



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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: New Entrant Safety Audit Program

Dear Administrator Hutcheson,

The Commercial Vehicle Safety Alliance (CVSA) requests that the Federal Motor Carrier Safety Administration (FMCSA) consider several improvements to the New Entrant Safety Audit 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 New Entrant Safety Audit Program was established in 2003 to ensure that interstate motor carriers entering the industry understand the regulations and their responsibilities. FMCSA provides states with funds through the Motor Carrier Safety Assistance Program (MCSAP) to conduct these safety audits on their behalf. New entrant safety audits provide a valuable initial touch point with new motor carriers to ensure that they understand the regulations that they must follow to operate safely. However, the volume of new entrants has been increasing rapidly, making it difficult for states to keep pace with the number of new entrants entering the industry.

CVSA established a working group comprised of member jurisdictions and representation from FMCSA to discuss ways that the New Entrant Safety Audit Program can be made more effective. The Alliance requests that FMCSA consider making the following changes to the program:

- Screen for and remove
 - companies that will not be operating a vehicle that weighs 10,001 pounds or more
 - agricultural carriers operating covered farm vehicles who are exempt from the program
 - “new” carriers from the program that are a division of an existing carrier with demonstrated good safety and compliance practices or allow states to conduct streamlined audits for these carriers
- Examine the current training requirements for new entrant safety auditors to determine if a less time-consuming training standard is appropriate for individuals who are only conducting new entrant safety

audits. For example, consider if a new entrant safety auditor should need to conduct 32 inspections annually to maintain their certification and/or if they should be required to complete the North American Standard Inspection (NASI) Part B course.

- Consider reducing the two-week New Entrant Safety Auditor course
- Examine ways to make training available more frequently and consider offering online courses

With limited staffing and resources, ensuring that states are only interacting with new entrants who need a safety audit would improve the efficiency and effectiveness of the New Entrant Safety Audit Program. States are frequently assigned new entrants who are not subject to the New Entrant Safety Audit Program, including carriers who are not required to register for a U.S. DOT number and agricultural carriers who operate covered farm vehicles. As a result, states are required to expend resources unnecessarily interacting with these registrants and collecting the necessary information to remove them from the new entrant safety audit queue. Improving the screening process so registrants who aren't subject to the new entrant safety audit requirement are not assigned to states would help improve the effectiveness of the program.

In addition, it is common for motor carriers to create "new" motor carriers for tax reasons or other business purposes. These carriers must register for a new U.S. DOT number, despite the fact that these "new" motor carriers are often managed by parent motor carriers that have a robust safety culture and an established positive safety rating. These audits are an unnecessary use of resources when the parent motor carrier already has a high safety rating and an established safety program. FMCSA should either screen these motor carriers out of the new entrant safety audit process or create and allow states to use a streamlined safety audit to limit the resources expended on them.

In addition to improving the process for screening new entrants, CVSA encourages FMCSA to consider ways to improve training for new entrant safety auditors. One of the biggest challenges for states is hiring and maintaining the number of staff necessary to conduct the large volume of required audits. To help address this, FMCSA should examine the training requirements and the formats that the training is offered. Currently, individuals exclusively conducting new entrant safety audits are required to complete and maintain more training and certifications than a roadside inspector. FMCSA should consider if alternative requirements should be put into place to allow states the necessary flexibility to maintain the required workforce for new entrant safety audits.

For example, is "NASI Part B" or the required 32 annual inspections to maintain certification necessary for an auditor who exclusively conducts off-site audits or audits that do not include a vehicle inspection? In instances where vehicle inspections are necessary, an auditor who does not have the training could be paired with an inspector/auditor with the necessary vehicle training. This would provide states with needed flexibility to train more auditors and utilize their resources more effectively. Additionally, to help address the need for additional trained personnel to conduct new entrant safety audits, FMCSA should consider how to best make training accessible. For example, increase the frequency of training available and/or offering more online courses.

New entrant safety audits provide a valuable initial touch point with new motor carriers to ensure that they understand the regulations that they must follow to operate safely. By improving the efficiency and effectiveness of the program, states will be better equipped to ensure the full safety benefits of this program is recognized.

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.

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 the most prominent part.

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