



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

June 29, 2026

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Petition for Rulemaking – Amend Title 49 CFR § 392.60 to require written or electronic documentation of authorization for passenger(s) in a CMV

Dear Administrator Barrs,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend Title 49 CFR § 392.60 – *Unauthorized persons not to be transported* to require written or electronic documentation of authorization for passenger(s) in a commercial motor vehicle (CMV).

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. 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.

Justification

According to the International Labour Organization, human trafficking enslaves more than 50 million people in both labor and sex trafficking. Traffickers are motivated by greed, exploiting the most vulnerable among us to the tune of \$236 billion annually. This heinous crime is happening throughout North America and has been reported in every U.S. and Mexican state, and in all Canadian provinces and territories. Beyond being trafficked within their own nation's borders, our citizens are being used and exploited across national borders. Human traffickers sell their victims in cities and rural areas, along our nation's roadways, and at numerous locations and events. Because traffickers use our transportation systems, including commercial motor vehicles, to transport victims, it's imperative that the law enforcement community and industry partners be involved in fighting this crime. These stakeholders need to learn to recognize the signs of human trafficking and how to report it, as their involvement is vital in assisting in victim recovery. Beyond enforcement of anti-trafficking laws, law enforcement and all other members of the commercial motor vehicle industry have a critical role to play in educating and equipping industry stakeholders about human trafficking and how to combat it. Recognizing this, the U.S. Department of

Transportation (DOT) Advisory Committee on Human Trafficking issued a report citing the substantial role transportation industries, law enforcement and government agencies can play to close loopholes to traffickers, including forming private/public partnerships. In addition, DOT and FMCSA have increased their efforts to raise awareness and partner with other organizations to combat this global crime.

Roadside inspectors are in a unique position to identify instances of human trafficking when conducting inspections on commercial motor vehicles. Recognizing this, FMCSA has encouraged its Motor Carrier Safety Assistance Program (MCSAP) partners to incorporate human trafficking prevention efforts into their commercial motor vehicle safety programs. All inspectors in North America are trained to identify indicators of human trafficking, as well as to verify all passengers are authorized to be in the vehicle.

The enforcement and industry members of CVSA's Human Trafficking Prevention Program Committee have identified a challenge to enforcement's ability to combat suspected instances of human trafficking roadside due to existing regulatory guidance. Currently, drivers are permitted to be accompanied by a non-driver passenger in the commercial motor vehicle, provided they have written authorization to do so by the motor carrier. The written authorization must state the name of the person to be transported, the points where the transportation is to begin and end, and the date upon which such authority expires. However, the DOT Regulatory Guidance associated with this requirement does not require that the written authorization be carried on board the CMV, rather noting that it should be maintained at the motor carrier's place of business. The regulation requires that a driver obtain explicit written authorization from the motor carrier to transport passengers. However, due to the DOT Regulatory Guidance to § 392.60 – *Unauthorized persons not to be transported*, drivers are not required to carry and produce the documentation. As a result, inspectors can have difficulty verifying whether or not a passenger found in a property-carrying CMV is authorized to be there, and therefore whether they may be the victim of human trafficking.

This interpretation limits the inspector's ability to enforce this regulatory requirement. The passenger may be a victim and, if asked about their passenger status, may not be forthcoming about whether they are a willing passenger due to threats of force, fraud, coercion and/or grooming. An inspector's ability to contact and confirm with the carrier that the passenger is authorized is limited by several factors, including the time of inspection being outside normal business hours, poor cell signal and/or being unable to reach the appropriate motor carrier employee with access to the information. Without access to the written authorization document, the inspector may be unable to verify the passenger's status and could potentially miss an opportunity to intervene in a human trafficking incident. As a result, inspectors can have difficulty verifying whether or not a passenger found in a property-carrying CMV is authorized to be there, and therefore whether they may be the victim of human trafficking.

To address this limitation, on behalf of the state and local MCSAP agencies, CVSA is requesting that FMCSA update the DOT Regulatory Guidance to § 392.60 – *Unauthorized persons not to be transported* to read:

§392.60 Unauthorized persons not to be transported.

