



Enhancing Truck and Bus Safety

The Commercial Vehicle Safety Alliance (CVSA) is an international not-for-profit organization comprising local, State, provincial, territorial, and Federal motor carrier safety officials and industry representatives from the United States (U.S.), Canada, and Mexico. CVSA's mission is to promote commercial motor vehicle (CMV) safety and security by providing leadership to enforcement, industry and policy makers. In the U.S., CVSA's members are the jurisdictions that enforced the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs), funded through the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP). In addition, CVSA has several hundred associate members, committed to helping the Alliance achieve its goals: uniformity, compatibility and reciprocity of CMV inspections, and enforcement activities throughout North America by individuals dedicated to highway safety and security. As part of the next surface transportation authorization, CVSA encourages Congress to consider the following improvements to CMV safety policy.

Improving the Motor Carrier Safety Assistance Program

The Federal government entrusts the States with the responsibility of enforcing the FMCSRs and the HMRs. To meet that responsibility, Congress provides funding to the States, through the MCSAP and a number of other focused grant programs. The States use these funds to conduct enforcement activities, train personnel, purchase equipment, update software and other technology, and conduct outreach and education activities. The funds are used, in part, to pay the salaries of more than 13,000 full and part time CMV safety professionals. According to FMCSA, these people conduct more than 3.5 million roadside inspections, 34,000 new entrant safety audits, and 7,800 compliance reviews each year.

The benefits of the MCSAP are well documented and every dollar invested in the State programs yields a big return for taxpayers. CVSA estimates that the MCSAP has an estimated benefit-to-cost ratio of 18:1, and every roadside inspection conducted yields an estimated \$2,400 in safety benefits. And, of course, effective enforcement of the FMCSRs and HMRs helps save lives, keeping dangerous vehicles and drivers off the nation's roads. With each new transportation bill, the States are tasked with additional enforcement and oversight responsibilities. At the same time, the motor carrier industry continues to grow. With a growing industry, and new and improved regulations, **it is imperative that States have the funds necessary to effectively develop and implement their CMV safety programs.** To meet this need **CVSA recommends increasing the Basic MCSAP Grant program match to 90 percent Federal /10 percent State.** Training, in particular, is critical to a uniform, effective program and funds are required for the development of training materials, instructors, and travel to and from training courses. **CVSA supports providing adequate resources to maintain and enhance existing State**

CMV inspector training programs to ensure uniform enforcement of motor carrier safety and hazardous materials regulations. Furthermore, **flexibility within grant programs is a key consideration, allowing States to meet their responsibilities through creative, State-specific solutions.**

Recognizing that future funding for the MCSAP is directly tied to the long-term solvency of the Highway Trust Fund (HTF), **CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the HTF solvency, in order to ensure stability for the MCSAP.** However, **in the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP funding is not reduced, but remains at the levels set by the Moving Ahead for Progress in the 21st Century Act (MAP-21).** When States see a reduction in their MCSAP funding, jobs are lost, programs are reduced and fewer inspections, compliance reviews, and safety audits are conducted, reducing the safety benefit of those activities and undermining years of improvement in CMV safety. Even without a reduction in funding, States will experience a reduction in productivity due to a variety of factors, including cost of living increases, increased premiums on benefits or fringe rates, increases in equipment purchases, and increases to update software and other technology.

Another challenge the States face is the administrative burden of MCSAP and, in particular, the current Commercial Vehicle Safety Plan (CVSP) requirements. States should be required to provide comprehensive plans detailing how Federal funds will be used to meet their safety goals. However, the current process is cumbersome, redundant and time consuming, siphoning off time and funds that could be better spent on enforcement and education activities. **CVSA recommends streamlining and restructuring the current CVSP process to relieve the States of some of the administrative burden it creates.**

Regulatory Effectiveness

The foundation of quality, uniform and consistent enforcement activities is an effective regulatory framework. It is critical that those subject to the regulations understand their responsibilities and that those tasked with enforcing them can do so effectively. However, additional regulatory authority, coupled with changes to the industry and technological advancements, can result in inconsistent, outdated and redundant regulatory language. To improve the clarity and effectiveness of the federal regulations, **CVSA supports a number of 'housekeeping' improvements geared towards reducing, enhancing and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.** In addition to efforts to clean up the regulations, **CVSA encourages Congress to promote a higher level of collaboration between the U.S. and its North American neighbors to advance regulatory reciprocity and uniformity.**

Exemptions Complicate Enforcement

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, which undermines the very foundation of the CMV enforcement program – uniformity. For those reasons, **CVSA opposes the inclusion of exemptions from federal safety regulations in legislation.** However, there may be instances when exemptions could be appropriate and also not compromise safety. In those instances, a mechanism already exists within the FMCSRs for industry to obtain an exemption through an administrative process, providing for an equivalent level of safety under the exemption. This is the appropriate avenue for securing an exemption, not legislative language, which does not always include safety considerations and are difficult to remove once established. **At the very least, when exemptions are included in legislation, CVSA supports inclusion of a ‘safety clause’ as a part of any exemption statutorily enacted,** ensuring that the exempted party is held accountable for maintaining an equivalent level of safety.

Motorcoach Safety

The issue of bus and motorcoach safety has been thrust into the spotlight over the past several years due to a series of high profile, fatal crashes. To help ensure passenger safety, the State agencies responsible for overseeing the passenger-carrying industry need to have at their disposal as many effective tools as possible. In 2005, as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Congress established a prohibition on roadside inspections of buses and motorcoaches carrying passengers, except in the case of an imminent hazard. This prohibition allows unscrupulous carriers to avoid inspection, putting travelers at higher risk. Furthermore, this prohibition eliminates an opportunity for inspectors to interact with a driver, potentially allowing unfit drivers who should be placed out-of-service or motor carriers that have already been placed out-of-service, to continue to operate on our roadways. **CVSA supports eliminating the prohibition on roadside inspections of buses and motorcoaches carrying passengers.**

Additionally, while the CMV size and weight discussion often focuses on property-carrying CMVs (trucks), it is important to understand that *all* CMVs, including passenger-carrying CMVs, are subject to the same weight requirements. To help ensure that passenger-carrying vehicles and their components are not being overloaded, inspectors need to be able to weigh the vehicle, and have the capability to inspect the mechanical fitness of the components, as necessary. Therefore, **CVSA supports giving States the authority to require that passenger-carrying CMVs report to an open weigh station while en route, specifically for weight enforcement purposes.**

Truck Size and Weight*

The nation’s CMV industry is diverse and the types of vehicles operating in a particular state or region often vary. Further, driving conditions vary by state due to differences in weather, geography and population density. As a result, care must be taken when crafting responsible size and weight policy. Although safety is always the paramount concern, other considerations, such as environmental

impacts, quality of life, productivity, economic competitiveness and impacts to infrastructure, play an important role when considering changes to size and weight laws. **Given the complexity of the subject, CVSA does not take a position on individual proposed changes to existing size and weight limits. Instead, CVSA recommends that changes to current CMV size or weight limits not be made without first considering several factors.** Ensuring that vehicles can safely handle the weight they are carrying and that the roadways are designed to safely handle the traffic moving across them will help improve safety on our nation’s roadways.

Hazardous Materials Safety

Nowhere is the safe, secure and uniform transportation of goods more important than when that cargo qualifies as a hazardous material. **Priority should be placed on ensuring that the agencies responsible for overseeing the transportation of hazardous materials are adequately funded and trained. It is critical that research continues into methods to improve transportation methods that enhance safety and that those enforcing the HMRs have access to the most current information available.** Furthermore, **the State agencies tasked with enforcing the HMRs must be empowered to enforce federal regulations, while complying with additional State-level regulations.**

Quality Data and Information Technology Systems

Uniform, timely and accurate data is the cornerstone of the MCSAP program. However, redundant, overlapping information technology (IT) systems and outdated software applications result in inconsistencies in the data being collected and used. Further, FMCSA’s IT program lacks focus and direction. In order to move forward and make improvements, FMCSA needs to clearly identify challenges and solutions, as well as State needs, and establish a clear path forward to meet those needs. FMCSA must take a step back and completely reevaluate its development process and how it prioritizes IT projects. **To improve the quality of data collection, transmission, and analysis, CVSA encourages Congress to call for a study of FMCSA’s IT and data collection systems.**

Improving CMV Safety Performance

Reducing the number of crashes that occur on our nation’s roadways should be a top priority for the CMV community; however, work can also be done to help reduce the impact of crashes that do occur. Recognizing this, Congress included a number of crashworthiness standards requirements and studies in MAP-21. In addition, other agencies, such as the National Highway Traffic Safety Administration (NHTSA), have made crashworthiness recommendations. **CVSA supports placing a high priority on evaluating and implementing enhancements to CMV crashworthiness standards.**

Meanwhile, as budgets continue to tighten and technology continues to advance, it is imperative that those in the safety and enforcement communities are able to take advantage of technological advancements that improve safety and demonstrate a net benefit to society. **CVSA supports legislation and policies that encourage the deployment of safety technologies proven, through independent research, to improve CMV safety, either through preventing crashes or mitigating the severity of crashes.**

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Robust Motor Carrier Safety Assistance Program Critical to Commercial Motor Vehicle Safety

Robust funding levels are critical to ensuring an effective Motor Carrier Safety Assistance Program (MCSAP).

