



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

April 5, 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 § 393.67(c)(12) by removing subsection (i)

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 CFR § 393.67(c)(12) by removing subsection (i).

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.

Justification

Currently CFR § 393.67(c)(12)(i) states:

- (12) Overfill restriction. A liquid fuel tank manufactured on or after January 1, 1973, must be designed and constructed so that –
 - (i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and
 - (ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

CVSA is petitioning FMCSA to remove subsection (i) from § 393.67(c)(12), as the current language is outdated and no longer applicable to the current state of the industry. While the current regulation requires fuel tanks to be manufactured to allow a maximum fill of 95%, CVSA has learned from fuel tank manufacturers that liquid fuel tanks are now manufactured with a vented cap, which makes the 95% maximum fill requirement in the regulation unnecessary. There are manufacturers of large trucks equipping vehicles with tanks allowing 100% fill, based on the positioning of the filler neck and vented cap, with no resulting issues.

Further, removing subsection (i) from § 393.67(c)(12) would improve harmonization with the Canadian National Safety Code Standard 11B, which currently allows for a 100% fill. Harmonization of regulations between Canada, Mexico and the United States is a stated priority of the agency and is beneficial to motor carriers who operate across the international borders. Finally, removing subsection (i) from § 393.67(c)(12) will eliminate the need for motor carriers who are operating these vehicles to request an exemption from the agency to operate in the United States.

Proposed New Language

In track changes:

§ 393.67 Liquid fuel tanks

...

- (12) *Overfill restriction.* A liquid fuel tank manufactured on or after January 1, 1973, must be designed and constructed so that –

~~(i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and~~

~~(ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.~~

Clean version:

§ 393.67 Liquid fuel tanks

...

- (12) *Overfill restriction.* A liquid fuel tank manufactured on or after January 1, 1973, must be designed and constructed so that *when the tank is filled, normal expansion of the fuel will not cause fuel spillage.*

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 at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



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