



# Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

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## Highway Reauthorization Priorities

The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve uniformity in commercial motor vehicle safety and enforcement throughout the United States, Canada and Mexico by providing guidance and education to enforcement, industry and policy makers. Below is an overview of CVSA's legislative priorities for the highway bill reauthorization. These priorities were generated through a comprehensive process of member input and approved by the board of directors.

### Universal Electronic Vehicle Identifier

Given the size of the motor carrier industry, jurisdictions do not have the resources necessary to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. To maximize resources, jurisdictions must prioritize enforcement activities and utilize technology to continue to increase enforcement program efficiency. Technology exists today to identify a commercial motor vehicle electronically, while the vehicle is in motion. This reduces the need to stop a commercial motor vehicle to review driver information and inspect the vehicle, improving efficiencies for the enforcement community and the motor carrier industry.

To allow for the wide-spread deployment of this technology, ***CVSA supports a manufacturing requirement that all new commercial motor vehicles be equipped with a universal electronic vehicle identifier that allows them to be identified at a short range electronically by enforcement.***

Deployment of this technology would revolutionize the way commercial motor vehicle roadside monitoring, inspection and enforcement are conducted, exponentially growing the program and improving roadway safety. A manufacturing requirement on all new commercial motor vehicles would complement the existing prescreening technologies deployed by some jurisdictions that currently utilize a voluntary motor carrier participation model.

### Motor Carrier Safety Programs

#### Reallocation of Unused Funds

Ongoing delays in awarding grants, caused by the appropriations process and delays at the Federal Motor Carrier Safety Administration (FMCSA), result in states receiving funding late and make federal funding unreliable. As a result, states are at times unable to fully spend grant funds before they expire. FMCSA is required to return unallocated grant funds at the end of each grant period of performance. Requiring FMCSA to return the funds to the treasury takes much needed funding away from critical safety programs and makes long term funding for states even more unreliable. ***CVSA supports giving FMCSA the authority to keep and redistribute unallocated funds.***

### Extension of Period of Performance

Currently, states have a 2-year period of performance to spend Motor Carrier Safety Assistance Program (MCSAP) funding and 3-5 years to spend their High Priority funds, depending on the project. Ongoing delays in awarding grant funds, caused by the appropriations process and delays at the Federal Motor Carrier Safety Administration (FMCSA), result in states receiving funds nearly one full year into the grant period, making it more difficult for states to fully implement their commercial motor vehicle safety programs. ***To off-set this routine delay and provide states with the flexibility they need, CVSA supports extending the period of performance for each grant program by one year.***

### Maintenance of Effort Adjustments

As a condition of the Motor Carrier Safety Assistance Program (MCSAP), states are required to meet minimum financial requirements, known as maintenance of effort (MOE), by investing state funds in their commercial motor vehicle safety enforcement programs. In addition, states must meet certain commercial motor vehicle inspection and enforcement benchmarks in order to have traffic safety activities reimbursed under MCSAP. However, the MOE and minimum activities benchmarks, which are based on figures that are nearly 20 years old, are outdated and often no longer relevant to the jurisdiction's program due to changes in program structure, responsibilities and priorities. ***CVSA supports requiring that FMCSA allow states to make adjustments to their MOE and enforcement activity minimums.***

### New Entrant Safety Audit Program

New entrant safety audits help ensure that new carriers fully understand the requirements to operate safely. Safety audits provide an opportunity, that isn't predicated on enforcement action, for law enforcement to educate new motor carriers on the safety regulations. ***CVSA supports the continued requirement for all new entrants to undergo a safety audit and opposes any efforts to roll back the program. CVSA supports providing additional time for FMCSA and the states to complete the required new entrant safety audits. In addition, providing FMCSA and states the authority to screen for motor carriers that have a new U.S. DOT number for administrative purposes, but are not actually new carriers that need a safety audit, would improve the efficiency of the program.***

## **Exemptions**

### Opposing Exemptions

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 so safely. In general, exemptions from these regulations have the potential to undermine safety and complicate the enforcement process. Therefore, every new exemption is an opportunity for confusion and inconsistency in compliance and enforcement. This creates the potential to undermine the very foundation of commercial motor vehicle safety enforcement – uniformity. ***In general, CVSA is opposed to exemptions from federal safety regulations.***

### Legislative Exemption Implementation Window

States do not enforce federal regulations, rather they adopt federal regulations into their state codes. This process takes time, particularly in states where the legislature meets every other year. Further, when exemptions are granted, roadside inspectors must be trained on the details of the exemption and often must wait for official guidance or interpretation from the appropriate federal agency. ***CVSA supports the creation of an 18-month implementation window between when legislative exemptions are passed and when they go into effect.*** An implementation window allows for greater uniformity of enforcement by providing adequate time for states to recognize exemptions and train inspectors.

### Driver Proof of Exemption

In general, exemptions from safety regulations have the potential to undermine safety and complicate the enforcement process. Currently, during the inspection process, an inspector must consider all possible exemptions that might apply to the driver and/or vehicle and a driver is not required to present any exemption information or indicate that they are operating under an exemption. ***CVSA supports requiring all drivers who wish to operate under an exemption from the Federal Motor Carrier Safety Regulations be required to present official documentation from the Federal Motor Carrier Safety Administration (official determination letter, Federal Register notice, etc.), either a hard copy or digitally, demonstrating that they qualify for the exemption.*** This requirement would ensure roadside inspectors have the necessary information to verify a driver's compliance with the safety requirements of the exemption.