- The Commercial Vehicle Safety Alliance (CVSA) supports increased funding for the Motor Carrier Safety Assistance Program, in order to keep pace with the growing commercial motor vehicle (CMV) industry and the responsibilities associated with regulating it.
- CVSA supports providing adequate resources for State CMV inspector training purposes to ensure uniform enforcement of motor carrier safety and hazardous materials regulations.
- CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund solvency, in order to ensure stability for the MCSAP.
- In the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP funding is not reduced, but remains at the levels set by the Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21).

The Federal government entrusts the States with the responsibility of enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs) and, for that purpose, Congress provides funding to the States, through the Motor Carrier Safety Assistance Program. The States use funds through the MCSAP to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to CMV safety issues. The MCSAP pays the salaries of more than 12,000 part time and full time CMV safety professionals. These people conduct more than 3.5 million roadside inspections, 34,000 new entrant safety audits, and 7,800 compliance reviews each year.¹

The benefits of the MCSAP are well documented and every dollar invested in the State programs yields a big return for taxpayers. According to research and figures from the Federal Motor Carrier Safety Administration (FMCSA), CVSA estimates that the MCSAP has an estimated benefit to cost ratio of 18:1. Every roadside inspection conducted yields an estimated \$2,400 in safety benefits. And, of course, effective enforcement of the FMCSRs helps save lives every day, keeping dangerous vehicles and unqualified drivers off the nation's roads. In 2001, the number of registered large trucks and buses was just over 8.6 million. Since then, that number has grown 35 percent, to 11.6 million in 2010. Despite this increase in the number of CMVs on the roads, the number of fatalities due to crashes involving large trucks and buses has gone down 27 percent. The number of CMV crash-related injuries also decreased over that time frame by 30 percent.² These improvements in CMV safety were achieved, in part, through investments in the MCSAP.

In order to maintain this downward trend in CMV crashes and fatalities, the MCSAP must be adequately funded. According to FMCSA, the agency regulates approximately 525,000 active interstate motor carriers, including 12,000 passenger carriers, and seven million active commercial driver licensees (CDL holders). The State and Local agencies that receive MCSAP funding are responsible for ensuring that those 525,000 motor carriers are operating safely. Furthermore, the CMV enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the FMCSRs. The most recent

transportation bill, MAP-21, included several promising improvements to CMV safety, such as more stringent standards to become a motor carrier, registration requirements, etc. The States, along with FMCSA, will be tasked with implementing and enforcing these changes. With a growing industry, and new and improved regulations and requirements, it is imperative that the States receive the funds necessary to effectively carry out their mission. ***CVSA supports increased funding for the Motor Carrier Safety Assistance Program, in order to keep pace with the growing CMV industry and the responsibilities associated with regulating it.*** Further, at the very least, moderate increases in funding levels are necessary to keep pace with inflation, as stagnant funding levels result in decreased buying power year to year.

Training is critical to a uniform, effective program. In addition to the training required initially for every new employee, each new rule or change to regulation requires additional training to bring enforcement personnel up to date. Each new exemption provided to industry and the various advancements in vehicle technology also require training. Simply put, enforcement personnel need to understand the rules they're asked to enforce. Funds are required for the development of training materials, instructors, and travel to training courses. ***CVSA supports providing adequate resources to maintain and enhance existing State CMV inspector training programs to ensure uniform enforcement of motor carrier safety and hazardous materials regulations.***

Recognizing that future funding for the MCSAP is directly tied to the long-term solvency of the Highway Trust Fund, ***CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund solvency, in order to ensure stability for the MCSAP.***

However, ***in the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP funding is not reduced, but remains at the levels set by MAP-21.*** According to a report completed for FMCSA in 2007, the average 'cost' (including wages and benefits) of a State safety inspector was estimated at \$66,052.51.³ This means that for every \$1 million invested in the MCSAP, 15 jobs are created or maintained. Conversely, every \$1 million reduction in MCSAP funding results in jobs lost or positions unfilled at the State level. When States see a reduction in their MCSAP funding, resulting in jobs lost, their programs are reduced and fewer inspections, compliance reviews and safety audits are conducted, reducing the safety benefit of such activities discussed above and undermining years of improvement in CMV safety.

¹*Commercial Motor Vehicle Facts - March 2013.* Federal Motor Carrier Safety Administration. March 2013.
<http://www.fmcsa.dot.gov/documents/facts-research/CMV-Facts.pdf>

²*Large Truck and Bus Crash Facts 2010: Final Version, FMCSA-RRA-12-023.* Federal Motor Carrier Safety Administration. August 2012.
<http://www.fmcsa.dot.gov/facts-research/LTBCF2010/LargeTruckandBusCrashFacts2010.aspx#chap1>

³*Roadside Inspection Costs.* Federal Motor Carrier Safety Administration. October 2007.
<http://www.fmcsa.dot.gov/facts-research/research-technology/report/Roadside-Inspection-Costs-Oct2007.pdf>

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Improving and Streamlining the Motor Carrier Safety Assistance Program

To strengthen and improve the Motor Carrier Safety Assistance Program (MCSAP), the Commercial Vehicle Safety Alliance (CVSA) recommends the following changes to the grant program structure and process:

- Adjusting Federal match requirements to ensure States have adequate funds to carry out their mission.
- Provide the States with additional flexibility in order to fully leverage resources and improve program efficiency.
- Streamline and refine the Commercial Vehicle Safety Plan (CVSP) process to eliminate unnecessary administrative burden on the States while improving the effectiveness of the plans.
- Eliminate the distinction between inter- and intra- state motor carriers.

The Federal government entrusts the States with the responsibility of enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). To meet that responsibility, Congress provides funding to the States, through the Motor Carrier Safety Assistance Program and a number of other focused grant programs. The States use these funds to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to commercial motor vehicle (CMV) safety issues. The funds in part are used to pay the salaries of more than 12,000 full and part time CMV safety professionals. These people conduct more than 3.5 million roadside inspections, 34,000 new entrant safety audits, and 7,800 compliance reviews each year.¹ The goal of these programs, which are administered by the Federal Motor Carrier Safety Administration (FMCSA), is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The programs seek to identify safety defects, driver deficiencies, and unsafe motor carrier practices and remove them from the nation's roadways. In order to better equip the States to meet this mission, CVSA recommends a series of improvements to the structure and administration of the FMCSA grant programs.

Basic MCSAP Grant Program

With each new transportation bill, the States are tasked with additional enforcement and oversight responsibilities. At the same time, the motor carrier industry continues to grow. It is imperative that States have the funds necessary to effectively develop and implement their CMV safety programs. Flexibility within grant programs is also a key consideration, allowing States to meet their responsibilities through creative, State-specific solutions. To improve the Basic MCSAP Grant program, CVSA recommends:

- **Increasing the Basic MCSAP Grant program match to 90 percent Federal / 10 percent State, from 80 percent Federal / 20 percent State;**
- **Making no changes to the current maintenance of effort (MOE) requirements; and,**
- **Increasing the funding cap on traffic enforcement activities from 5 percent to 10 percent.**

Commercial Vehicle Information Systems and Networks Program

Communication and accurate data are critical to an effective nationwide CMV safety program. In order for the States to effectively collect and exchange information, States must achieve a level of parity in the systems they are using to gather and transmit safety data. The Commercial Vehicle Information Systems and Networks (CVISN) Program was established, in part, to provide funds for States to use to update their information technology capabilities, enabling them to effectively exchange and use information electronically. To maximize the effectiveness of the CVISN program, CVSA recommends:

- ***Adjusting the CVISN reimbursement ratio, currently at 50 percent Federal / 50 percent State, in line with the Basic MCSAP Grant reimbursement level; and,***
- ***Expanding and updating the reimbursable expense category in the CVISN Grant program, to ensure that the program keeps pace with constant advancements in technology.***

