



# Improving Safety through Regulatory Housekeeping, Reciprocity and Uniformity

In order to improve regulatory effectiveness, the Commercial Vehicle Safety Alliance (CVSA) supports:

- Improved oversight of the Federal Motor Carrier Safety Regulations (FMCSRs) through:
  - Requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs every 5 years, geared towards reducing and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.
  - Bringing the FMCSRs in line with temporary regulatory guidance and interpretations issued by the agency.
  - Requiring that petitions, similar to the safety exemption process, be published in the Federal Register upon receipt and that the agency subsequently publish a notice of action taken on each petition.
- Improved international coordination, with respect to commercial motor vehicle (CMV) safety regulations, through increasing efforts between the U.S., Canada and Mexico to advance regulatory reciprocity and uniformity.

The foundation of an effective regulatory framework is quality, uniform and consistent enforcement activities. It is imperative that those subject to the Federal Motor Carrier Safety Regulations (FMCSRs) understand their responsibilities and that those tasked with enforcing those safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America.

To help further the goal of consistent regulatory enforcement, clarity in the regulations is necessary. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated and redundant regulatory language. With each year come additional requirements from Congress, aimed at advancing CMV safety. In addition, the Federal Motor Carrier Safety Administration (FMCSA) receives and responds to petitions for changes to the FMCSRs from the CMV community. As Congress and FMCSA work to improve CMV safety, unintentional inconsistencies can slowly work their way into the regulatory framework. These inconsistencies can lead to confusion among both the regulated and enforcement communities. Regular review of existing regulations would do much to help mitigate this confusion. ***CVSA supports requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs, every 5 years, geared towards reducing, enhancing and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.***

***Furthermore, work is needed to bring the safety regulations in line with regulatory guidance and interpretations issued by the agency.*** At times, the agency issues guidance documents to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process. However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue. As a result, a disconnect has developed between written regulation, regulatory guidance and interpretations. Regular review of the FMCSRs would help to reduce this disconnect, providing a vehicle for identifying and resolving inconsistencies in

policy, bringing the FMCSRs in line with published guidance. Clarity in the regulations is particularly critical in light of FMCSA's Compliance, Safety, Accountability (CSA) program, which relies on a uniform, consistent enforcement of the regulations to provide reliable, accurate data.

With regards to the petitions for changes to the FMCSRs from the CMV community to FMCSA, **CVSA supports requiring that petitions be published in the Federal Register upon receipt and that the agency subsequently publish a notice of action taken on each petition.** This would benefit both the agency and the regulated community. It will notify those interested in CMV safety and the FMCSRs of areas of interest to others in the regulated CMV community, which can foster conversation that could lead to solutions and consensus building. FMCSA would benefit from input it receives in response to petitions, which could help inform the agency's thinking on the requested changes. FMCSA could put a process in place similar to that found in 49 USC § 31315(b)(4), which provides for notice and comment on exemption requests received by the agency.

In addition to efforts to clean up the FMCSRs, CVSA encourages Congress to promote a higher level of collaboration between the U.S. and its North American neighbors. Many motor carriers who operate in the U.S. also have operations in Canada and Mexico, and many foreign motor carriers have operations here in the U.S. Efficient, safe movement of people and goods between the three countries is critical to our economic success. Reciprocity and uniformity of CMV safety regulations among the three nations will help support this flow of people and goods. **CVSA supports improved international coordination, with respect to CMV safety regulations, through increasing efforts between the U.S., Canada and Mexico to advance regulatory reciprocity and uniformity.**

CVSA is an international not-for-profit organization comprising local, state, provincial, territorial, and federal motor carrier safety officials and industry representatives from the United States, Canada, and Mexico. Its mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. The Alliance actively monitors, evaluates, and identifies solutions to potentially unsafe transportation processes and procedures related to driver and vehicle safety requirements most often associated with commercial motor vehicle crashes. In addition, CVSA has several hundred associate members who are committed to helping the Alliance achieve its goals; uniformity, compatibility and reciprocity of commercial vehicle inspections, and enforcement activities throughout North America by individuals dedicated to highway safety and security. For more on CVSA, visit [www.cvsa.org](http://www.cvsa.org).

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