

Consultants Update

COVID-19

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Discussion Topics

- Extension of FMCSA Emergency Declaration to May 15
- Expanded FAQs on State CDL/Medical Card Requirements
- CDC Guidance for essential workers
- SBA Paycheck Protection Program—potential expansion

FMCSA Emergency Declaration

- Exempts motor carriers and drivers from hours of service rules and all of 49 CFR Parts 390-399 when transporting emergency relief in response to COVID-19 crisis
- Applies to:
 - Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
 - Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants;
 - Food, paper products and other groceries for emergency restocking of distribution centers or stores;
 - Immediate precursor raw materials—such as paper, plastic or alcohol—that are required and to be used for the manufacture of essential items;
 - Fuel;
 - Liquefied gases to be used in refrigeration or cooling systems; and
 - Equipment, supplies and persons necessary to establish and manage temporary housing, quarantine.

Emergency Declaration

- Extended through May 15, 2020
- Declaration provides HOS and other regulatory relief for commercial motor vehicle operations providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreak
- Direct assistance does not include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration

FMCSA Guidance on CDLs/Medical Cards

- FMCSA issued waiver of CDLs, CLPs and medical certificates that expired on or after March 1, 2020
- These documents are valid through June 30, 2020 (every state recognizes this)
- Some 22 states have closed driver licensing agencies for testing
- FMCSA encouraging states to keep SDLAs open for new applicants to take knowledge test in person or online
- States may administer a driving skills test to any out-of-state applicant
- FMCSA asking states that authorize 3d party skills testers to provide knowledge tests as well, and to keep offices open to upload knowledge test scores and grant CLPs
- New FAQs on SDLAs posted April 13 at [fmcsa.dot.gov/COVID-19](https://www.fmcsa.dot.gov/COVID-19)

FAQs on CDL/Medical Cards

- States may renew CDL or CLP online, using same photograph
- Driver must retake HM knowledge test to renew an HME online
- If state computer system automatically changes CDL or medical card to “not certified” upon expiration, waiver still applies and driver may continue to operate
- State may not issue CDL or CLP without giving skills (road) test—but may use drive-behind procedure for test
- States may use contractors to issue or renew CLP credentials
- States will have 90 days after end of emergency to return to normal rules

CDC Guidance for Exposed Workers

- Critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community
- Potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19; the timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic
- Workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:
 - ***Pre-Screen:*** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
 - ***Regular Monitoring:*** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.

CDC Guidance

- ***Wear a Mask:*** *The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.*
- ***Social Distance:*** *The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.*
- ***Disinfect and Clean Work Spaces:*** *Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.*
- If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Paycheck Protection Program

- New SBA loan program to help small businesses retain their employees during the COVID-19 crisis
- Congress has allocated \$350 billion for loans through banks and other lending institutions; loans available on first come, first serve basis
- Senate vote on an additional \$250 billion in funding last week was halted by Democrats; will try again when Senate and House return from break on Monday, May 20

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