New Entrant Safety Assurance Program

The New Entrant Safety Assurance Program is designed to ensure that motor carriers entering the industry understand the regulations and their responsibilities. New motor carriers undergo a comprehensive safety audit soon after initiating operations, to ensure that the motor carrier is knowledgeable and in compliance with the relevant motor carrier safety regulations. However, improvements to the program and an increase in the number of motor carriers entering the industry place additional demands on the States and drive up the cost of administering the program. Meanwhile, the program only addresses a portion of the industry, as only motor carriers who operate in interstate commerce—those under FMCSA's authority—are required to undergo such reviews. In order to provide the safest environment possible on the nation's roadways, the program must be adequately funded and ALL motor carriers should be required to undergo a safety audit, to ensure that they understand and can comply with the requirements. To address this, CVSA recommends:

- ***Ensuring that the funding level for the program is commensurate with the demand; and,***
- ***Investigating the feasibility of expanding the New Entrant Safety Assurance Program to include audits of intrastate motor carriers and making those audits eligible for reimbursement under the program.***

Commercial Vehicle Safety Plans

As part of the application process for Basic MCSAP Grant funds, States are required to complete an annual Commercial Vehicle Safety Plan. These plans document how the State has met their safety goals for the past year and how Basic MCSAP funds for the coming fiscal year will be spent in order to meet target goals for enhancing safety. However, there are administrative burdens and other issues that impact the effectiveness of the CVSP process and on the timely disbursement of grant funds. While FMCSA has made some strides recently to improve this process and reduce the administrative burden on States, more can be done. To improve this process, CVSA recommends:

- ***Adjusting the period of performance for all grants so that the 'clock' on a grant only begins once the funds have been allocated to the State;***
- ***Adjusting the period of performance for grants and CVSPs, moving to a more long-term, three or five year cycle;***
- ***Setting internal grant application review deadlines for FMCSA;***
- ***Streamlining the CVSP submission process; and,***
- ***Removing non-regulated industry crashes/incidents from the criteria used to determine grant award amounts for incentive and other funds.***

¹Commercial Motor Vehicle Facts - March 2013. Federal Motor Carrier Safety Administration. March 2013.
<http://www.fmcsa.dot.gov/documents/facts-research/CMV-Facts.pdf>

Improving and Streamlining the Motor Carrier Safety Assistance Program: Basic MCSAP Grant Program

The Commercial Vehicle Safety Alliance (CVSA) recommends the following changes to the Basic Motor Carrier Safety Assistance Program (MCSAP) Grant program:

- Increase the Basic MCSAP Grant program match to 90 percent Federal / 10 percent State, from 80 percent Federal / 20 percent State.
- Increase the funding cap on traffic enforcement activities from 5 percent to 10 percent.

With each new transportation bill, the States are tasked with additional enforcement and oversight responsibilities. At the same time, the motor carrier industry continues to grow. In 2001, the number of registered large trucks and buses in the United States was just over 8.6 million. Since then, that number has grown 35 percent, to 11.6 million in 2010.¹ As the States take on additional workload and as State budgets tighten, it is critical to ensure that adequate resources are available. To help ensure that States receive the funding necessary to fully meet their responsibility, **CVSA recommends increasing the Basic MCSAP Grant program (including the Incentive program) match to 90 percent Federal / 10 percent State, from 80 percent Federal / 20 percent State.** This will reduce the burden on States, while helping to ensure effective oversight of the motor carrier industry. In addition, **CVSA strongly opposes any changes to the current maintenance of effort (MOE) requirements** included in the Basic MCSAP Grant program. Efforts were made in the Moving Ahead for Progress in the 21st Century Act to alleviate some of the strain placed on the States by MOE requirements, and the approach included in that bill is an improvement over MOE requirements in the past.

States also need more flexibility in how they spend their Basic MCSAP Grant funds. CVSA believes that explicit statutory or regulatory language limiting how a State can spend grant funds should be minimized. Instead, language should focus on setting goals and expected outcomes for a program and using the CVSP as the mechanism for monitoring and evaluation, allowing the States to determine how best to meet those expectations. For example, **CVSA supports increasing the funding cap on traffic enforcement activities from five percent to ten percent.** This will allow States to allocate their resources as they see fit, giving them additional flexibility to address State-wide or regional issues, such as speeding or aggressive driving, more effectively.

¹Large Truck and Bus Crash Facts 2010: Final Version, FMCSA-RRA-12-023. Federal Motor Carrier Safety Administration. August 2012.
<http://www.fmcsa.dot.gov/facts-research/LTBCF2010/LargeTruckandBusCrashFacts2010.aspx#chap1>

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Improving and Streamlining the Motor Carrier Safety Assistance Program: Commercial Vehicle Safety Plans

The Commercial Vehicle Safety Alliance (CVSA) recommends the following changes to the Commercial Vehicle Safety Plan (CVSP) process:

- Adjust the period of performance for all grants so that the ‘clock’ on a grant only begins once the funds have been allocated to the State.
- Adjust the period of performance for grants and CVSPs, moving to a more long-term, three or five year cycle.
- Setting internal grant application review deadlines for FMCSA.
- Streamlining the CVSP submission process, using the electronic submission process used by the Federal Highway Administration’s (FHWA) for collecting the States’ annual Size and Weight Enforcement Plans.
- Remove non-regulated industry crashes/incidents from the criteria used to determine grant award amounts for Incentive and other funds.

As part of the application process for Basic Motor Carrier Safety Assistance Program (MCSAP) Grant funds, States are required to complete an annual Commercial Vehicle Safety Plan. These plans document how the State has met their safety goals for the past year and how Basic MCSAP funds for the coming fiscal year will be spent. FMCSA reviews these plans and uses them to evaluate a State’s progress and adherence to FMCSA policy. CVSPs are due towards the end of the Federal fiscal year and must be approved by FMCSA prior to a State receiving Basic MCSAP Grant funds for the coming year. However, there are administrative burdens and other issues that impact the effectiveness of the CVSP process and the timely disbursement of grant funds. While FMCSA has made some strides recently to improve this process and reduce the administrative burden on States, more can be done.

One of the major concerns States have with the MCSAP program is the constant delay in funding disbursement. There are a number of factors that contribute to these delays and result in complications for the States. The annual delays in the Federal budget and appropriations processes are one contributing factor. The Federal fiscal year begins October 1, and many grant programs are set to that date. However, Congress rarely completes their funding bills by this date, delaying the disbursement of funds to the States. Even more frequently now, Congress relies on temporary continuing resolutions, which results in States receiving their funds late, and in installments. This unpredictable, piecemeal approach to funding makes planning and management of State programs difficult. This issue is further complicated by the fact that many States do not follow the Federal fiscal calendar (most start July 1), complicating the reporting and tracking process. States also believe that once funds are available, the grant review and approval process takes far too long, further delaying receipt of funds for safety programs. For the most part, States have two years to spend their MCSAP funds. However, the two year timeline begins at the beginning of the fiscal year, regardless of when funds are actually made available. As a result, States often receive their funds well into the timeframe of the grant and are not able to spend the appropriated funds responsibly before the grant expires, forcing the States to return much needed funding that was dedicated for enforcement and inspection activities as identified in their CVSP. To address this, **CVSA recommends adjusting the period of performance for all grants so that the ‘clock’ on a grant only begins once the funds have been allocated to the State.**

In addition, **CVSA recommends adjusting the period of performance for grants and CVSPs, moving to a more long-term, three or five year cycle.** These changes would benefit both the States and FMCSA, reducing the workload by requiring full reports less frequently. This approach would also provide more accurate data on the effectiveness of the program, as larger data sets help to normalize any anomalies that might occur within a single year. In order to accommodate the unpredictability of

funding disbursement due to delays that can occur in the appropriations process, the period of performance on grant funds should begin once the funds have been awarded to the State, rather than setting the two year cycle on fiscal years.

When applying for federal grant funds, States are given strict deadlines and parameters they must meet in order to qualify and receive funds. However, there are no established deadlines for FMCSA, in terms of their grant review process. **CVSA recommends setting grant application review deadlines for FMCSA.** One approach would be to model the program timing requirements after the State and Community Highway Safety Formula Grant Program, commonly referred to as the 402 grants, administered by the National Highway Traffic Safety Administration (NHTSA). The 402 grant program has a clear time line in place. State applications are due to NHTSA by July 1 of each year, and the agency has 60 days to review and respond. Using this model would, at least for the Basic MCSAP Grants, ensure that once funding is authorized by Congress, the agency is prepared to disburse the funds immediately, helping to reduce delays in funding disbursement. In addition to the review deadline, more consistency is needed in the grant review process. Grant applications are not all reviewed by the same panels, resulting in inconsistencies from one grant request to another, complicating the process for States.

