



J. J. Keller®
COMPLIANCE NETWORK

QUARTERLY REVIEW

TRANSPORTATION

GOVERNMENT AGENCIES FACE OBSTACLES IN REGULATING RULES

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COMPLIANCE NETWORK members receive a new issue of this newsletter each quarter, along with **exclusive online access** to the latest regulatory content.

GET FREE ACCESS

Our compliance experts are leading authorities in their fields, and every issue of **COMPLIANCE NETWORK Quarterly Review** features a special message from one of them on recent hot topics.

Watching the regulatory landscape is a must for transportation professionals like you. During the past three months, trucking and bus companies witnessed landmark U.S. Supreme Court cases on the authority of federal agencies to levy fines, as well as a delay on three vehicle technology rules, the withdrawal of a final rule on drug testing, and an increase in 2025 Unified Carrier Registration fees.

Stay up to date on pertinent and breaking news through your **COMPLIANCE NETWORK** subscription. We not only keep up with what's happening, but we also offer insights and actions you need to take to protect yourself and your business. **COMPLIANCE NETWORK** is your trusted resource!

- The Transportation Safety Expert Help Team at J. J. Keller & Associates, Inc.



Kathy Close

Kathy Close joined J. J. Keller & Associates, Inc. in 1999. As an Editor in Transportation Publishing, she has a background in auditing driver's qualification files and managing DOT drug and alcohol testing programs for motor carriers. Ms. Close provides regulatory support for a variety of products; her areas of expertise include transportation security, DOT drug and alcohol testing, driver qualification, and the Compliance, Safety, Accountability (CSA) enforcement model. She writes content for several manuals as well as the Transportation Security & Risk Management Today monthly newsletter and Safety Management Suite, FleetMentor®, and COMPLIANCE NETWORK online services.

Check out our other experts and learn how they can help solve your compliance problems!

[VISIT EXPERT HELP](#)



EXPERT INSIGHTS

A QUARTER CENTURY IMMERSSED IN THE REGULATIONS

by Kathy Close

I have received questions over the years from those assigned the task of DOT compliance who have little or no experience with transport regulations. I can honestly say that I know how that feels.

I just celebrated my silver anniversary with J. J. Keller & Associates. I jokingly refer to myself as reg nerd. But that hasn't always been the case.

When I started with the company, I had no background in the transportation industry. I was mentored by more experienced editors who started with the fundamentals and progressed to more complicated areas of the regulations. This equipped me to tackle those often sticky, real-world scenarios. But not everyone has a colleague to show them the ropes.

MY CHANCE TO MENTOR

Some customers turn to J. J. Keller because they were given responsibilities outside of their current roles (human resources, office manager, former driver).

They're expected to learn the regulations on their own and often don't even know where to start. Many of these newbies regularly attend our webcasts, study our manuals, and submit questions to make sure they're on the right path. They want to absorb as much as they can so they can work independently.



Over time, I come to recognize the names of these customers. With each new question, I see progression in their knowledge. Like a proud schoolteacher, I see the student mastering their field.

Then finally, questions get more complex. I get to be a reg nerd and help them figure out their options in sticky situations.

SUGGESTIONS ON TRAINING

If you're looking to expand your knowledge or need refresher training, reading the regulations may not be efficient. Get involved with your trade association, take online training (much like your drivers), watch industry blogs, attend webcasts, and network with other safety professionals. And when in doubt, you always have access to our team of experienced editors through J. J. Keller's® Expert Help. We may even remember your name. ↻



TOP NEWS

GOVERNMENT AGENCIES FACE OBSTACLES IN REGULATING RULES

Two landmark decisions from the U.S. Supreme Court last week could have a big impact on the ability of federal agencies to write and enforce regulations.

Among others, affected agencies include the:

- Occupational Safety and Health Administration (OSHA),
- Department of Transportation (DOT),
- Environmental Protection Agency (EPA),
- Equal Employment Opportunity Commission (EEOC), and
- National Labor Relations Board (NLRB).

CHEVRON DEFERENCE TOSSED

When Congress tells an agency to write regulations on a complex issue like safety, health, labor, or the environment, the instructions are not always clear. Agency experts are left to interpret the will of Congress and work out all the details.