Guidance Q&A

Question 1: Does §392.60 require a driver to carry a copy of the written authorization (required to transport passengers) on board a CMV?

Guidance: ~~No~~Yes, the authorization, in either hard copy or electronic format, must be maintained on board the CMV as well as at the carrier's principal place of business. ~~At the discretion of the motor carrier, a driver may also carry a copy of the authorization.~~

This request is supported not just by the roadside inspector community tasked with helping to combat this heinous crime roadside, but also by the Alliance's motor carrier members, and the American Trucking Associations, as well as TAT (formerly Truckers Against Trafficking), the leading voice on this issue and a partner with the U.S. Department of Transportation in its efforts to eliminate human trafficking in our transportation systems.

Documents Can Be Falsified

While it is true that documents can be falsified, this is an insufficient justification for not requiring the information roadside. In fact, the FMCSR includes dozens of requirements for documentation to be maintained and presented. For example, drivers are required to carry and produce driver's licenses, medical certificates, bills of lading, lease agreements, load permits, etc. Each of these documents can be falsified, yet the requirement remains, as it provides an opportunity for enforcement to review and verify the document for enforcement purposes.

Requiring the letter roadside would be an additional tool for the inspectors to use in the course of their investigation to determine if a passenger is authorized to be in the vehicle. Importantly, as noted above and in the Alliance's previous petitions, an inspector's ability to contact and confirm with the carrier that the passenger is authorized is limited by several factors, including the time of inspection being outside normal business hours, poor cell signal and/or being unable to reach the appropriate motor carrier employee with access to the information. Without access to the written authorization document, the inspector may be unable to verify the passenger's status and could potentially miss an opportunity to intervene in a human trafficking incident. Requiring drivers to provide written or electronic documentation of authorization for passenger(s) in a CMV would simply provide inspectors with more information roadside with which to make a determination.

In instances where a driver can provide a letter, inspectors would still have other steps to verify the validity of the letter, including reaching out to the motor carrier, if they are reachable, and visual evaluation of the document itself. Using the information presented, as well as their visual evaluation and interaction with the driver and passenger, the inspector will be able to make a more informed determination regarding the passenger. In instances where the driver cannot provide a letter, this provides the inspector with cause to remove the passenger from the vehicle, in order to conduct an interview separately from the driver, which could result in information that would assist the inspector in identifying human trafficking. Furthermore, in instances where the driver produces a fraudulent document that is identified by the inspector, the document provides an additional piece of evidence should a prosecution result from the interaction. Again, the purpose of requiring the letter roadside is to provide inspectors with more tools to identify and combat this crime.

Finally, it is worth noting that, if both the motor carrier and driver are engaged in human trafficking, then it is likely that the motor carrier would fraudulently verify that the passenger is authorized if contacted by an inspector (in the instances that an inspector can reach the motor carrier). Despite this opportunity for abuse, the regulations

still currently require that the motor carrier provide and maintain written authorization when a passenger is permitted to travel with a driver. This is because, while we can all acknowledge that fraud may occur, it is also true that putting these requirements in place help in the course of an investigation to identify bad actors.

Requiring Documentation Roadside Could Undermine Investigative Training

FMCSA has raised concerns that if the motor carrier and its driver are engaged in trafficking, a requirement for a letter about the passenger could have the effect of undermining an inspector's assessment. CVSA's members simply disagree. Inspectors are taught to conduct their inspections as investigations and rely on a number of documents and other information to enforce the FMCSR roadside. Giving the inspector an additional tool to help verify compliance would not cause those inspectors to disregard their investigative process entirely. When a driver presents a CDL roadside, the inspector does not then assume all is well and move on with their inspection. They verify that credential through a number of channels. When a driver produces their record of duty status documentation, the inspector still reviews the information and investigates, using required supporting documentation, to ensure the information is accurate. The same would apply if a letter was presented roadside. The inspector would include it as a piece of information in the investigation.

Further, if FMCSA granted CVSA's petition and moved forward with establishing a requirement that drivers provide written or electronic documentation of authorization for passenger(s) in a CMV, FMCSA's concern about the impact on the inspector's assessment could be addressed by updating existing training on identifying human trafficking to ensure that inspectors understand the role of the letter and to ensure they use it as part of their investigation, not in place of one.

