

## § 381.415

an interest in participating in the program;

(3) Principal place of business for the motor carrier (street address, city, State, and zip code); and

(4) The USDOT identification number for the motor carrier.

(c) You should provide a written statement that:

(1) Presents your estimate of the potential benefits to the motor carrier industry, the FMCSA, and the general public if the pilot program is conducted, and describes how you developed your estimate;

(2) Estimates of the amount of time that would be needed to conduct the pilot program (e.g., the time needed to complete the collection and analysis of data);

(3) Identifies the regulation from which the participants would need to be exempted;

(4) Recommends a reasonable number of participants necessary to yield statistically valid findings;

(5) Provides ideas or suggestions for a monitoring plan to ensure that participants comply with the terms and conditions of participation;

(6) Provides ideas or suggestions for a plan to protect the health and safety of study participants and the general public.

(7) Assesses the safety impacts the pilot program exemption may have; and

(8) Provides recommendations on how the safety measures in the pilot project would be designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

(d) Your recommendation should include a copy of all research reports, technical papers, publications and other documents you reference.

### **§ 381.415 Who should I contact if I have questions about the information to be included in my suggestion?**

You should contact the Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. The telephone number is (202) 366-1790.

## 49 CFR Ch. III (10-1-05 Edition)

### **§ 381.420 What will the FMCSA do after the agency receives my suggestion for a pilot program?**

(a) The Federal Motor Carrier Safety Administration will review your suggestion for a pilot program and make a recommendation to the Administrator. The final decision whether to propose the development of a pilot program based upon your recommendation will be made by the Administrator.

(b) You will be sent a copy of the Administrator's decision. If the pilot program is approved, the agency will follow the administrative procedures contained in subpart E of this part.

### **Subpart E—Administrative Procedures for Pilot Programs**

#### **§ 381.500 What are the general requirements the agency must satisfy in conducting a pilot program?**

(a) The FMCSA may conduct pilot programs to evaluate alternatives to regulations, or innovative approaches, concerning motor carrier, CMV, and driver safety.

(b) Pilot programs may include exemptions from the regulations listed in § 381.400(f) of this part.

(c) Pilot programs must, at a minimum, include all of the program elements listed in § 381.505.

(d) The FMCSA will publish in the FEDERAL REGISTER a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the pilot program.

#### **§ 381.505 What are the minimum elements required for a pilot program?**

(a) *Safety measures.* Before granting exemptions for a pilot program, the FMCSA will ensure that the safety measures in a pilot program are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with the regulations.

(b) *Pilot program plan.* Before initiating a pilot program, the FMCSA will ensure that there is a pilot program plan which includes the following elements:

(1) A scheduled duration of three years or less;

(2) A specific data collection and safety analysis plan that identifies a method of comparing the safety performance for motor carriers, CMVs, and drivers operating under the terms and conditions of the pilot program, with the safety performance of motor carriers, CMVs, and drivers that comply with the regulation;

(3) A reasonable number of participants necessary to yield statistically valid findings;

(4) A monitoring plan to ensure that participants comply with the terms and conditions of participation in the pilot program;

(5) Adequate safeguards to protect the health and safety of study participants and the general public; and

(6) A plan to inform the States and the public about the pilot program and to identify approved participants to enforcement personnel and the general public.

**§381.510 May the FMCSA end a pilot program before its scheduled completion date?**

The FMCSA will immediately terminate a pilot program if there is reason to believe the program is not achieving a level of safety that is at least equivalent to the level of safety that would be achieved by complying with the regulations.

**§381.515 May the FMCSA remove approved participants from a pilot program?**

The Administrator will immediately revoke participation in a pilot program of a motor carrier, CMV, or driver for failure to comply with the terms and conditions of the pilot program, or if continued participation is inconsistent with the goals and objectives of the safety regulations.

**§381.520 What will the FMCSA do with the results from a pilot program?**

At the conclusion of each pilot program, the FMCSA will report to Congress the findings and conclusions of the program and any recommendations it considers appropriate, including suggested amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety and improve compliance with the FMCSRs.

**Subpart F—Preemption of State Rules**

**§381.600 Do waivers, exemptions, and pilot programs preempt State laws and regulations?**

Yes. During the time period that a waiver, exemption, or pilot program authorized by this part is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.

**PART 382—CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING**

**Subpart A—General**

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382.101	Purpose
382.103	Applicability.
382.105	Testing procedures.
382.107	Definitions.
382.109	Preemption of State and local laws.
382.111	Other requirements imposed by employers.
382.113	Requirements for notice.
382.115	Starting date for testing programs.
382.117	Public interest exclusion.
382.119	Stand-down waiver provision.
382.121	Employee admission of alcohol and controlled substances use.

**Subpart B—Prohibitions**

382.201	Alcohol concentration.
382.205	On-duty use.
382.207	Pre-duty use.
382.209	Use following an accident.
382.211	Refusal to submit to a required alcohol or controlled substances test.
382.213	Controlled substances use.
382.215	Controlled substances testing.

**Subpart C—Tests Required**

382.301	Pre-employment testing.
382.303	Post-accident testing.
382.305	Random testing.
382.307	Reasonable suspicion testing.
382.309	Return-to-duty testing.
382.311	Follow-up testing.

**Subpart D—Handling of Test Results, Record Retention, and Confidentiality**

382.401	Retention of records.
382.403	Reporting of results in a management information system.