For the past 40 years, courts have generally let the agencies do that, as long as the experts' interpretations were reasonable. This was known as "Chevron deference," and the Supreme Court has now done away with it.

In a 6-3 decision issued June 28, 2024 (Case No. 22-451), the court said the judicial branch — not agencies in the executive branch — should have final say on what Congress intended. "It ... remains the responsibility of the court to decide whether the law means what the agency says," wrote Chief Justice John Roberts in the majority's 35-page decision.

In limiting the power of the "administrative state," the case is expected to prompt lawsuits challenging all sorts of regulations, from worker protections to food safety and the environment.

JURY TRIALS FOR AGENCY FINES

When a company or individual violates a regulation, the result may be a fine. Many agencies, including the EPA, OSHA, EEOC, NLRB, and the DOT, levy fines based on the decisions of judges who work for the agency itself (they're not part of the judicial branch). Defendants are often stuck with the judge's decision and can't plead their case to a jury.

In a 6-3 decision issued June 27, 2024 (Case No. 22-859), the Supreme Court said this violates the Seventh Amendment right to a jury trial.

As a result, enforcement cases that commonly take weeks or months to resolve could be moved to a jury trial in federal court. This shift is likely to stretch the cases out for years, at much greater expense. ↻



CHECK OUT MORE TOP NEWS ON COMPLIANCE NETWORK THIS MONTH:

- 5 in-cab technologies to improve driver satisfaction and retention
- Navigating IFTA and IRP compliance in a shifting transport landscape
- Policy tips: When drivers want to take family road trips in your CMVs

[GET FREE NEWS](#)



FEATURED QUESTIONS

J. J. Keller's experienced subject matter experts answer more than 16,000 compliance and best practice questions just like this one each year.

QUESTION: We have a driver who has a run going right past the driver's house. The driver is claiming the first part of the trip (from the shipper's home) can be logged as personal conveyance. Is this true?

ANSWER: No, it isn't true. As long as your driver is along the route line from the shipper to the destination of the assigned movement, your driver can't use personal conveyance. If your driver leaves the route line to go home, your driver can log that movement as personal conveyance.



QUESTION:

How much advanced notice should we give our drivers for a random drug or alcohol test?

GET ANSWERS NOW

Take a free trial of COMPLIANCE NETWORK to see the answer to this and other Expert Help questions.

Members of COMPLIANCE NETWORK get direct access to our renowned compliance experts to help them overcome their toughest regulatory challenges with guidance they can trust.

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Stumped by a compliance question?

MESSAGE AN EXPERT



Easier to talk through it?

SCHEDULE A CALL/VIDEO MEETING

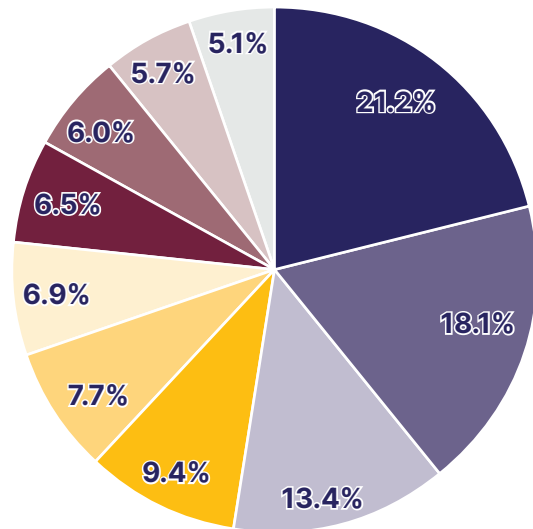


Need help with a complex issue?

SUBMIT A RESEARCH REQUEST

TOP 10 EXPERT HELP TOPICS OF THE QUARTER

J. J. Keller experts field thousands of questions each quarter. Here's a breakdown of the top 10 Transportation topics you asked about most in the last quarter.