In addition, CVSA supports streamlining the CVSP submission process. States are spending a significant amount of time administering the grants rather than doing the work the grants are supposed to be paying for. Such activities include resubmitting information, such as standard text about the agency requesting the funds, contact information, miscellaneous numbers and figures concerning the number of inspectors, inspections, etc., and the amount being requested. To address this issue, **CVSA recommends that FMCSA model the CVSP submission process on the electronic submission process used by the Federal Highway Administration's (FHWA) for collecting the States' annual Size and Weight Enforcement Plans.** FHWA's program is designed so that States can access previous years' plans as a template, updating only the items that have changed. Further, the system is done entirely online, through a secure online portal. Replicating this approach within FMCSA's grant process would provide FMCSA with more up-to-date information, and while reducing the workload on the States. In addition, the States are asked to provide FMCSA with data and statistics that FMCSA already has access to in other reports and databases. **States should not be asked to spend time compiling information to which the agency already has access.**

Finally, as mentioned above, FMCSA uses the CVSPs to evaluate a State's performance over the past year. This includes reviewing changes in crash, fatality and injury rates within the State. FMCSA uses this information to help in determining grant award amounts to the States. Simply put, States should not be penalized for crashes/incidents that occur in segments of the industry that they have no authority over. This includes exempted categories, such as agricultural carriers operating under the Covered Farm Vehicle exemption created in the Moving Ahead for Progress in the 21st Century Act. **CVSA supports removing non-regulated industry crashes/incidents from the criteria used to determine grant award amounts for Incentive and other funds.** This relatively small adjustment to how data is collected would have a tremendous value to the States.

Improving and Streamlining the Motor Carrier Safety Assistance Program: New Entrant Safety Assurance Program

To improve the effectiveness of the New Entrant Safety Assurance Program, the Commercial Vehicle Safety Alliance (CVSA) recommends:

- Ensuring that the funding level for the program is commensurate with the demand.
- Investigating the feasibility of expanding the New Entrant Safety Assurance Program to include audits of intrastate motor carriers and making those audits eligible for reimbursement under the program.

The New Entrant Safety Assurance Program was established in 2003 and is designed to ensure that interstate motor carriers entering the industry understand the regulations and their responsibilities. Within 12 months of an interstate motor carrier obtaining operating authority (120 days for passenger carriers), a certified auditor will conduct a comprehensive Safety Audit of the motor carrier's operations, to determine if the motor carrier is complying with the relevant motor carrier safety regulations, and to identify areas where the carrier may need improvement. These audits typically take place at the motor carrier's place of business and generally last a day.

The Federal Motor Carrier Safety Administration (FMCSA) provides States with funds through the New Entrant Safety Assurance Program to conduct the Safety Audits. The estimated cost for each State-administered Safety Audit, based on a report completed in 2007, is roughly \$600. This cost estimate includes labor, travel, training, and equipment costs for the inspector.¹ According to FMCSA, approximately 34,000 Safety Audits are conducted each year. Changes were made in the Moving Ahead for Progress in the 21st Century Act, setting a more aggressive timeline for conducting Safety Audits on new motor carriers, placing additional demands on the States conducting the audits. In addition, the program has become more rigorous over the years, with additional requirements on tracking, reviewing and conducting the Safety Audits. While these changes are considered valuable, when combined with the decreasing buying power of each dollar, the end result is that it costs States more to implement the program each year. Meanwhile, the number of carriers entering the industry each year, and therefore the demand for New Entrant Safety Audits, continues to grow.² In order to meet that growing demand and ensure the success of the New Entrant Safety Audit Program, it is critical that the States are provided with adequate funding. **CVSA recommends Congress ensure that the funding level set for the New Entrant Safety Assurance Program is commensurate with the demand.**

In addition, **CVSA recommends that Congress investigate the feasibility of expanding the New Entrant Safety Assurance Program to include audits of intrastate motor carriers and making those audits eligible for reimbursement under the program.** In order to provide the safest environment possible on the nation's roadways, ALL motor carriers should be required to undergo a Safety Audit, to ensure that they understand and can comply with the requirements placed on the industry. Currently however, only motor carriers who operate in interstate commerce—those under FMCSA's authority—are required to undergo such reviews. While no official figure is set, many within the industry estimate that the intrastate motor carrier population is equal to or larger than the interstate populations. This means that as much as half the commercial vehicle industry is not subject to a New Entrant Safety Audit. Because intrastate carriers do not operate on a different network of roadways than interstate carriers and the general driving public, it is equally important that they understand how to operate safely. Furthermore, when a State's performance is being evaluated, one of the considerations is crash rates in the State. All CMV crashes are included in this metric, regardless of the inter/intrastate designation. Including intrastate carriers in the New Entrant Safety Assurance Program would improve the level of safety on the nation's roadways, while also providing additional opportunity for education and outreach from enforcement to the regulated industry. However, we also recognize that incorporating intrastate carriers would increase the cost of the program and place additional responsibilities on industry and the enforcement community alike. Therefore, CVSA recommends that Congress call for a report on the benefits and costs of expanding the program to include intrastate carriers.

¹Safety Audit Cost Estimation. Econometrica, Inc. October 10, 2007.

<https://www.fmcsa.dot.gov/facts-research/research-technology/report/Safety-Audit-Cost-Estimation-Oct2007.pdf>

²Notice: New Entrant Safety Audit Assurance Program Operational Test. FMCSA-2013-0298. Federal Motor Carrier Safety Administration. September 4, 2013.

<http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21442.pdf>

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Improving and Streamlining the Motor Carrier Safety Assistance Program: Commercial Vehicle Information Systems and Networks Program

The Commercial Vehicle Safety Alliance (CVSA) recommends the following changes to the Commercial Vehicle Information Systems and Networks (CVISN) Program:

- Adjust the CVISN reimbursement ratio, currently at 50 percent Federal / 50 percent State, in line with the Basic Motor Carrier Safety Assistance Program (MCSAP) Grant reimbursement level.
- Expand and update the reimbursable expense category in the CVISN Grant program.

The Commercial Vehicle Information Systems and Networks (CVISN) Program is a collection of information systems and communications networks intended to support State CMV safety operations. The CVISN network provides a series of mechanisms through which parties engaged in motor carrier safety and regulation enforcement—States, Federal agencies, industry, etc.—can exchange and use information electronically.¹ In order for this network to function effectively, States must achieve a level of parity and integration in the systems they are using to gather and transmit safety data. To meet this need, the CVISN Grant program was established, in part, to provide funds for States to use to update their IT capabilities. There are two levels of CVISN deployment—Core CVISN and Expanded CVISN. The States are at varying levels of achieving full Expanded CVISN deployment. However, funds in this grant program require a 50 percent match from the States and, with dwindling State budgets and competing priorities, the move towards full deployment is taking longer than expected. Access to and the ability to exchange safety data is necessary for effective safety programs. To help expedite full CVISN deployment in all States, the States need access to more funds. **CVSA supports adjusting the CVISN reimbursement ratio, currently at 50 percent Federal / 50 percent State, to be in line with the Basic MCSAP Grant reimbursement level.**

In addition to increasing the funding ratio, **CVSA supports expanding and updating the items that are eligible for reimbursement under the CVISN Grant program and the overall direction of motor carrier safety.** Currently, eligibility within the CVISN program is too narrow in its scope and needs to be expanded. States are often denied CVISN grants for projects that they believe will be valuable to motor carrier safety simply because the activity or initiative did not fit within the existing CVISN model. However, technology moves quickly and many of the technologies and ideas that were identified as priorities when the CVISN program was created are now considered standard or obsolete. For instance, use of laptops, communications to and from the field, and even uploading files to federal systems from SAFETYNET are all fairly standard. Simply put, the CVISN program has not kept pace with technological advancements, and therefore, CVISN needs to be modernized in order to keep pace with current and future technological trends. Rather than focusing on specific technology and narrow scopes of use, the goal should be a performance-based approach in order to enhance the use of technology in order to obtain greater motor vehicle safety. Expanding reimbursement eligibility provides States with the flexibility they need to fully leverage State and Federal dollars to implement and enhance effective CMV safety programs.