Critical Tool for Non-Sworn Enforcement

Non-sworn civilian inspectors occupy a uniquely vulnerable position in the roadside inspection process. They lack the same investigative authority, legal powers and professional law enforcement training that sworn officers possess. This makes access to written or electronic passenger authorization documentation not just helpful, but essential. Unlike sworn law enforcement officers, civilian inspectors cannot compel answers, detain individuals or independently investigate suspicious circumstances with the same legal footing. Written documentation gives them a concrete, objective starting point — something tangible to verify rather than relying solely on a subjective read of the situation. It transforms an ambiguous encounter into one with a clear, verifiable standard. In addition, requiring the driver to produce written authorization for the passenger creates a legitimate cause to separate and interview the passenger if the driver is unable to produce the required documentation. If documentation is absent, civilian inspectors gain a clear, policy-backed reason to remove the passenger from the vehicle and begin questioning — a critical step in human trafficking identification. If documentation is present but seems inconsistent or suspicious, it provides structured time to contact the carrier for verification while the inspection continues. Either way, the documentation framework creates opportunities that currently do not exist.

Without a documentation standard, civilian inspectors are left making judgment calls with no regulatory backing. A written authorization requirement gives them a clear procedural basis for their actions, protecting them professionally when they choose to probe further into a suspicious situation. The document becomes one more tool in a toolkit that civilian inspectors, given their limited authority, critically need. In short, for non-sworn inspectors operating without a law enforcement safety net, written passenger authorization documentation

provides structure, legitimate cause for action and much needed additional time to investigate the situation, all of which can mean the difference between a trafficking victim being identified or disappearing down the road.

Necessity of Initiating a Rulemaking to Effect the Requested Change

FMCSA notes that because § 392.60 does not state where the document must be maintained, the agency must default to “the overarching requirement for certain records to be maintained at the principal place of business” and that requiring the document be maintained by the driver as well would necessitate the agency initiating a rulemaking to change the regulation itself. If upon consideration of this petition, the agency confirms that such a rulemaking is necessary to implement the requested change, then CVSA, on behalf of its state and local enforcement and industry members, requests that the agency move forward with a rulemaking to make the necessary changes to the regulation itself. CVSA has engaged with its motor carrier members on this concept and do not anticipate that the requested change would have a significant impact financially on motor carriers, nor would it present an undue hardship on motor carriers or drivers. This conclusion is reinforced by the letter of support from the American Trucking Associations. The benefits of being better equipped to identify and interrupt instances of human trafficking occurring within our transportation system far outweigh the costs associated with conducting a rulemaking and implementing this change.

Additional Benefits of Requiring the Letter Be Provided Roadside

In speaking with our industry partners, CVSA has identified another potential benefit to the motor carrier community associated with making the requested change. Under the current requirements, if a driver is stopped outside of a motor carrier’s business hours or if the appropriate point of contact cannot be reached to verify whether or not a passenger is authorized, barring any other indicators, the inspector has no choice but to allow the driver to proceed with the passenger. The motor carrier is not made aware of the presence of a passenger in these instances. However, if the driver were required to have documentation with them roadside, electronically or physically, and they were unable to produce the document, then the inspector can document the violation, which will alert the motor carrier to unauthorized passengers traveling with their drivers.

During the Alliance’s Human Trafficking Prevention Program Committee and Driver-Traffic Enforcement Committee discussions on this topic, members also suggested that violations of § 392.60 be assigned zero points within the Safety Management System methodology. This would allow for more effective enforcement of the documentation requirement, without penalizing motor carriers when drivers are not compliant with the regulation.

Conclusion

The roadside enforcement community has been asked by U.S. DOT and FMCSA to assist in combatting instances of human trafficking on our roadways because they are the ‘boots on the ground’ interacting with drivers every day. They are asking the agency to provide them with a tool that will assist them in that effort. CVSA strongly encourages FMCSA to move forward with a rulemaking to make the necessary changes to the FMCSR and associated guidance to require drivers to provide written or electronic documentation of authorization for passenger(s) in a CMV at the request of enforcement, in addition to the requirement that the document be kept at the motor carrier’s principal place of business.

