



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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October 23, 2023

The Honorable Robin Hutcheson  
Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
6th Floor, West Building  
Washington, DC 20590-9898

Dear Administrator Hutcheson,

On behalf of the Commercial Vehicle Safety Alliance (CVSA), I am writing to join other commercial motor vehicle industry stakeholders in expressing the Alliance's strong support for the creation of a Beyond Compliance program within the Federal Motor Carrier Safety Administration (FMCSA) to recognize motor carriers for safe practices and to help better distinguish between carriers who are merely compliant with the Federal Motor Carrier Safety Regulations (FMCSR) and those who take additional steps to ensure not only compliance but a higher safety culture overall. With the agency's recent actions to finalize changes to the Safety Measurement System (SMS) and the Safety Fitness Determination (SFD) process, CVSA encourages the agency to also consider establishing such a program.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities, and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

The Fixing America's Surface Transportation Act, passed in late 2015, included [Section 5222](#), which required FMCSA to establish a Beyond Compliance program to provide motor carriers "credit" on their Compliance, Safety Accountability (CSA) scores for adopting tools, technologies and programs that exceed minimum regulatory compliance and improve safety. Since, the agency has published several notices, available [here](#) and [here](#), requesting input from the public on which tools, technologies and programs should be included and how CSA

should reflect adoption of them. The agency also held several public listening sessions in 2016 to gather additional feedback.

Many motor carriers view compliance with the FMCSR as the primary path to reducing or eliminating crashes. While enforcing minimum compliance is a good first step, it's simply not enough, as evidenced by consistently rising fatalities in large truck crashes. Since the FMCSR were written (in some cases more than 80 years ago), our collective understanding of commercial motor vehicle safety has improved, and innovative programs and technologies have emerged to fill the gap. Despite the potential safety benefits offered by these innovations, we have seen, in some cases, slower industry adoption rates than expected, as carriers focus on the demanding marketplace and the imperative of bringing goods to market.

The current model of safety is based primarily on compliance, enforcement and crash data, which does not provide a full picture of the motor carrier's safety culture. With Beyond Compliance, there is an opportunity to recognize carriers for safe practices when the government is not engaged in direct oversight or investigation, thereby creating opportunities for behavioral change that will improve motor carrier safety culture and, ultimately, overall safety results. To move the needle on safety, many motor carriers have been adopting new tools, technologies and programs, but more must be done to encourage operators to exceed the regulatory minimums. More importantly, it will encourage carrier-based and self-motivated continuous improvements.

CVSA strongly supports efforts by FMCSA and the states to conduct compliance and enforcement activities. Acknowledging, however, the ongoing challenges in staffing, and an ever-growing industry, establishing a Beyond Compliance program offers an opportunity to support these efforts and aligns with the U.S. Department of Transportation's National Roadway Safety Strategy. Meaningful incentives to accelerate adoption of safety technology and programs are a valuable tool to engage with the motor carrier population and can allow federal and state enforcement personnel to focus their limited resources on high-risk motor carriers.

It is our understanding that FMCSA's Beyond Compliance research was completed in late 2021 and the report on that research is under review for publication. With all the previous work that has been done through public engagement, studies and research, and with the recent movement on SMS and SFD, it is time to move forward with a Beyond Compliance initiative.

As FMCSA considers further actions on Beyond Compliance, it is important that FMCSA ensure that all motor carriers are provided with opportunities under this program. While many fleets have resources to make significant investments in safety technologies and other solutions, many carriers are small operators and don't always have the resources. Therefore, consideration needs to be given to providing avenues for small carriers to become involved. Additionally, many carriers already are safe operators, and can benefit from receiving acknowledgement of this fact by FMCSA as it can positively impact their current business opportunities and future growth.

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 agency's consideration of this request.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,

A handwritten signature in black ink, appearing to read "Collin B. Mooney". The signature is fluid and cursive, with the first name "Collin" being more prominent than the last name "Mooney".

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