



# Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

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December 12, 2017

Cathy F. Gautreaux  
Deputy Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE, 6th Floor  
Washington, DC 20590-9898

Dear Deputy Administrator Gautreaux,

On behalf of the Commercial Vehicle Safety Alliance (CVSA), I am writing to request that the agency evaluate and address an unnecessary administrative burden that is impacting both the enforcement community and the motor carrier industry.

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 the United States, Canada and Mexico by providing guidance and education to enforcement, industry and policy makers.

Upon completion of a North American Standard Inspection, the inspector provides the driver with a copy of the roadside inspection report, which documents any violations found during the inspection. The driver is required to provide the inspection report to the motor carrier, and the motor carrier is required to address the issues identified in the roadside inspection report. In Part 396, §396.9(d)(3) requires that the motor carrier certify that the issues have been addressed and return the inspection report to the issuing jurisdiction within 15 days.

*§396.9 Inspection of motor vehicles and intermodal equipment in operation.*

*(d) Motor carrier or intermodal equipment provider disposition.*

- (1) The driver of any motor vehicle, including a motor vehicle transporting intermodal equipment, who receives an inspection report shall deliver a copy to both the motor carrier operating the vehicle and the intermodal equipment provider upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle or at a facility of the intermodal equipment provider within 24 hours, the driver shall immediately mail, fax, or otherwise transmit the report to the motor carrier and intermodal equipment provider.*
- (2) Motor carriers and intermodal equipment providers shall examine the report. Violations or defects noted thereon shall be corrected in accordance with §396.11(a)(3). Repairs of items of intermodal equipment placed out-of-service are also to be documented in the maintenance records for such equipment.*
- (3) Within 15 days following the date of the inspection, the motor carrier or intermodal equipment provider shall—*

- (i) Certify that all violations noted have been corrected by completing the “Signature of Carrier/Intermodal Equipment Provider Official, Title, and Date Signed” portions of the form; and*
- (ii) Return the completed roadside inspection form to the issuing agency at the address indicated on the form and retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection.*

While the regulations require the motor carrier to sign and return the forms to the issuing jurisdiction, they do not specify what the jurisdiction should do with the returned reports. Some jurisdictions use the information as a tool to help prioritize interventions and follow up with motor carriers who do not return the forms. This is a useful tool that allows jurisdictions to identify those motor carriers that may need additional attention, allowing the jurisdiction to make the most of limited resources. However, many jurisdictions do not have the manpower to follow up on unreturned inspection reports. For these jurisdictions, the practice of receiving returned inspection reports creates a paperwork burden with no clear value or purpose. Meanwhile, motor carriers spend time and resources certifying, returning and storing inspection reports that are not being used by many of the recipients.

The underlying intent of the regulation is a good one – motor carriers have a responsibility to maintain their vehicles and this process helps ensure accountability. It is also important that the information remain available to the jurisdictions that can and do use it as part of their motor carrier intervention process. However, we believe it is appropriate now to update the requirement to reflect the digital nature and data accessibility of our world today. CVSA requests that the agency review the requirements in §396.9(d)(3) and consider steps to help alleviate this paperwork burden for both industry and enforcement by transitioning to an electronic system for certifying necessary repairs have been completed. We believe that more jurisdictions would be able to use the information if it were more readily accessible through an electronic system. It is possible that there are models already in place for such a system – it is our understanding that the Intermodal Association of North America (IANA) has built a system that may meet the needs of this program – and CVSA encourages the agency to reach out to the motor carrier industry for input on how best to structure such a system.

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 301-830-6149 or via email at [collinm@cvsa.org](mailto:collinm@cvsa.org).

Respectfully,



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