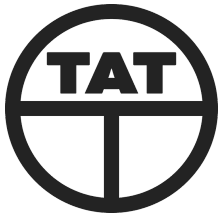
CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all 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 at 202-998-1008 or by email at collin.mooney@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



TAT

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June 22, 2026

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Executive Director of TAT

Dear Administrator Barrs,

I am writing in support of CVSA's petition for rulemaking to amend Title 49 CFR 392.60 DOT Regulatory Guidance to require written or electronic documentation of authorization for passenger(s) in a CMV.

As a co-founder and the deputy director of TAT (formerly known as Truckers Against Trafficking), a North American non-profit that stands committed to educate, equip, empower and mobilize members of key industries and agencies to combat human trafficking, I believe requiring professional drivers to have written or electronic documentation in their CMV authorizing a passenger in their vehicle seems to be a simple and potentially life-saving practice.

It was very disheartening to learn that the FMCSA denied the proposed amendment for the following stated reasons:

1. Documents can be falsified.
2. It can potentially undermine an inspector's assessment of the situation/training.
3. It would require a notice and comment rulemaking.

I would like to address these reasons. First, yes, documents can be falsified, just as loads can hide contraband, such as drugs, weapons, money or people. We don't halt loads on our roadways because there is a criminal element that exploits them. We have laws, regulations and policies in place to create barriers to criminal activity and to better equip law enforcement to identify these crimes and enforce the law. By requiring a driver to have written or electronic documentation of authorization for passengers within their CMV, you are creating an additional barrier for a driver intent on engaging in criminal conduct. It is one more step they will have to take to try to circumvent law enforcement.

Second, having the documentation in their CMV in no way stops the inspector from verifying its authenticity with the carrier. In fact, if the inspector leans into the training provided to them either by the FMCSA or TAT, and does suspect that something is off, this gives them more time to confirm with the carrier and potentially to separate the passenger from the driver to conduct an interview. Time is of the essence in human trafficking cases, and having additional time to engage with a potential victim lends itself to rapport building and creating a safe environment for them. Likewise, if they don't have the documentation in the CMV, inspectors have more cause to remove the passenger from the vehicle and begin to ask questions that could elicit relevant information that could expose criminal activity.

At present, inspectors report calling carriers to verify passenger authorization and getting voicemail or an out-of-office message. They are forced to let the CMV roll on with zero verification. Having the documentation in their CMV would give the inspector an important starting point and close those loopholes. This is especially important for civilian inspectors who do not have the same professional training as a sworn law enforcement officer.



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Lastly on this point, instead of seeing a potentially falsified document as a reason not to amend the regulation, look at it as one more piece of evidence against the driver if, and when, they are caught for the crime of human trafficking or whatever other crime they may be perpetrating.

To the last point that creating this amendment would require the FMCSA to initiate a notice-and-comment rulemaking, I acknowledge that this requires both substantial time and effort. However, when your important stakeholders, like the CVSA, whose membership encompasses commercial vehicle enforcement, state DOTs and industry come before you with a petition to amend a regulation that would aid inspectors in the fight against human trafficking -- a stated priority for the FMCSA -- is this not worthy of that time and effort commitment? As someone close to this issue who encounters the FMCSA at dozens of events each year, approving this petition seems to me to be a direct affirmation to your stated and well-funded priority to combat this crime, and as such, I encourage the FMCSA to support it. TAT sees the FMCSA as an important ally in the fight against human trafficking, and, by granting this petition, you will further equip law enforcement and civilian inspectors to close loopholes to traffickers in a way only you have the power to do.

Human trafficking is a complex labyrinth with no easy solutions. I've personally been a part of this movement for 19 years, and the more I know, the more complicated I understand it to be. There is no one solution for fighting this crime. There is no one remedy that will enable law enforcement and inspectors to eradicate it across our nation. However, if each of us continues to deploy obstacles, erect barriers and close loopholes to traffickers, we will make it harder for them to operate. Granting the petition to amend the regulatory guidance for 49 CFR 392.60 may not seem heroic or a huge deterrent to you, but to the individual who may be given a second chance at life because of it, rest assured it is worth your time and effort.