¹Frequently Asked Questions (as of July 31, 2013). Federal Motor Carrier Safety Administration.
<http://www.fmcsa.dot.gov/facts-research/cvisn/faq.htm>

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Improving Safety through Regulatory Housekeeping, Reciprocity and Uniformity

In order to improve regulatory effectiveness, the Commercial Vehicle Safety Alliance (CVSA) supports:

- Improved oversight of the Federal Motor Carrier Safety Regulations (FMCSRs) through:
 - Requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs every 5 years, geared towards reducing and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.
 - Bringing the FMCSRs in line with temporary regulatory guidance and interpretations issued by the agency.
 - Requiring that petitions, similar to the safety exemption process, be published in the Federal Register upon receipt and that the agency subsequently publish a notice of action taken on each petition.
- Improved international coordination, with respect to commercial motor vehicle (CMV) safety regulations, through increasing efforts between the U.S., Canada and Mexico to advance regulatory reciprocity and uniformity.

The foundation of an effective regulatory framework is quality, uniform and consistent enforcement activities. It is imperative that those subject to the Federal Motor Carrier Safety Regulations (FMCSRs) understand their responsibilities and that those tasked with enforcing those safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America.

To help further the goal of consistent regulatory enforcement, clarity in the regulations is necessary. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated and redundant regulatory language. With each year come additional requirements from Congress, aimed at advancing CMV safety. In addition, the Federal Motor Carrier Safety Administration (FMCSA) receives and responds to petitions for changes to the FMCSRs from the CMV community. As Congress and FMCSA work to improve CMV safety, unintentional inconsistencies can slowly work their way into the regulatory framework. These inconsistencies can lead to confusion among both the regulated and enforcement communities. Regular review of existing regulations would do much to help mitigate this confusion. ***CVSA supports requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs, every 5 years, geared towards reducing, enhancing and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.***

Furthermore, work is needed to bring the safety regulations in line with regulatory guidance and interpretations issued by the agency. At times, the agency issues guidance documents to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process. However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue. As a result, a disconnect has developed between written regulation, regulatory guidance and interpretations. Regular review of the FMCSRs would help to reduce this disconnect, providing a vehicle for identifying and resolving inconsistencies in

policy, bringing the FMCSRs in line with published guidance. Clarity in the regulations is particularly critical in light of FMCSA's Compliance, Safety, Accountability (CSA) program, which relies on a uniform, consistent enforcement of the regulations to provide reliable, accurate data.

With regards to the petitions for changes to the FMCSRs from the CMV community to FMCSA, **CVSA supports requiring that petitions be published in the Federal Register upon receipt and that the agency subsequently publish a notice of action taken on each petition.** This would benefit both the agency and the regulated community. It will notify those interested in CMV safety and the FMCSRs of areas of interest to others in the regulated CMV community, which can foster conversation that could lead to solutions and consensus building. FMCSA would benefit from input it receives in response to petitions, which could help inform the agency's thinking on the requested changes. FMCSA could put a process in place similar to that found in 49 USC § 31315(b)(4), which provides for notice and comment on exemption requests received by the agency.

In addition to efforts to clean up the FMCSRs, CVSA encourages Congress to promote a higher level of collaboration between the U.S. and its North American neighbors. Many motor carriers who operate in the U.S. also have operations in Canada and Mexico, and many foreign motor carriers have operations here in the U.S. Efficient, safe movement of people and goods between the three countries is critical to our economic success. Reciprocity and uniformity of CMV safety regulations among the three nations will help support this flow of people and goods. **CVSA supports improved international coordination, with respect to CMV safety regulations, through increasing efforts between the U.S., Canada and Mexico to advance regulatory reciprocity and uniformity.**

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Exemptions Compromise Safety, Impede Uniform Enforcement

The Commercial Vehicle Safety Alliance (CVSA) opposes the inclusion of exemptions from federal safety regulations in legislation.

When an exemption is provided through legislation:

- CVSA supports inclusion of a ‘safety clause’ as a part of any exemption statutorily enacted, similar to that in 49 USC § 31315(b), providing for an equivalent level of safety, as well as language that would allow for the elimination of the exemption if an equivalent level of safety cannot be demonstrated.
- CVSA supports requiring that, before any exemption from federal safety regulations goes into effect, a pilot program be conducted to evaluate the safety impacts of such an exemption. The exemption would go into effect automatically, unless the pilot program demonstrates a negative safety impact.
- States should not be held accountable for crashes, fatalities and incidents that occur that are outside of their legislative and regulatory authority.

In general, exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. First and foremost, safety regulations exist to protect those who use our nation’s roadways. The Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations exist to ensure that those operating in the transportation industry are equipped to do it safely. Furthermore, every new exemption is an opportunity for confusion and inconsistency in enforcement, which undermines the very foundation of the federal commercial motor vehicle enforcement program—uniformity.

However, there may be instances when exemptions could be appropriate and also not compromise safety. Recognizing that, 49 USC § 31315(b) already provides a mechanism for those in industry to obtain an exemption through an administrative (agency) process. This process includes providing for an equivalent level of safety, requiring that the exemption “*would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.*” In addition, exemptions obtained through this process are limited to a maximum of two years (subject to renewal), which provides oversight to ensure that safety is not compromised and an opportunity to eliminate exemptions that have not maintained an equivalent level of safety. This is the proper model.

In contrast, exemptions obtained through legislation do not always include safety considerations and are difficult to remove once established. Because a process exists for industry to pursue exemptions through an administrative process, **CVSA opposes the inclusion of exemptions from federal safety regulations in legislation.**

At the very least, when exemptions are included in legislation, **CVSA supports inclusion of a ‘safety clause’ as a part of any exemption statutorily enacted, similar to that in 49 USC § 31315(b), providing for an equivalent level of safety, as well as language that would allow for the elimination of the exemption if an equivalent level of safety cannot be demonstrated.** Also, Congress should monitor the Federal Motor Carrier Safety Administration’s (FMCSA) management of the administrative process for granting exemptions to ensure responsiveness to applications.

Another approach could be to require that, before any exemption from federal safety regulations goes into effect, a pilot program be conducted to evaluate the safety impacts of such an exemption. The exemption would then go into effect automatically, unless the pilot program demonstrates that an equivalent, or better, level of safety has not been achieved and going forward would be monitored on a routine basis, to ensure that an equivalent level of safety is maintained over time.

Finally, **States should not be held accountable for crashes, fatalities and incidents that occur that are outside of their legislative and regulatory authority.** Currently, a State's performance is evaluated by FMCSA on a number of factors, including crash rates. However, the method by which the data is currently compiled does not take into account that certain portions of the commercial motor vehicle population are outside government oversight and the enforcement community's authority, such as statutorily exempted vehicles. These crash rates factor into the evaluation of a State's ability to deliver on the goals in its Commercial Vehicle Safety Plan and can impact funds received through FMCSA's Motor Carrier Safety Assistance Program. If a State does not have authority and, as a result, cannot exercise proper due diligence to improve safety within a sector of industry that is exempted, it is unreasonable to include that sector in any evaluation of the State's performance.

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En Route Inspections of Passenger-Carrying Commercial Motor Vehicles

The Commercial Vehicle Safety Alliance (CVSA) supports eliminating the provision, 49 USC § 31102(b)(2)(X), that prohibits roadside inspections of buses and motorcoaches carrying passengers.

The issue of bus and motorcoach safety has been thrust into the spotlight over the past several years due to a series of high profile, fatal crashes. According to Federal Motor Carrier Safety Administration (FMCSA) data and findings by the National Transportation Safety Board (NTSB), from 2005 to 2010, 262 people died in motorcoach crashes, and another 9,062 were injured. Meanwhile, travel by bus or motorcoach is growing. Since 2005, annual growth rates for intercity motorcoach service ranged from 5.1 to 9.8 percent between 2006 and 2010.¹

With any given trip, the carrier and, more importantly, the driver are responsible for the safe delivery of the vehicle's cargo, which in the case of a passenger-carrying commercial motor vehicle (CMV) can be as many as 80 passengers. The state agencies responsible for overseeing the passenger-carrying industry need to have at their disposal as many effective tools as possible. The passenger carrier industry is relatively small, with approximately 12,000 companies, in comparison to approximately 500,000 property-carrying motor carriers in the United States. And, nationally, there are fewer CVSA-certified North American Standard Passenger Vehicle inspectors than there are CVSA-certified truck inspectors. Yet, approximately 750 million passengers board a bus or motorcoach each year. Enforcement agencies conducted 27,221 inspections of passenger-carrying CMVs in 2012; that's compared with 3.3 million inspections of property-carrying CMVs in the same year.² Passenger vehicle certified inspectors are specially trained commercial vehicle enforcement personnel equipped to inspect both the vehicle and the driver, while also taking responsibility for the safety of passengers. However, passenger vehicle certified inspectors are presently restricted on when and where they can examine a passenger-carrying CMV.