- Driver Qualifications - 21.2%
- Drug and Alcohol Testing - DOT - 18.1%
- Hours of Service - 13.4%
- Commercial Drivers License (CDL) - 9.4%
- Physical Exam - Motor Carrier - 7.7%
- Electronic Logging Device (ELD) - 6.9%
- Commercial Motor Vehicle Definition - 6.5%
- CMV Inspections - 6.0%
- DOT Marking Identification - 5.7%
- CMV Parts and Maintenance - 5.1%

HAVE QUESTIONS ON ANY OF THESE TOPICS?

Ask our experts when you take a free trial!



3 VEHICLE SAFETY TECHNOLOGY RULES DELAYED

Three recent rule delays are important to watch, since they have the potential to impact a motor carrier's capital spending plans and technician training budgets.

The Department of Transportation's latest regulatory agenda pushed back significant vehicle safety technology rules.

1. AUTOMATED EMERGENCY BRAKING (AEB)

The AEB final rule was delayed from April 2024 to January 2025 and could require these systems on new medium to heavy-duty vehicles, 10,001 pounds and greater.



As proposed, new vehicles, 10,001 pounds to 26,000 pounds, will be subject four years from the final rule. Most new vehicles, 26,001 pounds or greater, will be subject within three years since they already must have electronic stability control (ESC).

The standard would set the lowest speed at which AEB will engage, and the system would activate at or above that speed. Also, inspections and maintenance of these systems will be required under 396.3.

2. SAFE INTEGRATION OF AUTOMATED DRIVING SYSTEMS (ADS)-EQUIPPED CMVs

The Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles was officially delayed one year from December 2023 to December 2024. The Notice of Proposed Rulemaking (NPRM) is expected to amend the rules to account for CMVs equipped with automated driving systems (autonomous vehicles (AVs) that operate without drivers in the vehicle).

The focus is on the inspection, repair, and maintenance regulations along with requiring carriers to maintain electronic stability control (ESC) systems.

3. SPEED LIMITERS

A hotly debated topic in recent years is the potential mandate for heavy-duty vehicle speed limiters. A Supplemental Notice of Proposed Rulemaking (SNPRM) was moved on FMCSA's docket from December 2023 to May 2025. The proposal, if adopted, will require all vehicles rated or weighing 26,001 pounds or more with an electronic engine control unit (ECU) to be programmed to a speed limit determined by the rulemaking.

EXPLORE OUR LIBRARY OF IN-DEPTH CONTENT CREATED BY EXPERTS.

GET FREE RESOURCES

Explore a library of articles, videos, and practical exercises to gain foundational knowledge on 120+ compliance topics and pursue professional development.



IN-DEPTH RESEARCH REPORTS highlight findings and key learnings in exclusive industry research conducted by J. J. Keller.

Compliance, risk management, and operational efficiency are essential to motor carriers' success. The transportation industry faces industry headwinds — including excessive verdicts against carriers, general labor shortages, and driver turnover — and increased regulatory oversight. This IN-DEPTH RESEARCH REPORT aims to better understand safety professionals' experience with and perception of in-cab technology as countermeasures to those headwinds, including electronic logging devices (ELDs), dash cams (video event recorders), and vehicle tracking devices.

ACCESS FREE REPORTS



IN-CAB TECHNOLOGY





TOP NEWS

PUT UCR ON YOUR RADAR TO KEEP YOUR CREDENTIALS ACTIVE

The enrollment period opens soon for Unified Carrier Registration (UCR). If you operate commercial motor vehicles in interstate commerce, make sure to keep this program on your schedule and pay the fees on time to keep your credentials active.

- Freight forwarders;
- Leasing companies; and
- Brokers.



HIGHER FEES FOR 2025

Fees for 2025 UCR will increase by an average of 25 percent above fees paid for the 2024 registration year. This adds between \$9 and \$9,000 per entity, depending on the applicable fee bracket.

Despite the increase, the 2025 fees are still less than the fees that were in effect for registration years 2019-2022. ↻

WHO MUST FILE AND PAY UCR FEES?

The following entities engaged in interstate commerce are subject to annual registration under the UCR program:

- Private property carriers;
- For-hire passenger, property, and exempt commodity carriers;

DOT WITHDRAWS LATEST CHANGES TO DRUG TESTING RULES

Due to public opposition, the U.S. Department of Transportation (DOT) has withdrawn a few changes it recently made to its saliva-based drug testing rules.

