



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

May 19, 2017

Docket Services
U.S. Department of Transportation
1200 New Jersey Avenue SE.
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Docket Number: FMCSA-2017-0120
Hours of Service of Drivers: Application for Exemption; G4S Secure Solutions (USA), Inc. (G4S)

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the exemption request submitted to the Federal Motor Carrier Safety Administration (FMCSA) by G4S Secure Solutions, Inc. (G4S), docket number FMCSA-2017-0120. G4S is seeking an exemption from the coming electronic logging device (ELD) requirement for the government-owned vehicles in its fleet.

The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States by providing guidance and education to enforcement, industry and policy makers.

General Comments

CVSA opposes the exemption request. In general, exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. Every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from other activities and undermining the program's effectiveness. Because of this, exemptions should only be granted in extreme cases where there is a true need and the applicant can clearly demonstrate, with evidence, that an equivalent level of safety will be maintained. For these reasons, CVSA urges FMCSA to deny G4S's request for an exemption from the ELD requirement as applied to its fleet of government-owned vehicles.

Concerns and Issues

In its application, G4S cites the similarity of its operations to driveaway-towaway companies who are excluded from the ELD mandate. However, G4S's request falls short of demonstrating a clear, critical need for a regulatory exemption. Further, the two operations are not comparable, as driveaway-towaway companies transport property while G4S is a passenger carrier and should be subject to equal if not more stringent requirements. Motor carriers that transport passengers should not be held to a lower standard than those transporting property.

Further, while CVSA recognizes that G4S has limited its exemption request to only apply to its fleet of government-owned vehicles, we caution that even a narrowly tailored exemption may signal to other segments of industry that a regulatory exemption from ELD compliance is possible and result in a flood of applications to the agency. This could, in turn, result in more exemptions, even further complicating enforcement roadside, creating competitiveness issues amongst industry, and, most importantly, potentially impacting safety.

Consistent and uniform adoption of the ELD requirement is the only pathway towards broad industry acceptance and utilization of the technology. Clarity, consistency, uniformity and enforceability are the cornerstones of an effective regulatory framework. Confusion and inconsistencies, such as patchwork adoption of the ELD requirement, create more work for the enforcement community and industry alike. Inconsistencies and exceptions within the regulations require more training and create more opportunities for mistakes, which in turn require additional resources to correct. These inconsistencies also have a direct impact on data quality, an especially important consideration for the accurate tracking of hours of service compliance.

CVSA understands that exemptions are intended to relieve industry of a certain burden. However, if the exemption cannot be enforced correctly and consistently, industry, enforcement and the motoring public all suffer from the potential safety consequences.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to comment on this exemption request and the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance