

ISSUE NUMBER

24-025-DRV

ISSUE NAME

Regulatory Guidance - 390.21

STATUS

Closed

Driver-Traffic Enforcement Committee

NAME

Andrew Satterly

AGENCY

Niagara Scenic Tours, Inc.

ADDRESS

5175 Southwestern Blvd
Hamburg, New York 14075
United States

PHONE

5854814280

EMAILasatterly@nscoach.net**SUMMARY OF ISSUE**

390.21 - Recently, we have started receiving violations for our DOT numbers being "blue on blue" at one specific location (Sight and Sound Theatre in Lancaster, PA). We have utilized the same livery and colors since about 2006 and did not have any issues. We have a baby blue bus with dark (nearly black) blue DOT numbers. They are clearly visible from well beyond 50 feet. We were able to get the first violation overturned after filing 3 DataQs and asking for FMCSA review with the assistance of CVSA employee Jeremy Disbrow. We have received another violation that we are currently in DataQ for, right now.

JUSTIFICATION OR NEED

We believe clarification on the regulation would make it easier for roadside inspectors to determine the need to write a violation or not. Given that we have not had issues with this livery in the past 18 years, we believe clarification of the regulation would resolve this issue.

REQUEST FOR ACTION

As stated previously, clarification on the regulation of what is considered to be sharply contrasting colors in 390.21 would make it easier for roadside officers to determine the need for a violation.

SUPPORTING DOCUMENTS/PHOTOS

- [1000008168.jpg](#)
- [1000008165.jpg](#)

ACTION TAKEN BY COMMITTEE

The Driver-Traffic Enforcement Committee discussed when a violation of 390.21T(c) should be documented for improper marking requirements pertaining to contrasting colors and legibility from a distance of 50 feet.

The committee agreed that the regulation of 390.21T is vague and allowed for inconsistent enforcement among inspectors.

The committee and FMCSA agreed that the reason for contrasting colors was to ensure the legibility from 50 feet. If the marking is legible from 50 feet, it was determined to meet the requirement for contrasting colors.

It was decided to amend language in Inspection Bulletin 2021-03 – Identifying the Motor Carrier to add clarification for violation documentation.

A paragraph was added to state the following:

Any violations of the marking requirements outlined in 390.21T should be recorded under the appropriate sub-paragraph on an inspection report along with a detailed description of the violation(s). If the proper markings are clearly legible from a distance of 50 feet while the vehicle is stationary during daylight hours, a violation of 390.21T(c) should not be recorded.