



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

January 5, 2018

Shane Kelley
Acting Director
Standard and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Kelley,

The Commercial Vehicle Safety Alliance (CVSA) Level VI Inspection Program instructors recently identified a potential problem with the definition of criticality safety index. The issue is outlined below.

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.

In 49 CFR §173.403 the definition of *criticality safety index* (CSI) was changed in 2014 as part of the global harmonization effort under HM-250. The new definition of CSI ends with:

“...CSI for an overpack, freight container, consignment or conveyance containing fissile material packages is the arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.”

This causes a potential issue with shipping papers. At the beginning of §173.403 the regulation states that these definitions are “for the purposes of this subpart” meaning the definition of CSI only applies to Subpart I (§173.401 - 477). §172.203(d)(6) requires that the CSI for each package be included in the additional shipping paper entries. According to the beginning of §173.403, the definition of CSI does not apply to any other subparts. CVSA requests an official interpretation on the question below:

Question: For a consignment of multiple Class 7 packages, is it acceptable to only show the arithmetic sum of the criticality safety indices as defined in Subpart I on the shipping papers? Or do the regulations require the CSI of each package to be displayed separately, per §172.203(d)(6)?

Additional clarity is needed in order to ensure that the matter is taught and enforced properly by roadside inspectors and the motor carrier industry has a clear understanding of the shipping paper requirements.

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