



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

January 11, 2018

Docket Services
U.S. Department of Transportation
1200 New Jersey Ave., SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Docket Number: FMCSA-2017-0108
Hours of Service of Drivers of Commercial Motor Vehicles: Proposed Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Personal Conveyance

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Federal Motor Carrier Safety Administration's (FMCSA) notice of regulatory guidance and request for comments on proposed guidance addressing the use of a commercial motor vehicle for personal conveyance, docket number FMCSA-2017-0108.

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 commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

CVSA commends and thanks FMCSA for attempting to provide additional clarity regarding what constitutes the use of a commercial motor vehicle for personal conveyance. The current regulatory guidance lacks the necessary clarity, creating inconsistencies in roadside enforcement. More clearly defining personal conveyance will save both the enforcement community and the motor carrier industry time, effort and financial resources by reducing DataQ challenges under FMCSA's Compliance, Safety, Accountability (CSA) program, reducing inaccurate violations and out-of-service conditions related to this issue, and reducing the time enforcement managers spend trying to clarify this issue and address complaints. In particular, CVSA would like to commend the agency for addressing the "laden" versus "unladen" vehicle issue. Without a clear definition from FMCSA, the definition of laden at the roadside will continue to be subjective and inspectors will continue interpreting this term differently, which results in inconsistency in enforcement and industry compliance. The proposed guidance addresses this issue and provides the motor carrier industry and the enforcement community with clear guidance regarding this issue.

However, after reviewing the proposed guidance, CVSA has concerns with the overall approach taken. One of the criticisms of the current guidance is the use of the term “short distance.” The language is ambiguous and leads to inconsistent interpretations roadside over what constitutes a short distance. This results in some commercial motor vehicle drivers being cited for hours-of-service violations while other drivers, who are traveling similar distances, are avoiding such violations. For example, a driver may be driving from a drop-off location that is 200 miles from their home, yet log this return trip as personal conveyance. Some jurisdictions may accept this, while others determine that 200 miles is not a “short distance.”

While the proposed guidance eliminates the ambiguous language, it does not address the underlying issue of setting a limit on how far a driver may travel under the personal conveyance designation. Under the proposed guidance, a driver could, in theory, drive hundreds of miles over the course of several hours all under the designation of personal conveyance. This presents the opportunity for increased driver fatigue and risk on our roadways, as drivers may decide to travel hundreds of miles in order to get home after driving a full day.

CVSA encourages FMCSA to revise the proposed guidance to include a set maximum distance a driver may go under the personal conveyance designation. In setting clear guidelines on the use of personal conveyance, FMCSA may look to the standard set in Canada, which allows drivers to use a vehicle for personal conveyance purposes for a maximum of 75 km per day (approximately 46 miles). FMCSA should set a similar quantifiable distance that drivers can log as personal conveyance.

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 opportunity to comment on this proposal and 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 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

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