete clauses are an unfair method of competition and will be considered a violation. Noncompetes entered into on or after the effective date will be unenforceable, regardless of the position held or the salary earned by the worker. Existing noncompetes, i.e. those entered into prior to the Rule's effective date, will be unenforceable with the exception of agreements entered into with "senior executives", defined to refer to workers earning more than \$151,164 annually who are in a "policy-making position."
US House	H. R. 7527 - Mail Traffic Deaths Reporting Act of 2024	Passed House May 6	Legislation would require contract carriers and Postal Service employees to report roadway crashes involving vehicles carrying mail and resulting in injury or death no later than three days after the crash, and for the Postal Service to maintain an internal database of such reports and publish an annual summary of information related to the reports. The bill, which now goes to the Senate, has a 34% chance of being enacted, according to govtrack.us.
Congress	CRA to Block EPA Mandate	Introduced May 1	Bipartisan Congressional Review Act (CRA) legislation would overturn the Phase 3 Greenhouse Gas emissions standards set by the EPA for heavy-duty vehicles. The resolution was co-authored by U.S. Senators Pete Ricketts (R-Nebraska) and Dan Sullivan (R-Alaska) and Representatives John James (R-Michigan) and Russ Fulcher (R-Idaho),
DOL	Federal Overtime Rules	Final Rule Published Apr 26 Effective Jul 1	Under this new rule, overtime exemption thresholds under the Fair Labor Standards Act (FLSA) for salaried executive, administrative, or professional employees would be increased from a current threshold of \$35,568 to \$43,888 on July 1, 2024. On January 1, 2025, the threshold will increase to \$58,656. Thresholds will be updated every three years. The rule does not apply to drivers who are exempt from the FLSA.
NHTSA	Standards for Hydrogen vehicles	NPRM published April 17. Comments due June 16	NHTSA is proposing a new Federal Motor Vehicle Safety Standard specifying performance requirements for motor vehicles powered by hydrogen including standards for system integrity before and after a crash as well as compressed storage standards.
CVSA	Petition to Remove Inspection Report Return Requirement	Reported Apr 17 (Submitted Apr 2)	The Commercial Vehicle Safety Alliance (CVSA) submitted a petition to FMCSA to remove the requirement under § 396.99(d) for motor carriers to return inspection reports to the issuing agency, in which they certify that violations noted on the report have been corrected. Instead, CVSA's proposal would allow each jurisdiction the flexibility to require forms to be returned at their discretion.
Bureau of Industry and Security, U.S. Department of Commerce	ANPRM involving information and communications technology and services	Published March 1, comments due April 30	BIS is considering new rules to prohibit certain ICTS transactions by or with persons who design, develop, manufacture, or supply ICTS integral to Connected Vehicles and are owned by, controlled by, or subject to the jurisdiction of foreign governments or foreign non-government persons identified at 15 CFR 7.4 (foreign adversaries). BIS is also considering allowing market participants to engage in otherwise prohibited transactions if the risks of those ICTS transactions can be sufficiently mitigated using monitorable measures. This action is being taken pursuant to Executive Order 13873 It is unclear as to how this may impact on the trucking industry, it could potentially have broad impacts on the OEM and supplier communities.

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California	CTA and OOIDA filed AB5 Appeal	Reported Apr 15	California Trucking Association and Owner-Operator Independent Driver Association are appealing a March ruling from the U.S. District Court for the Southern District of California regarding the state's AB5 law.
FMCSA	CDL Exemption Request	Published Apr 15 Comments due May 15	The Hawaii Department of Transportation requested an exemption to CDL rules that would allow a Class A or B CDL holder with a Passenger (P) endorsement to operate a school bus without having a School Bus (S) endorsement. The request is to alleviate a shortage of school bus drivers in the state.
U.S. Senate	Senate Votes to Reverse Joint Employer Standard	Passed Senate Apr 10	The Senate approved a bi-partisan resolution, previously passed in the House, that would reverse the new joint employer standard proposed by the National Labor Relations Board (NLRB). The house passed a similar measure earlier this year. President Biden is expected to veto the resolution.
U.S. House	House Passes WIOA Reauthorization	Passed House Apr 9	The House passed H.R. 6655, a reauthorization of the Workforce Innovation and Opportunity Act titled "A Stronger Workforce for America Act", by a bipartisan vote of 378-26. This bill reauthorizes and makes improvements to legislation governing federal workforce development programs, including transportation-focused jobs. There is currently no companion Senate bill.