If you have any questions, feel free to call me at 918-695-2153 or email at klanier@tatnonprofit.org.

Sincerely,

Kylla Lanier
Deputy Director/Senior Director of External Affairs
TAT



June 29, 2026

The Honorable Derek Barrs
Administrator
Federal Motor Carrier Safety Administration (FMCSA)
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Support for CVSA's Petition to Amend Title 49 CFR § 392.60 – Unauthorized Persons
Not to Be Transported

Dear Administrator Barrs,

On behalf of the American Trucking Associations (ATA), I am writing to express our support for the Commercial Vehicle Safety Alliance's (CVSA) petition to amend Title 49 CFR §392.60, which currently prohibits the transportation of unauthorized persons in commercial motor vehicles (CMVs). The proposed amendment would require drivers to carry written or electronic documentation of authorization for any passengers in a CMV. ATA shares CVSA's concern regarding the safety risks associated with human trafficking and the critical role that commercial motor vehicle inspectors and roadside officers play in identifying potential cases of human trafficking and assisting those individuals who fall victim to human trafficking.

As CVSA has outlined in their petition, human trafficking is a serious and growing issue, with over 50 million people globally enslaved through labor and sex trafficking, many of whom are transported via our national transportation system. ATA applauds the U.S. Department of Transportation and FMCSA's demonstrated commitment to improving safety and combating human trafficking. We believe updating 392.60 to require written or electronic documentation of passenger authorization would be an effective measure in mitigating and preventing human trafficking.

As ATA noted in our September 2024 comments to FMCSA regarding the agency's regulatory guidance review, the current regulation outlined in §392.60 requires drivers to obtain written authorization from the motor carrier to transport non-driver passengers. This authorization documentation must be maintained at the motor carrier's place of business; however, current regulations do not require that this documentation be physically or electronically available for the driver to provide enforcement officers during a roadside inspection.

Roadside inspectors and enforcement are in a unique position to recognize instances of human trafficking when conducting inspections on commercial motor vehicles given their specific training to identify indicators of human trafficking. However, in some cases, §392.60 limits roadside enforcement's ability to verify whether a non-driving passenger of a property-carrying CMV is authorized to be there, and therefore whether they may be the victim of human trafficking – especially in instances when an officer must contact the motor carrier and obtain

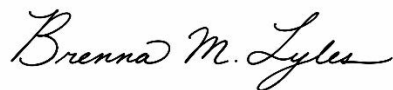
proof of this documentation outside of business hours, has poor cellular reception, or faces other logistical challenges. The current regulation limits roadside enforcement's ability to verify the passenger authorization in real-time and potentially identify and intervene if human trafficking may be occurring. For these reasons, ATA supports CVSA's petition to amend the regulations and require drivers to maintain proof of authorization in the vehicle whenever transporting an authorized passenger.

ATA suggests that FMCSA revise §392.60 to require any authorization, in either hard copy or electronic format, to be maintained on the driver while operating a CMV and at the carrier's principal place of business. The goal of such revision should be to empower roadside inspectors and law enforcement to utilize human trafficking identification training and prevent occurrences whenever possible, rather than penalize carriers and drivers. Thus, ATA emphasizes CVSA's request that this be counted as a zero-point violation within the Safety Management System methodology to empower roadside inspectors to enforce documentation requirements without placing undue penalties on carriers. Additionally, FMCSA should clarify and emphasize this authorization should not be required if the passenger is another employee of the carrier.

Based on the above issues, ATA supports CVSA's petition to amend §392.60 to require written or electronic documentation of passenger authorization. This change is an important step in enhancing safety and supporting ongoing efforts of law enforcement and the carrier community in the fight against human trafficking. We strongly encourage FMCSA to reconsider its previous denial of this petition and initiate a rulemaking process to update the regulations.

Thank you for your attention to this important matter, and for your continued commitment to improving safety on our nation's roadways.

Sincerely,

A handwritten signature in cursive script that reads "Brenna M. Lyles".

Brenna Lyles
Vice President, Safety Policy
American Trucking Associations