In 2005, as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Congress established a new section, subsection (X) in 49 USC § 31102(b)(2). This section prohibits roadside inspections of buses and motorcoaches carrying passengers, except in the case of an imminent hazard. This prohibition inherently puts travelers at higher risk.

The option to inspect a passenger-carrying CMV en route is an extremely important tool for effective enforcement. Currently, inspections can only be conducted at a scheduled, planned stop. This allows those seeking to avoid scrutiny and circumvent safety requirements to plan around inspections. Much like random drug testing, the possibility of an unscheduled inspection en route forces carriers and drivers to comply with safety regulations at all times. Furthermore, because of the current restrictions, there is an entire segment of the industry, known as curbside carriers, that are largely out of the reach of inspectors. These are generally intercity carriers operating under a business model where they pick up and drop off at a curbside location, rather than at a set facility. This model allows flexibility to meet the changing needs of customers, but opens the opportunity for carriers to choose to avoid the scheduled origin/destination inspections that carriers using the conventional fixed facility service receive. While curbside operations represent a smaller segment of the overall passenger-carrying industry, according to the NTSB report, curbside carriers have higher fatal accident and death rates and higher serious driver violations rates than conventional carriers.³

Under the current restrictions, inspectors do not have authority to pull over and inspect a driver and the vehicle unless there is a visible imminent hazard. But what if the imminent hazard present is one associated with the driver that is not visible? Research shows that most crashes are caused by driver-related factors. A driver could be operating their passenger-carrying vehicle without being medically qualified, without the proper class of license, without the proper license endorsement(s), driving despite a suspended or revoked license, and/or exceeding his or her allowable hours of service. However, unless the unlicensed, fatigued or otherwise seriously impaired driver is observed making an imminently hazardous traffic infraction, the first indication to inspectors of an imminent hazard may be when the driver falls asleep and crashes. As long as there is no visible problem, that hazardous driver will not be detected.

Proponents of the restriction will argue that it was put in place for the safety of the passengers, so they do not end up stranded on the side of a busy highway. However, traffic enforcement officers (who may or may not be passenger vehicle certified) already may stop a bus or motorcoach for serious traffic violations—excessive speed or other dangerous behavior. The restriction makes traffic enforcement stops, sometimes on the roadway shoulder, the only viable option to stop and check passenger-carrying vehicles and their drivers. But waiting for dangerous behavior by the driver does not prevent the risk to passengers, which is the purpose of the passenger-carrying CMV inspection in the first place. Certified inspectors are trained to make inspection stops in safe locations—preferably escorting the vehicle to an exit and a safe inspection site. Once subject to inspection, the inspector is responsible for the safety and security of the passengers, including the driver.

Proponents of the restriction will also argue that the restriction is necessary, so that carriers can maintain their tight schedules and meet pick-up and drop-off commitments to their customers. However, the trucking industry, which operates on the same tight timetables and under similar conditions on the roadways, has found a way to incorporate roadside inspections into their business model effectively.

Inspectors conducting roadside inspections are working to ensure that those carriers operating on the nation's roadways are adhering to the safety standards established by Congress and the U.S. Department of Transportation. The purpose of the roadside inspection is to provide an unscheduled 'spot check', examining a carrier's and driver's compliance. Removing this option when it comes to passenger carriers hampers the enforcement community's ability to do its job effectively and sets a lower safety standard for those carriers transporting people than for those moving property. **CVSA supports eliminating the provision, 49 USC § 31102(b)(2)(X), that prohibits roadside inspections of buses and motorcoaches carrying passengers.**

¹Report on Curbside Motorcoach Safety. Special Report NTSB/SR-11/01. National Transportation Safety Board. 2011. <http://www.nts.gov/doclib/safetystudies/SR1101.pdf>

²Motor Carrier Safety Progress Report (as of 9/30/12). Federal Motor Carrier Safety Administration. 2012. <http://www.fmcsa.dot.gov/facts-research/art-safety-progress-report.htm>

³Report on Curbside Motorcoach Safety. Special Report NTSB/SR-11/01. National Transportation Safety Board. 2011. <http://www.nts.gov/doclib/safetystudies/SR1101.pdf>



A Responsible Approach to Commercial Motor Vehicle Size and Weight Limits

While the Commercial Vehicle Safety Alliance (CVSA) does not take a position on individual proposed changes to existing size and weight limits, CVSA recommends that changes to current CMV size or weight limits not be made without first considering several factors, where applicable:

- Whether or not subject vehicles are actually designed and manufactured to accommodate the additional weights they will carry;
- Whether or not the subject vehicles are being properly maintained, with particular attention paid to the wear and tear of the vehicles' mechanical and load bearing components;
- Whether or not any new vehicle configuration meets safety performance requirements for the roadways on which it is designed to travel, with consideration given to the possible impact to infrastructure and roadway design; and,
- Whether or not a minimum set of performance requirements should be established for subject vehicles?

Further, CVSA supports:

- Giving states the authority to require that passenger-carrying CMVs report to an open weigh station while en route, specifically for weight enforcement purposes.

The nation's commercial motor vehicle (CMV) industry is diverse and the types of vehicles operating in a particular state or region often vary. Further, driving conditions vary by state due to differences in weather, geography and population density. As a result, care must be taken when crafting responsible size and weight policy. Although safety is always the paramount concern, other considerations, such as environmental impacts, quality of life, productivity, economic competitiveness and impacts to infrastructure, play an important role when considering changes to size and weight laws.

Given the complexity of the subject, ***CVSA does not take a position on individual proposed changes to existing size and weight limits. Instead, CVSA recommends that changes to current CMV size or weight limits not be made without first considering several factors, where applicable.*** Those factors include:

- Whether or not subject vehicles are actually designed and manufactured to accommodate the additional weights they will carry;
- Whether or not the subject vehicles are being properly maintained, with particular attention paid to the wear and tear of the vehicles' mechanical and load bearing components;
- Whether or not any new vehicle configuration meets safety performance requirements for the roadways on which it is designed to travel, with consideration given to the possible impact to infrastructure and roadway design; and,
- Whether or not a minimum set of performance requirements should be established for subject vehicles?

Ensuring that vehicles can safely handle the weight they are carrying and that the roadways are designed to safely handle the traffic moving across them will help improve safety on our nation's roadways.

Finally, while the size and weight discussion often focuses on property-carrying CMVs (trucks), as stated above, it is important to understand that all commercial motor vehicles, including passenger-carrying CMVs, are subject to the same weight issues. As the bus and motorcoach industry has evolved, new requirements have been issued mandating additional equipment—for example, handicapped passenger accessories to satisfy Americans with Disabilities Act requirements or diesel emissions equipment to satisfy Environmental Protection Agency requirements—that have added to the empty/tare weight of the vehicle, effectively reducing the passenger weight capacity margin. In addition, the average weight of a passenger today is higher than the decades-old design assumption of 150 lbs per passenger.¹ Heavier passengers, the advent of high seating capacity double decker buses and the weight of required additional equipment result in the higher likelihood that a bus will be loaded above its allowable weight. Safe carrying capacity of a bus or motorcoach is determined by the manufacturer's design, in which all component specifications play a part—frame/body, axles, steering components, bearings, and wheels—and particularly brakes and tires. Overloading a vehicle or any of its components increases the risk to passengers and those operating around the vehicle. According to FMCSA, an overloaded tire is more likely to overheat and fail, which could result in a blowout and crash.²

To help ensure that passenger-carrying vehicles and components are not being overloaded, inspectors need to be able to weigh the vehicle, and have the capability to inspect the condition of the components, as necessary. Enforcement personnel who have identified passenger-carrying CMVs exceeding manufacturers' designs will take the necessary steps to minimize the impact on the passengers and their trip. This could include the states coordinating with the motorcoach industry to establish uniform procedures providing for passenger needs, including identifying alternative transportation options, ensuring that at the end of the day everyone who travels on our highways arrives home without incident. **CVSA supports giving states the authority to require that passenger carrying CMVs report to an open weigh station while en route, specifically for weight enforcement purposes.** Standard procedures will need to be put into place to provide for passenger needs when an overloaded vehicle is identified.