West Virginia	Legislature Strengthens Tort Reform Measures	Signed into law Apr 2	West Virginia Governor Jim Justice signed into law legislation that provides a streamlined process for evaluating an employer's liability for personal injury and wrongful death claims involving CMV operators. The bill also limits noneconomic damages in such actions to \$1 million per plaintiff with certain exceptions.
FMCSA	FMCSA Waivers, Exemptions, and Pilot Programs Annual Report to Congress	Submitted ~Apr 1	FMCSA reported to Congress that its Safe Driver Apprenticeship Pilot Program had received only 113 applications from motor carriers since inception in 2022. Only 34 of those carriers had been fully approved to participate, a rejection rate of 34%. The agency rejected 38 applications for not meeting the safety qualifications. Another 36 applications met the safety standards but failed to complete registration.
Wisconsin	Gov. Vetoes Cap for Non-Economic Damages	Vetoed Mar 29	Governor Tony Evers vetoed a bill that would have put a \$1 million cap on awards for noneconomic damages such as pain and suffering in lawsuits stemming from commercial motor vehicle accidents.
U.S. Senate	Veterans Transition to Trucking Act	Filed Mar 21	The proposed legislation would allow interstate commercial carriers to get one approval for their apprenticeship programs from the Department of Veterans Affairs—making it easier for veterans to access trucking apprenticeship programs.
U.S. Senate	Transportation Security Screening Modernization Act	Filed Mar 14	A companion bill to H.R. 5840 requires TSA to streamline and remove cost and redundancy from enrollment for security threat assessments for certain credentials including the Transportation Worker Identification Credential (TWIC) and Hazardous Materials Endorsement (HME). It is bi-partisan legislation. ATA and 150 organizations back the effort.
CARB	'Smog Check' testing deadline postponed	Issued Mar 13	CARB announced it would delay the first periodic testing deadline for its Clean Truck Check Program to Jan. 1, 2025, but there are no delays to requirements to register and pay fees for 2023.

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Joint Office of Energy & Transportation	Zero-Emission Freight Corridor Strategy	Announced March 12	Released the National Zero-Emission Freight Corridor Strategy in collaboration with DOT, DOE, and EPA. The strategy aims to deploy a zero-emission medium- and heavy-duty vehicle (ZE-MHDV) fueling infrastructure in the US by 2040. In tandem, FHWA announced the designation of National EV Freight Corridors along the National Highway Freight Network and other key roadways.
PHMSA	FAQs – Training Requirements	Published March 3	This notice contains the third set of FAQs related to hazmat training requirements and is part of a larger effort to convert interpretation letters to FAQs.
Indiana	Transportation Matters (House bill 1010)	Signed Mar 11	Indiana Gov. Eric Holcomb signed into law a bill that allows a plaintiff's failure to use a seatbelt to be introduced as evidence in vehicle accident lawsuits. The bill permits juries to reduce damage awards based on that information.
FMCSA	Safety Impacts of Human-ADS Team Driving Applications	ICR published March 8 Comments due April 8	The agency is requesting comments on a driving simulator study that seeks to quantify the safety implications of team driving applications between human and Automated Driving System (ADS) equipped CMV to assess the benefits of such and to support analysis of potential requests for HOS relief.
NLRB	U.S. District Court Vacates NLRB Joint-Employer Rule	Issued Mar 8	A U.S. District Court judge in the Eastern District of Texas vacated the NLRB's recent rule regarding joint-employment. Under the rule, two or more entities would have been considered joint employers if they share or co-determine one or more of the employee's essential terms and conditions of employment.
FMC	Detention and Demurrage billing requirements	Final Rule published Feb 23, Effective date 5/28/24	Requires common carriers and marine terminal operators to include specific minimum information on demurrage and detention invoices, outlines certain detention and demurrage billing practices, such as determination of which parties may appropriately be billed for demurrage or detention charges, and sets timeframes for issuing invoices, disputing charges with the billing party, and resolving disputes. Will relieve motor carriers who don't contract with ocean carriers from footing these bills. Is an outcome of the Ocean Shipping Reform Act of 2022.
Wisconsin	Limitation of non-economic damages (SB 613)	Passed Senate Feb 21, awaiting Governor's signature	The Bill limits non-economic (pain and suffering) damages to \$1 million that can be recovered from a motor carrier from a court claim involving injury, death or other loss to person resulting from an act/omission by an employee of the carrier while acting within the scope of employment.
FMCSA	CDL Skills Test Exemption for State of Hawaii	Published Feb 20	FMCSA has granted an exemption to the State of Hawaii allowing drivers taking a CDL skills test on Lanai & Molokai to forgo tests confirming the ability to signal when changing direction in traffic, and the ability to choose a safe gap for changing lanes, and passing other vehicles. Applicants may only drive a CMV on Lanai and Molokai.
Federal Maritime Commission	Chassis Choice Ruling Upheld for Intermodal Carriers	Delivered Feb 13	The FMC upheld a 2023 ruling that the current system of intermodal chassis pooling and ocean carriers designating exclusive chassis providers in four geographic areas for certain shipments violates federal law by denying motor carriers choice.
Georgia State Senate	Senators Vote to Limit Ability to Directly Sue	Voted February 13	In a 46-2 vote, state senators in Georgia voted to limit the ability to directly sue insurance companies over truck-involved crashes. The legislation would allow such suits only when a trucking company has gone bankrupt or when a driver or trucking company owner can't be located. The measure now moves to the House.

Agency	Name Of Action	Status	Information & Industry Impact
	Insurance Companies in Truck Crashes		
FMCSA	Increased Flexibility for Testing and for Drivers After Passing the Skills Test - NPRM	Published Feb 2 Comments due Apr 2	The Agency is proposing to increase flexibility for CDL applicants (as well as SDLAs) by (1) allowing skills tests to be conducted in a state other than that of the applicant's domicile; (2) allowing a CLP holder to driver on public roads without a CDL holder being in the passenger seat (i.e., the CDL holder could be in the sleeper berth); (3) eliminating the 14-day wait-time between CLP and CDL tests.
New Jersey	New Jersey Increases Minimum Insurance Limits	Published Jan 25	New Jersey now requires increased insurance minimums for CMVs and other vehicles. New requirements for include CMVs to maintain proof of financial responsibility of \$1.5 million for those over 26,001 lbs. certain passenger carriers, and those transporting hazardous materials. CMVs weighing between 10,001 and 26,001 lbs. must maintain limits of \$300,000.
FMCSA	Proposed Removal of Medical Examiners from NRCME	Published Jan 24	FMCSA announced that nearly 16,000 medical examiners face removal from the National Registry if they don't log in to login.gov and update all outdated information in the profile by Feb. 26, 2024. Medical certificates for drivers examined by doctors removed from the registry will remain valid and ME's will continue to be listed on the website as "not-certified."
FMCSA	New Medical Examiner's Handbook	Published Jan 22	After nearly a decade, FMCSA has published a revised version of the Medical Examiner's Handbook. It provides guidance to ME's on how to approach medical conditions discovered during an exam. Importantly, the updated handbook includes new, albeit vague, guidance on screening for Sleep Apnea.
FMCSA	Medical Advisory Criteria (Driver Qualifications)	Published Jan 19	FMCSA updated Medical Advisory Criteria appendix 49 CFR § 391.43 to provide guidance for medical examiners on the applicability and interpretation of the physical qualification standards.
FMCSA	Safety Fitness Determination: Notice of data availability;	Published Jan 11	The Agency published a "Notice of Data Availability" to alert stakeholders and about information that FMCSA believes may be relevant to its efforts to develop a new methodology to determine a motor carrier's "fitness" to operate. The notice references six studies involving crash data, technology and compliance reviews.
DOL	Employee or IC Classification Under the FLSA	Published Jan 10	U.S. DOL modified its analysis for determining employee or independent contractor classification under the Fair Labor Standards Act (FLSA) with an analysis that DOL states is more consistent with judicial precedent and the Act's text and purpose.
FMCSA	NPRM for UCR Fees	Published Jan 8	FMCSA published a Notice of Proposed Rulemaking with intent to increase Unified Carrier Registration (UCR) fees by 25% effective with the 2025 registration year.
CARB	Enforcement Notice	Published Dec 28, 2023	The California Air Resources Board (CARB) announced that the state would not enforce reporting or registration requirements of the "Advanced Clean Fleets" (ACF) regulation for "high priority fleets" (those with more than \$50M in revenue or operating 50 or more trucks) until the Environmental Protection Agency (EPA) grants a preemption waiver or determines a waiver is not necessary.

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FMCSA	California and Washington Meal and Rest Break Rules;	Published December 26, 2023	Requesting comments on petitions for waivers of the Agency’s decisions preempting the State of California’s MRB rules and its November 17, 2020 decision preempting the State of Washington’s MRB rules. Waiver petitions were filed by the Teamsters; the Truck Safety Coalition, and others.
FMCSA	Motor Carrier Operation of ADS-Equipped Vehicles.	NPRM received by OMB on Dec 14, 2023	The Office of Management Budget (OMB) is currently reviewing FMCSA proposed rule on how the regulations should be updated to accommodate automatic driving systems (ADS)-equipped trucks. This is the final step before publication.