The changes to Part 40 were issued on June 21 and were due to go into effect on August 5, 2024. The revisions to sections 40.35 and 40.73 were meant to:

- **Identify** who can be present during a saliva collection,
- **Clarify** how collectors should specify that enough saliva was collected, and
- **Provide** temporary qualification requirements for mock saliva-collection monitors.



At the time, the agency said if it received any negative comments about the "direct" rule, it would withdraw it and forge ahead with the more drawn-out process normally used to change a regulation. In a notice published August 1, the agency says it did receive negative feedback about the changes and is withdrawing them for now.

Since the public was given a chance to weigh in on the proposed version of the rule, no additional comment period will be offered, the DOT says. The agency's next step is to review the comments, revise the proposed changes as needed, and publish another final version. ↻

The changes were published as a "direct" rule with no prior opportunity for public input. However, on the same day the rule was issued, the DOT

took the unusual step of publishing the same changes as a "proposed" rule, following the normal notice-and-comment rulemaking process.



POLL RESULTS

[VIEW CURRENT POLL ON COMPLIANCE NETWORK HOMEPAGE](#)

Each month, we present our members with a new poll question. It's a great way to find out what your fellow compliance professionals are thinking on a specific topic.

WHEN SHIPPING OR TRANSPORTING HAZMAT, HOW DO YOU PROVIDE THE EMERGENCY RESPONSE INFORMATION?

37.9%

USE THE EMERGENCY RESPONSE GUIDEBOOK (ERG).

27.6%

INCLUDE IT ON THE HAZMAT SHIPPING PAPER.

24.1%

USE THE SAFETY DATA SHEET (SDS).

10.4%

TRANSPORT MATERIALS THAT DON'T REQUIRE EMERGENCY RESPONSE INFORMATION. ↻



RECENT EVENT

DRIVING EMPLOYEE ENGAGEMENT

Exclusive to **COMPLIANCE NETWORK** subscribers, our virtual conferences give you the chance to hear directly from our experts and your peers on in-demand topics.

The September event, "Driving employee engagement," discussed trends seen in today's workplace that create speed bumps on the road to greater engagement. These trends include a multi-generational workforce, increased diversity in all jobs, a growing number of remote and hybrid workers, and an increased demand for improved work-life balance. By acknowledging the challenges that accompany these trends, employers can boost employee engagement by improving workplace culture.

The virtual conference began with presenters sharing their ideas for best practices for improving workplace culture. Then, attendees had an opportunity to learn from each other as they shared their mistakes, challenges, and successes regarding employee engagement and workplace culture. ↻



UPCOMING EVENTS

[VIEW UPCOMING EVENTS](#)



Accommodations in the workplace

Date: Thursday, Oct. 03, 2024
Time: 1 p.m. (CST)
Duration: 60 min.



Get the safety training buy-in you need

Date: Thursday, Nov. 14, 2024
Time: 1 p.m. (CST)
Duration: 60 min.



Cargo security and theft prevention 101

Date: Thursday, Dec. 12, 2024
Time: 1 p.m. (CST)
Duration: 60 min.

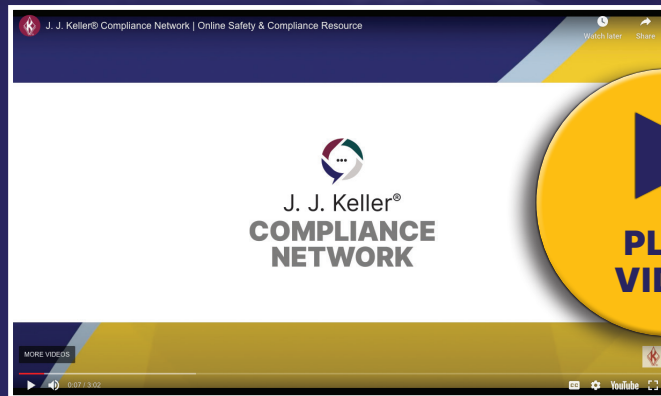
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ISSN 2998-7393

GST R123-317687

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