## **Regulatory Reform**

### Federal Reciprocity of State Out-of-Service Orders

The Federal Motor Carrier Safety Administration (FMCSA) is required to recognize motor carrier out-of-service (OOS) orders issued by the states if they are based on an imminent hazard and the state has in place due process mechanisms similar to FMCSA's. However, currently there is not a process in place for states to submit OOS orders to FMCSA for recognition. ***CVSA supports requiring FMCSA to establish a process to recognize state-issued OOS orders. In addition, CVSA supports expanding this requirement to include safety-based driver OOS orders. Finally, CVSA supports providing FMCSA with the necessary resources to create and maintain this process.***

### Commercial Motor Vehicle Weight Class Study

Since the current commercial motor vehicle weight class distinctions were put into place, commercial motor vehicles have changed significantly, resulting in lighter vehicles. ***CVSA supports requiring that the Federal Motor Carrier Safety Administration (FMCSA) conduct a study to determine if the current weight class distinctions are appropriate for the greatest level of safety. Additionally, FMCSA should be given the necessary resources to effectively conduct the study.***

### Mexico-Domiciled Motor Carriers Inspection Requirements

Currently, any Mexico-domiciled motor carrier that operates outside of the Mexican motor carrier commercial zone must be inspected at least every 90 days and display a CVSA decal indicating that the vehicle has no major safety defects. The existing requirement applies to Mexico-domiciled motor carriers during their first 18 months of provisional operating authority and for 3 consecutive years afterwards. Crash and violation data show no significant difference between Mexico-domiciled motor carriers and Canadian or U.S.-domiciled motor carriers. ***To improve uniformity and international harmonization, CVSA supports removing the requirement that Mexico-domiciled motor carriers display a CVSA decal after the initial 18 months of provisional operating authority.***

### Hair/Oral Fluid Drug Testing

Hair/oral fluid drug testing has been proven to be more effective in determining drug use than urinalysis. However, motor carriers are currently required to conduct drug tests on drivers using urinalysis. Some motor carriers voluntarily use the more rigorous hair/oral fluid testing, but still must conduct duplicative urinalysis tests to meet the regulatory requirements. ***CVSA supports allowing motor carriers to use hair/oral fluid testing in place of urinalysis.*** This change would remove the financial burden of having to duplicate tests to participate in a more rigorous testing procedure. This would increase the number of motor carriers that would be able to conduct hair/oral fluid tests, which would assist in identifying more drivers who use drugs and as a result, improve safety. ***In addition, these test results should be included in FMCSA's Drug and Alcohol Clearinghouse.***

## Safety Technology

### Deployment of Safety Technology

**CVSA supports legislation and policies that encourage the deployment of safety technologies proven, through independent research, to improve commercial motor vehicle safety, either through preventing crashes or mitigating the severity of crashes.** Examples of such safety technologies include, but are not limited to:

- Electronic Brake Stroke Monitoring Systems;
- Collision Mitigation Systems (examples: lane departure keeping assist, automatic emergency braking and vehicle/roll stability systems);
- Tire Inflation Systems; and,
- Fatigue/Distracted Driving Video-Based Monitoring Systems.

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.

### 5.9 GHz Safety Spectrum

Connected vehicle technology allows a vehicle to communicate with the world around it to assist drivers in avoiding crashes and improve safety. Vehicle-to-everything (V2X) communication occurs between vehicles and other roadway factors like infrastructure, other vehicles, pedestrians and law enforcement. Connected technology is dependent on effective wireless communication over the 5.9 GHz safety spectrum. The preservation of the 5.9 GHz band for transportation safety technology allows for dedicated bandwidth to ensure these technologies can seamlessly communicate without interference. Recently the Federal Communications Commission has proposed opening up the 5.9 GHz band to other technologies. Allowing unrelated use of the spectrum can cause interference with the existing and future connected technologies. **CVSA supports the preservation of the 5.9 GHz band for existing and future V2X safety technology.**

### Electronic Logging Devices

Electronic logging devices (ELDs) assist in the effective enforcement of hours-of-service (HOS) regulations. The HOS requirements exist to help prevent and manage driver fatigue. ELDs are a valuable tool to enforce the HOS regulations, making it easier for inspectors to identify violations and take unsafe, noncompliant carriers and drivers off the roadways, all while saving time for both enforcement and industry. **CVSA opposes any effort to roll back the ELD mandate or exempt a portion of the motor carrier industry from the requirements.**

## Long-Term Commercial Motor Vehicle Program Success

### Highway Trust Fund Solvency

The Motor Carrier Safety Assistance Program (MCSAP) is funded through the Highway Trust Fund. Future funding for 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 MCSAP.**

### Opposing Devolution

Commerce is by nature a national matter, as goods flow across state and international lines. The federal government has a responsibility to oversee that commerce, ensuring goods move safely and efficiently throughout the nation. Industry needs national leadership on the issue, to avoid a patchwork of policies and regulations. It is appropriate to collect and redistribute funds so that programs are well funded and consistent across the country. **CVSA opposes any efforts to devolve responsibility for the federal program back to the states.**