US First Circuit Court of Appeals	Judgment in Montoya vs CRST International/Expedited	Issued Dec 12, 2023	The U.S First Circuit Court of Appeals ruled that company drivers’ time spent in the sleeper berth beyond eight hours is compensable under the Fair Labor Standards Act. The case dates back to 2016.
FMCSA	Broker and Freight Forwarder Financial Responsibility	Published Nov. 16 Effective date Jan. 16, 2024	Final rule amends regulations related to broker and freight forwarder financial responsibility. The rules are designed to ensure brokers and freight forwarders have enough cash reserves to handle claims that may exceed their surety bond.)
Congress	S.3273 / H.R. 6359 - Guaranteeing Overtime for Truckers Act	Filed Nov. 9	Introduced in the House by Rep. Van Drew (R – New Jersey) and in the Senate by Sen. Padilla (D – California), the identical bills would amend the Fair Labor Standards Act to remove overtime wages exemption for truck drivers.
CVSA	Beyond Compliance Policy Approval	Approved Sep 21	CVSA Board approved a policy “strongly supporting the creation of a Beyond Compliance program within [FMCSA]” at its September meeting.
Congress	Veteran Improvement Commercial Driver License Act of 2023	Passed by Senate Nov. 1; Identical Bill introduced in house.	Legislation would remove a mandatory two-year waiting period for new CDL courses at ‘secondary branches’ of educational institutions. The bill would allow the use of veterans’ GI Bill benefits at commercial driver training schools immediately, provided the institutions have already received regulatory approval.
FMCSA	Appeals Process for Request for Data Review (RDR) NPRM	Published September 14.	FMCSA is proposing to add an opportunity for stakeholders to appeal DataQ decisions with which they do not agree. Under the proposal, eligible RDRs could be appealed to FMCSA. To be eligible, the RDR must “pertain to significant matters of legal interpretation or implementation of enforcement policies or regulations.”
FMCSA	ANPRM: Safety Fitness Procedures	Published Aug 29, 2023 NPRM expected 6/2025	FMCSA requested comments on ways to improve the safety rating process to better serve the industry and identify less safe motor carriers. In the notice, FMCSA suggests it is considering changing safety ratings to a two or one tiered system and asks if the agency should use CSA data in the safety ratings.
NLRB	Adoption of New Standard for Assessing Lawfulness of Work Rules	Announced August 2, 2023	NLRB has altered its test for determining if an employer’s policies and work rules are overly broad and chill protected employee activity in violation of the NLRA. The Board decided to reevaluate work rules from the perspective of the employee.” As such, employer handbook policies will come under increased scrutiny.
Congress	Driver Act (S.2671)	Introduced July 27, 2023	Senate version of DRIVE Act mirrors House bill 3039 in prohibiting FMCSA from mandating speed limiters in commercial vehicles.
Congress	Motor Carrier Safety Selection Standard Act	Introduced in Senate on July 20, 2023	Bill would require DOT to establish a Safety Fitness Determination test for shippers and brokers to ensure trucking companies are licensed, registered, and insured. House companion bill passed committee May 23, 2023.

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Congress	HR 4738 (Trucking Workforce Improvement Act)	Introduced July 19 in House, referred to Committee	Would repeal FMCSA's Entry-Level Driver Training (ELDT) rule that went into effect on February 7, 2022. A similar Bill was introduced in the Senate in 2022 providing relief for carriers with nine or fewer CDL Drivers.
FMCSA	Definition of "Broker" and "bona fide agent"	Final Guidance Published June 16, 2023	Issued an interpretation of the definition of a "broker" and a "bona fide agent." In FMCSA's view, "bona fide agents" cannot exercise discretion when assigning a load to a carrier. The guidance also provides factors that are indicative of a "dispatch service" acting like a "broker" or a "bona fide agent." Brokers are required to obtain authority from FMCSA while "bona fide agents" are not.
Congress	House Transportation and Infrastructure Committee Markups	Approved by the T&I Committee May 23, 2023	The Transportation and Infrastructure Committee voted to approve a slate of measures specific to the Nation's supply chain. H.R. 2367, the Truck Parking Improvement Act. H.R. 3013, the Licensing Individual Commercial Exam-takers Now Safely and Efficiently (LICENSE) Act. H.R. 3318, Amend title 23 of the USC to establish an axle weight tolerance for certain CMVs transporting dry bulk goods, and for other purposes. H.R. 3365, the Supply Chain Improvement Act. H.R. 3372, To Amend title 23 of the USC to establish a safety data collection program for certain 6-axle vehicles.