**REVISED February 9, 2016

¹§567.4—Requirements for manufacturers of motor vehicles. Federal Motor Vehicle Safety Standards.
http://cfr.regstoday.com/49cfr567.aspx#49_CFR_567p4

²*Motorcoach Safety Advisory Bulletin: Exceeding Tire Load Ratings.* Federal Motor Carrier Safety Administration.
https://www.buses.org/assets/images/uploads/general/Motorcoach_Safety_Advisory_Bulletin_Exceeding_Tire_Load_Ratings.pdf

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Strengthening Hazardous Materials Safety and Enforcement

The Commercial Vehicle Safety Alliance (CVSA) Supports:

- Restoring funding to the Hazardous Materials Cooperative Research Program.
- Requiring access (including electronic access) for enforcement and government purposes, at no charge, to materials, such as technical standards developed by non-governmental organizations, incorporated by reference into regulation.

CVSA Opposes:

- Language prohibiting or limiting a state's authority to conduct en route inspections of Level VI shipments.
- Language eliminating 49 USC § 5125(h), the ban on preempting non-federal enforcement standards.

Nowhere is the safe, secure, uniform transport of goods more important than when that cargo qualifies as hazardous materials. Priority should be placed on ensuring that the agencies responsible for overseeing the transport of hazardous materials are adequately funded and trained. It is critical that research continues into methods to improve transport and enhance safety and that those enforcing the Hazardous Materials Regulations (HMRs) have access to the latest information. Furthermore, the State agencies tasked with enforcing the HMRs must be empowered to enforce federal regulations, while complying with additional State-level regulations.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized a pilot cooperative research program focused on hazardous materials transportation, the Hazardous Materials Cooperative Research Program (HMCRP). In 2012, the program was reauthorized as part of the Moving Ahead for Progress in the 21st Century Act (MAP-21); however, the bill did not include funding authorizations for fiscal years 2013 and 2014. As such, once projects begun under SAFETEA-LU have been completed, the Transportation Research Board (TRB), contracted to conduct research under the program, will discontinue the HMCRP. Allowing this program to sunset would be a mistake. The HMCRP is a successful program, providing much needed research and guidance on the safe transportation of hazardous materials. For example, as part of the HMCRP, research was done on the use of electronic shipping papers for hazardous materials transportation. There are a number of hazardous materials research needs that have not yet been met. For example, the relationship between tank volume and gross vehicle weight rating, or GVWR, and how those two variables affect vehicle stability and dynamics needs to be studied, to inform the definition of a 'tank vehicle'. A strong research program ensures that industry and the agencies responsible for overseeing hazardous materials safety have the tools and information they need to develop and implement strategies and programs that work. Funding the HMCRP at the SAFETEA-LU level of \$1.25 million per fiscal year will help ensure that vital this research continues. ***CVSA supports restoring funding to the Hazardous Materials Cooperative Research Program.***

CVSA supports the incorporation by reference of technical standards developed by non-government organizations. When those in industry develop standards that can be used by government it is appropriate to do so, eliminating costly, duplicative efforts and the possibility of competing standards that are similar but not identical. However, if care is not taken in how that incorporation by reference is designed, it could result in materials not being accessible by government and enforcement. Entities may develop the standards and then charge prohibitive fees in order to access them, making them, in effect, inaccessible for State and federal government officials. If government and enforcement personnel are expected to enforce

and understand the regulations and the terms and standards used within them, they have to have access to those materials, including any associated training and related training materials. This is critical for any standards, but even more so for those in the hazardous materials arena, for obvious reasons. If there is regulation that references a privately developed standard, that standard should be made available to those tasked with enforcing the regulation at no charge. To address this, **CVSA recommends that the U.S. Department of Transportation require access (including electronic access) for enforcement and government purposes, at no charge, to materials, such as technical standards developed by non-governmental organizations, incorporated by reference into regulation.**

When dealing with dangerous materials traveling through their jurisdiction, States should not be limited in their authority to ensure that shipments moving through are 100 percent safe. Transportation of the more dangerous shipments, such as Highway Route Controlled Quantities (HRCQ) quantities of Class 7 material, is more heavily regulated, in part due to the hazard and security risks they pose. Motor carriers who transport HRCQ shipments of Radioactive Class 7 materials must apply for a FMCSA Safety Permit as specified in 49 CFR 385.403. In order to maintain that permit, all HRCQ shipments are subject to the *North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials*. In addition to this point of origin inspection, many states require that these shipments be inspected en route, as the shipment passes into their State. This is often required as part of a State law or requirement from the Governor. While it is not common, the status of a shipment could change during transport and many States prefer to confirm that a shipment is safe before permitting it to pass through. States downstream of the original point of origin inspection should not be prohibited from conducting this verification, through a North American Standard Level VI Inspection. **CVSA opposes any language prohibiting or limiting a State's authority to conduct en route inspections of Level VI shipments.**

Finally, 49 USC § 5125 includes language providing for a Federal preemption over State laws and standards. However, the chapter also includes a ban on preempting non-federal enforcement standards, subsection (h). CVSA is supportive of this language and would oppose any efforts to have the language removed from Title 49. Contrary to what many assume, the States do not enforce Federal regulations. Instead, the States adopt Federal regulations into their own state codes, by reference or through legislative action. If the ban on preempting non-federal standards in subsection (h) were removed, the impact to the states would be an enormous burden. Each of the States has its own laws, regulatory process and requirements and the administrative burden of making the language, fine schedules and processes identical would be enormous. In order to operate efficiently, States need the flexibility to incorporate Federal standards through their individual processes. Preemption of State agencies to apply enforcement of the motor carrier and hazardous materials regulations would severely impact safety on the public roadways. **CVSA opposes language eliminating 49 USC § 5125(h), the ban on preempting non-federal enforcement standards.**

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Quality Data and Information Technology Systems are Critical to Improving Safety

To improve the quality of data collection, transmission and analysis, the Commercial Vehicle Safety Alliance (CVSA) encourages Congress to call for a study of the Federal Motor Carrier Safety Administration's (FMCSA) information technology (IT) and data collection systems.

Uniform, timely and accurate data is the cornerstone of the Motor Carrier Safety Assistance Program (MCSAP) program. Enforcement Personnel, along with State and Federal agencies, use information on a motor carrier's past performance to help prioritize motor carriers for roadside inspections and compliance reviews. Performance data from the commercial motor vehicle industry is used to identify trends and problem areas, and to craft enforcement and education initiatives to target specific safety problems. Data is not only used to evaluate whether or not enforcement is being conducted uniformly, but also to determine whether or not a particular safety program or concept is successful. Data is used to determine whether enforcement funds are being used in the most efficient, effective manner possible. In order to effectively and efficiently perform these activities, the States and the Federal government must be able to rely on the data being compiled in the various systems being accurate and as uniform as possible, in order to make comparisons. As technology continues to advance, we will become even more reliant on the data being inputted into various systems.

Currently, however, redundant, overlapping information technology (IT) systems and outdated software applications result in inconsistencies in the data being collected by the States and the Federal Motor Carrier Safety Administration (FMCSA), undermining the safety programs and strategies being built upon them. These data challenges hinder the inspection process and create extra, unnecessary work for industry and enforcement alike.

The Motor Carrier Management Information System (MCMIS) is the main system for which all the data collected from State and Federal agencies for FMCSA is housed, including inspection, crash, compliance reviews, safety audits, carrier information and history and numerous other data sets. Other programs, such as Safer, Query Central, and State CVIEW systems, as well as the Compliance, Safety, Accountability (CSA) program, extract the data from MCMIS to run their programs. Developed in the 1980's, MCMIS is almost 30 years old. As the program ages, it becomes harder and more expensive to make software and program changes. The system can simply no longer meet State and Federal data needs.

Another program very much in need of updating is Aspen, which is the program used to collect inspection data during a roadside safety inspection. Aspen was created in the early 1990's and has had few major updates since its development. Most of the changes have been small enhancements and, as a result, users are becoming more frustrated by the system's limitations. For example, currently, an Aspen user must access several separate programs to complete a single roadside safety inspection. Further complicating the process, when an inspector or officer has to switch from one program to another, they are required to input additional passwords and often programs timeout as they shift back and forth. The entire process is cumbersome and time consuming. As a result, the inspector, driver, and vehicle are held up, costing precious time and money. In addition, the multiple actions required and the software limitations create more opportunities for error on data entry, which impact uniformity and accuracy.

Furthermore, Aspen was designed to meet FMCSA needs, not the needs of the States. States want to be able to incorporate e-citations, e-documents, CVIEW systems, size and weight measurements, photos, videos, permits, information from the Performance and Registration Information Systems Management program, as well as more detailed State requirements. By not updating and refining Aspen, FMCSA is missing out on all the extra data that could be collected in the field.

