



**American Trucking Associations Summary of  
Federal Motor Carrier Safety Administration (FMCSA)  
Emergency Declaration Conference Call – Questions and Answers**

*Friday, May 8, 2020, at 10:30 a.m.*



The following questions and answers are based on a FMCSA conference call on Friday, May 8. These responses are subject to further interpretation and change, especially as the public health situation with regard to COVID-19 evolves. Motor carriers are responsible for reviewing the Emergency Declaration and working with the appropriate Department of Transportation (DOT) authorities to determine how they should best comply with the federal rules and regulations. As always, ATA staff are also available to help answer or direct questions to FMCSA. Regular updates are posted to [www.trucking.org](http://www.trucking.org)

**Will FMCSA extend the hours-of-service (HOS) declaration beyond May 15?**

FMCSA is continuing to deliberate with stakeholders and look across the various sectors to make that determination.

**Will FMCSA consider more discretion or flexibility in the random drug testing rate?**

FMCSA has guidance on this issue. The 50 percent random rate remains a requirement. FMCSA continues to monitor whether it is feasible during the pandemic. If trucking companies can provide information on how many tests are being missed or percentages, that would be helpful.

**What actions can FMCSA take to provide regulatory relief and flexibility after the emergency declaration ends?**

FMCSA will keep the lines of communication open. Those lines of communication allowed FMCSA to move quickly. Requests for regulatory relief have to achieve the same or greater level of safety. FMCSA will entertain any and all requests as the recovery proceeds.

**Custom harvesters are essential workers, but they are encountering CDL issues. Do you have a sense of when relief can be granted?**

FMCSA has a waiver and exemption request to operate Class 8 vehicles under review. The agency has worked with states on many issues, including third-party skills testing, expirations, etc. More DMVs are opening their offices now, and FMCSA is reviewing the petition.

**Is FMCSA working with CVSA and FHWA on oversize and overweight loads?**

Yes, and FMCSA will continue to work with FHWA on truck parking and other issues in a manner that is helpful to industry.

**Are there specific plans to ship masks or other personal protective equipment (PPE) to high-volume rest areas?**

There are no specific plans for additional shipments. FMCSA is consulting with the Federal Emergency Management Agency and others to determine the effectiveness of the previous distribution process.

**Will FMCSA's future actions with regard to truck parking take into account the size of truckloads and space required for trucks?**

Yes, and FMCSA will step in and advise however it can.

**How are you ensuring that face masks and other PPE are distributed to independent operators?**

800,000 masks were distributed at rest areas and waystations; hopefully, those made it into the hands of independent operators. The agency continues to evaluate how it can better distribute PPE.

**Electronic logging devices (ELDs) cause drivers to speed. Recent data shows a worrying trend of truck fatalities on the rise. Will the agency grant further non-emergency regulatory relief from ELDs for HOS because of the growing rate of truck-involved traffic fatalities?**

No. FMCSA does not see the HOS exemption being expanded to cover non-emergency relief. FMCSA notes the preliminary data on projections is especially tenuous because it is based on projections. The National Highway Traffic Safety Administration will release final data in the fall. FMCSA cautions against drawing simple linear correlations between the ELD mandate and the rate of accidents and fatalities.

**Edible fats and oils are necessary for the nation's food supply. Are they eligible for the HOS exemption under the Emergency Declaration?**

FMCSA refers to the language on "immediate precursor products."

**Without an extension of HOS, how can trucking companies get the attention of state and federal officials?**

FMCSA is continuing to evaluate the declaration and waivers as more state driver service offices come online. There will likely be some pent-up inventories and bottlenecks in the supply chain. Just because a state DMV is fully operational *does not* mean the waiver is no longer necessary. Any more information from the regulated community on a state-by-state basis of pent-up inventories will be helpful in the agency's decision-making.

**What impact will COVID-19 have on current notices, for example, the HOS final rule and agricultural commodity advance notice of proposed rulemaking?**

These efforts will continue to operate normally.

**This morning the President said truckers are experiencing price gouging. What is FMCSA doing to address this issue?**

FMCSA is looking at the pricing of freight issue. The agency is having conversations with trucking and brokerage. There is a regulation that addresses some of these issues, and FMCSA is determining how its authorities tie in. The agency does not have specific complaints filed for price gouging. FMCSA will figure out its role in these regulatory authorities. As volumes increase, the agency expects rates to continue increasing, hopefully reducing the effect of gouging.

**What guidance can you provide on 383.71, when a driver applying from one state of domicile moves to another state of domicile after 30 days?**

States are being flexible with regard to domicile change requirements. FMCSA addressed this also in its Q&As.