



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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July 30, 2024

Vinn White  
Acting Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
6<sup>th</sup> Floor, West Building  
Washington, DC 20590-9898

**RE: Intrastate Motor Carriers Operating in Interstate Commerce**

Dear Acting Administrator White,

The Commercial Vehicle Safety Alliance (CVSA) requests that the Federal Motor Carrier Safety Administration (FMCSA) provide formal guidance regarding appropriate enforcement action and documentation when a motor carrier is registered with FMCSA as an intrastate carrier but found to be operating interstate movements.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. This includes each of the Motor Carrier Safety Assistance Program state and territorial agencies here in the United States. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

At the 2023 CVSA Workshop, members of the CVSA Driver-Traffic Enforcement Committee held a discussion regarding instances where motor carriers registered with FMCSA as an intrastate carrier are found to be conducting interstate movements. Title 49 CFR § 392.9b states, "A commercial motor vehicle providing transportation in interstate commerce must not be operated without a safety registration and an active USDOT number." However, roadside inspectors frequently encounter commercial motor vehicles (CMVs) that have an active USDOT number, but who are registered with FMCSA as an intrastate motor carrier while operating interstate. These inaccurate intrastate registrations, whether intentional or accidental, allow motor carriers to circumvent the new entrant safety audit process.

CVSA strives to provide uniform enforcement guidance to roadside inspectors throughout North America. When intrastate registered CMVs are discovered operating in interstate commerce, there is a lack of consistent

enforcement throughout the jurisdictions. Some inspectors will not cite a violation at all, others will cite a violation of 390.19 (failing to update the MCS-150 form), while others will cite a violation of 392.9b (operating without an active USDOT number) and place the vehicle out-of-service. These inconsistencies not only result in frustration for motor carriers and enforcement personnel, but failing to participate in a new entrant safety audit can be detrimental to highway safety when carriers do not have adequate knowledge of the safety regulations.

The discussion continued at the 2023 CVSA Annual Conference and Exhibition last fall. CVSA requested input from representatives of FMCSA attending the event. The FMCSA participants recommended the Alliance request a formal response from the agency. For this reason, CVSA is requesting guidance in response to the following questions:

- Should an inspector document a violation when a CMV is operating in interstate commerce, but the motor carrier is registered with FMCSA as an intrastate motor carrier?
- If a violation should be cited, what is the correct regulation to cite?
- Is there any other enforcement action that FMCSA would find beneficial, such as a reporting system to identify these motor carriers and ensure they are required to properly register and obtain a new entrant safety audit?

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 questions or comments, please do not hesitate to contact me at 202-998-1008 or [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,



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