Frustrated with an antiquated system that does not meet their needs, many States have begun to work with private industry to develop 3rd party software systems to meet their needs. These new systems are working to solve user problems, providing flexibility, and increasing data collection, consistency and accuracy.

In addition to relying on outdated, insufficient systems, FMCSA has become too focused on new software development and is distracted by too many competing priorities. As a result, updates and improvements to the primary data collection and management programs on which everything rests are constantly delayed and the States are forced to use outdated and cumbersome legacy systems. In 2009, for example, FMCSA was reviewing the Aspen program and taking input on necessary improvements. However, the update was cancelled so the Agency could focus on developing the CSA program. Now, the Agency is focused on creating the Unified Registration System (URS) program, yet another priority, and still many of the improvements discussed in 2009 have not been implemented.

FMCSA's IT program lacks focus and direction. Were FMCSA to focus on setting parameters and functional specifications, rather than software development, the program would improve tremendously. FMCSA should be managing the system and software development process, rather than doing the actual programming. The Agency needs to clearly identify challenges and solutions, as well as addressing State needs, and establish a clear path forward to meet those needs. FMCSA must take a step back and completely reevaluate its development process and how it prioritizes IT projects.

To improve the quality of data collection, transmission and analysis, CVSA encourages Congress to call for a study of the Agency's IT and data collection systems. The study should include an evaluation of the efficacy of the existing systems and programs and their interaction. It should identify redundancies and explore the feasibility of consolidating data collection and processing systems. The study should evaluate the ability of the programs and systems to meet the needs of FMCSA, both at headquarters and in the State offices, as well as equally the needs of the States themselves. The study should investigate improving any and all user interfaces. The study should take into account the systems' and programs' adaptability, in order to make necessary future changes in an easier, timely, and more cost efficient manner. In addition, the study should explore the necessity and feasibility of increasing the Agency's IT budget, to bring it in line with other Federal programs.

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Preventing and Mitigating Commercial Motor Vehicle Crashes with Technology

The Commercial Vehicle Safety Alliance (CVSA) supports legislation and policies that encourage the deployment of safety technologies proven, through independent research, to improve commercial motor vehicle (CMV) safety, either through preventing crashes or mitigating the severity of crashes.

As budgets continue to tighten and technology continues to advance, it is imperative that those in the safety and enforcement communities take full advantage of technological advancements that improve safety and demonstrate a net benefit to society.

According to data from the Federal Motor Carrier Safety Administration (FMCSA), in 2011 alone, CMVs were involved in nearly 130,000 crashes, resulting in just over 4,000 fatalities and injuring another 80,000 people.¹ With the forecasted growth in population and the corresponding increase in movement of freight and passengers, truck and bus traffic on our roadways will only continue to rise. Taking full advantage of technologies that can assist in anticipating and preventing crashes will help reduce fatality and injury rates. The National Transportation Safety Board (NTSB) has repeatedly called for deployment of safety technologies on both commercial and personal vehicles to help reduce crashes and save lives. In fact, NTSB has called on the National Highway Traffic Safety Administration (NHTSA) to establish performance standards and mandate deployment of collision avoidance technologies on CMVs in its annual 'NTSB Most Wanted List.'²

Examples of such safety technologies include, but are not limited to:

- Electronic Brake Stroke Monitoring Systems;
- Enhanced Anti-lock Braking System (ABS) Monitoring Systems;
- Tire Pressure Monitoring Systems;
- Vehicle Stability Systems;
- Lane Departure Warning Systems;
- Collision Warning Systems;
- Electronic Logging Devices;
- Speed Limiters; and,
- Video-Based Driver Performance/Management Systems.

CVSA believes that encouraging the voluntary adoption of these safety technologies, through grant programs and/or tax credits, will help deploy the devices more quickly, preventing future crashes and saving lives. In addition, encouraging deployment of the technologies will provide additional data for testing and evaluation, which can assist in any future consideration of industry-wide mandates. Further, incentivizing deployment could help bring down the costs of any industry-wide mandate and help increase the percentage of fleets being equipped with these technologies.

It is imperative that the U.S. Department of Transportation, when developing performance standards and specifications for safety technologies, work with industry and the enforcement community to ensure that the devices are effective and that any regulations put into place are enforceable. For example, the recent Electronic Logging Device requirement included in the Moving Ahead for Progress in the 21st Century Act (MAP-21) contained language instructing FMCSA to ensure that the devices are 'tamper resistant' and accessible by law enforcement. These technologies are only beneficial and effective if they are operating properly, as originally designed. Provisions, similar to those already existing for lights, tires, brakes, etc., must be put into place for new technologies to enable inspectors to verify their functionality. Furthermore, Congress should put into place strict penalties for tampering with safety technology installed on a CMV.

To help reduce CMV related crashes, fatalities, and injuries, CVSA supports legislation and policies that encourage the deployment of safety technology proven, through independent research, to improve commercial motor vehicle (CMV) safety, either through preventing crashes or mitigating the severity of crashes.

¹Motor Carrier Safety Progress Report (as of September 30, 2012), Federal Motor Carrier Safety Administration.
<http://www.fmcsa.dot.gov/facts-research/art-safety-progress-report.htm>

²2013 Most Wanted List. National Transportation Safety Board. November 14, 2012.
<http://www.nts.gov/news/2012/121114.html>

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Improving Commercial Motor Vehicle Crashworthiness Standards

The Commercial Vehicle Safety Alliance (CVSA) supports enhancements to commercial motor vehicle crashworthiness standards.

From 2001-2010, according to *the Federal Motor Carrier Safety Administration's Motorcoach Safety Action Plan—2012 Update*, crashes involving a motorcoach resulted in an average of 17 motorcoach occupant fatalities. In 2011, there were eight serious motorcoach crashes, resulting in 28 occupant fatalities.¹ Meanwhile, data released by the National Highway Traffic Safety Administration (NHTSA) indicates that in 2011, fatalities increased among large truck occupants by 20 percent over 2010 numbers.² While reducing the number of crashes that occur on our nation's roadways should be a top priority for all within the commercial motor vehicle (CMV) community, work can also be done to help reduce the impact of crashes that do occur.

With this in mind, in 2012, Congress included a number of crashworthiness standards requirements and studies in the Moving Ahead for Progress in the 21st Century Act, MAP-21. The bill requires regulations on a number of motorcoach crashworthiness standards, including safety belts, roof strength and anti-ejection measures. In addition, the bill directs the U.S. Department of Transportation to study and report back on crashworthiness standards for property-carrying CMVs over 26,000 pounds, motorcoach fire prevention and mitigation, and motorcoach interior impact protection, among others. These regulatory requirements and research will help improve CMV safety by mitigating the impacts of crashes when they do occur. **For that reason, CVSA strongly supports giving these reports and regulations that address crashworthiness standards high priority.**

In addition, there are other crashworthiness standards that should be considered. For example, in 2011, the Insurance Institute for Highway Safety (IIHS) petitioned NHTSA to develop stricter standards for rear impact guards and rear end protection, also referred to as underride guards, on trailers pulled by heavy trucks. IIHS found that the current standards are inadequate, arguing that vehicles have changed 'dramatically' since those standards were put into place. IIHS reiterated this recommendation in March of 2013, when it released updated crash results. According to IIHS, while the rear impact guards are made to prevent a vehicle from running under the trailer in a crash, research indicates that the guards are less effective in crashes where contact takes place at the edges of the trailers.³ **CVSA supports requiring NHTSA to develop updated standards for rear impact guards and rear end protection.** Also, CVSA recognizes that the most effective rear impact guard is one that is never used. Accordingly, FMCSA, NHTSA and others should devote resources to enforcement and education programs that help prevent rear-end collisions.

¹*Motorcoach Safety Action Plan – 2012 Update*, FMCSA-ADO-13-001. Federal Motor Carrier Safety Administration. December 2012.
<http://www.fmcsa.dot.gov/documents/safety-security/Motorcoach-Safety-Action-Plan-2012.pdf>

²*New NHTSA Analysis Shows 2011 Traffic Fatalities Declined by Nearly Two Percent*. National Highway Traffic Safety Administration. December 10, 2012.
<http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/New+NHTSA+Analysis+Shows+2011+Traffic+Fatalities+Declined+by+Nearly+Two+Percent>

³*Status Report – Vol. 48. No. 2*. Insurance Institute for Highway Safety. March 14, 2013.
<http://www.iihs.org/externaldata/srdata/docs/sr4802.pdf>

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