



News You Can Use!!!!



FMCSA ACCEPTS MASSACHUSETTS PERIODIC INSPECTION PROGRAM

The FMCSA has accepted the State of Massachusetts' periodic inspection (PI) program for commercial motor vehicles, 73 Federal Register 63040 (October 22, 2008). The FMCSA has reviewed the State's inspection program for CMVs and determined that it should be added to the list of programs which have been determined to be comparable to, or as effective as, the Federal PI requirements contained in the Federal Motor Carrier Safety Regulations. Massachusetts requires CMVs to be inspected annually or within 7 days of registration for newly acquired vehicles.

Including Massachusetts, 22 states, the Alabama Liquefied Petroleum Gas Board, the District of Columbia, 10 Canadian Provinces, and one Canadian Territory have PI programs which have been determined to be comparable to, or as effective as, the Federal PI requirements.

CARB PROPOSES NEW DIESEL TRUCK RULES

On October 24, 2008, the California Air Resources Board published two new proposals that would significantly affect all operators of commercial motor vehicles with diesel engines in the State. CARB will consider adopting the two rules at its next meeting scheduled for December 11-12, 2008.

The "in-use on-road diesel truck rule" would phase-in model year engine emission requirements continually for any trucks traveling on state highways. That proposed rule would require trucks to meet 2007 and 2010 emissions standards between 2012 and 2022. The proposed regulation addresses both diesel particulate matter and nitrogen oxides.

The "greenhouse gas rule" would require truck owners to install a number of elements of the Environmental Protection Agency's SmartWay program. SmartWay is a voluntary program that encourages companies to use SmartWay-certified and approved products designed for diesel fuel efficiency. The products include trucks and trailers designed to be aerodynamic, and after-market kits for fairings and side skirts.

The greenhouse gas regulation would be enforced for drivers, company owners, motor carriers, and California-based "businesses that ship or receive freight" in 53-foot or longer box trailers. The proposed greenhouse gas reduction measure would exempt local haul businesses that operate within 100 miles of company headquarters or that do not exceed 50,000 miles driven per year; emergency vehicles; and drayage tractors that stay within 100 miles of a port or yard (but the Ports of Los Angeles and Long Beach already have their own emissions program for drayage tractors).

More information on the CARB emissions proposal is available at: <http://www.arb.ca.gov/cc/hdghg/hdghg.htm>

HOURS OF SERVICE FINAL RULE SENT TO OMB FOR REVIEW

The FMCSA has sent a final rule on driver hours of service to the White House Office of Management and Budget for final review before publication in the Federal Register. The final rule would most likely adopt the requirements for an 11-hour daily driving limit and a weekly 34-hour reset provision currently in place as set out in the interim final rule published December 17, 2007, 72 Federal Register 71247.

The rulemaking action was initiated in response to the July 2007 decision by the US Court of Appeals for the District of Columbia Circuit that vacated specific provisions of the FMCSA's hours of service rule published on August 25, 2005. The Court invalidated two provisions: the first relates to increasing the daily driving limit from 10 to 11 hours; the second provision permits drivers to restart their count of weekly accumulations of hours after taking 34 consecutive hours off duty.

Assuming that OMB approves the final rule, the OMB website indicates that the FMCSA intends to publish the final rule on driver hours of service in December 2008.

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