



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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January 6, 2023

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

**RE: Petition for Rulemaking – Amend Title 49 CFR § 385.4(b) to reflect the updated “North American Standard Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403”**

Dear Administrator Hutcheson,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend the Hazardous Materials Safety Permits regulations to update the incorporation by reference of the “North American Standard Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403” in § 385.4(b) to reflect the newest edition, which will be published on April 1, 2023.

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.

### **Request**

CVSA petitions FMCSA to amend the Federal Motor Carrier Safety Regulations pertaining to Hazardous Materials Safety Permits by updating the incorporation by reference of CVSA’s “North American Standard Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403” in § 385.4(b) to reference the newest edition, which will be published on April 1, 2023.

**Justification**

Critical commercial motor vehicle traffic safety improvement initiatives are built on the foundation of effective roadside inspections and traffic enforcement. Furthermore, as jurisdictions deploy more advanced technology and targeting techniques at the roadside and in a motor carrier's place of business, it becomes even more important that the underlying data resulting from enforcement is uniform and consistent. While there are current FMCSA data quality programs that have been designed to improve the timeliness, accuracy and completeness of both crash and inspection reporting, it is critical that roadside violation data is captured and reported in a uniform, consistent and legal manner. 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 as defined in 49 CFR Part 173.403" provides a uniform standard to ensure that is possible.

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 as defined in 49 CFR Part 173.403" is reviewed and updated annually. As a result, the current reference of the April 1, 2022 edition is outdated, and needs to reflect the most up to date standard.

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 commitment to safety and stakeholder involvement.

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

Respectfully,



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