EPA	GHG Emissions Standards for Heavy-Duty Vehicles - Phase 3	NPRM Published April 27, 2023.	Proposing new GHG standards for heavy-duty highway vehicles starting in MY 2028 through MY 2032 and to revise some GHG standards for MY 2027 established under HD GHG Phase 2.
NHTSA	Rulemaking on Side Underride Guards	ANPRM published April 21, 2023.	Requests comment on who would be most impacted by an override rule and the benefits, practicability and feasibility of requiring guards.
Congress	Introduced the Employee Rights Act	Introduced April 19, 2023. H.R. 2700, S. 1201	Introduced in response to the PRO Act. The House bill has 21 cosponsors, the Senate bill has 26 cosponsors, all republicans. Key provisions of the bill include: 1) Guarantees secret ballot union elections; 2) Protects members' dues from being used for political purposes without their permission; 3) Safeguards employees' personal info & data; 4) Codifies and protects the independent contractor and franchise models; and 5) Protects tribal labor sovereignty.
FMCSA	Exemption Request by Waymo and Aurora	Published Mar 3, 2023; clarified Mar 9, 2023	Waymo LLC and Aurora Operations, Inc. applied for a 5-year exemption from the rules of placement of warning devices around stopped CMVs and to allow amber flashing lights mounted on the cab above side view mirrors.
FMCSA	Proposed CSA Changes	Published Feb 15, 2023	Requests comments on its decision not to adopt the Item Response Theory as the new CSA methodology and the substantial proposed the current CSA system. A complete summary is available here.
FMCSA	Electronic Logging Device Revisions	ANPRM: Sept 16, 2022	FMCSA is seeking ways to improve the clarity of current regulations on the use of ELDs. FMCSA is also looking for comments in 5 areas: applicability to pre-2000 engines; addressing ELD malfunctions; the process for removing ELD products from FMCSA's list of certified devices; technical specs; and ELD certification.

COMPLIANCE, ENFORCEMENT, RESEARCH AND OTHER INFORMATION

Org	Compliance, Enforcement Information & Research
ATRI	Released a report on driver-facing and road-facing cameras (DFCs/RFCs). The research identified points of consensus and potential compromises on in-cab camera systems and policies among truck drivers for improving driver approval and camera utilization that can improve safety, privacy, litigation and insurance risk management. The study noted driver approval of driver-facing cameras tends to be low – just 2.24 on a 0-to-10 scale. Low scores are driven in part by limited experience, confusion over the variety of camera systems, unclear carrier policies, and strong concerns about privacy. Overall, driver approval of driver-facing cameras increased by 87 percent when carriers used video footage for specific proactive safety measures. The experts interviewed expressed preference for event-based driver-facing cameras over continuously recording cameras, and video footage access should be limited to safety managers as much as possible.
FMCSA	Has established a Fraud Team in the registration division to focus on assisting those who have been victims of registration fraud as well as identifying measures to help prevent it. FMCSA has already taken some actions, including suspension of online PIN requests that registrants use to access their accounts to update or make changes, and moving to multifactor authentication for accessing all FMCSA IT systems.
NHTSA	Released its Drug-Impaired Driving Data Collection Report to Congress . Its 2019-2021 study of drug prevalence in road users with serious or fatal injuries found that 55.8% of these road users tested positive for one or more drugs. Overall, cannabinoids (active THC) were the most prevalent drug category (25.1%) present, with 19.9% positive for two or more drugs.
New York City	Announced its Off-Hour Delivery plan to provide financial incentives for businesses to shift deliveries from peak to off-peak hours, between 7 p.m. to 6 a.m. in an attempt to improve safety, protect the environment, and combat daytime traffic congestion and double-parking. NYC is also working to install delivery “microhubs,” for trucks to offload to cargo bikes, handcarts, and electric vans, as well as shifting deliveries from larger trucks to city waterways.
FMCSA	Posted the presentations from its annual Safety Research Forum conducted April 24-25, 2024.
DHS	TSA’s Surface Transportation Security Advisory Committee (STSAC) advises the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings and security directives. TSA is required to provide quarterly updates on the Fiscal Year 2021 STSAC Recommendations. As of March 29, 2024, TSA has fully implemented just three of the STSAC’s 18 recommendations .
Cargo Theft	In the first quarter of 2024, criminal activities impacting the logistics and transportation industry reached new highs, according to CargoNet . The company noted the increase even amidst the sustained crime wave it began tracking in late 2022. During the first part of this year, CargoNet documented 925 theft incidents. This marks a “substantial” 46% increase compared to the first quarter of 2023 and a concerning 10% rise from the fourth quarter of 2023.
Port of Oakland	On May 2 announced it has opened the very first commercial, zero emission, hydrogen truckstop in the world.