



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

March 19, 2025

Ms. Barbara Baker
Senior Policy Advisor, Office of Safety
New Entrant Safety Audit OOS Rate Calculation
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Clarification on the calculation of the out-of-service rate for New Entrant Safety Audits

Dear Ms. Baker,

CVSA would like clarification from the Federal Motor Carrier Safety Administration (FMCSA) on the requirements for calculating the out-of-service rate for New Entrant Safety Audits. This is a requirement of the Electronic Field Operations Training Manual (eFOTM) when completing data entry of Part A and currently is not uniform in application throughout the jurisdictions.

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.

Request

CVSA requests that the FMCSA issue guidance on the entry of roadside inspections to calculate the out-of-service rate of new entrant motor carriers. Currently, eFOTM is not specific as to the number of total inspections to include when more than three inspections are available for review. Additionally, eFOTM does not specify whether less than three inspections should be entered when carriers have limited roadside activity.

Justification

CVSA has a grant from the agency to train state and local law enforcement officers in the proper procedures to conduct roadside inspections of commercial motor vehicles as well as develop and maintain certification courses for performing New Entrant Safety Audits. Currently the eFOTM provides a sampling chart that is capped at three

interstate inspections and has verbiage that is contradictory to this chart. Specifically, the chart indicates the maximum number of inspections to include in sampling is three; however, verbiage reflects the inclusion of all Level I, II and V inspections in the previous 12 months. Additionally, when reading, the verbiage further specifies recent interstate inspections to be included. These instances leave investigators confused and a lack of uniformity in the application of this sampling is occurring resulting in motor carriers having skewed data on their New Entrant Safety Audits. FMCSA's guidance for this regulation will ensure that CVSA provides the proper direction to the state and local officials conducting New Entrant Safety Audits.

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 by phone 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