



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

**CVSA Comments for the Record
to the
U.S. House of Representatives
Transportation and Infrastructure Committee's
Subcommittee on Highways and Transit**

America Builds: A Review of Programs to Address Roadway Safety

February 12, 2025

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments for the record in response to the Committee on Transportation and Infrastructure's Subcommittee on Highways and Transit's hearing on "America Builds: A Review of Programs to Address Roadway Safety."

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.

CVSA commends the subcommittee for holding a hearing to review roadway safety programs. The hearing offered a timely opportunity for members to engage with industry stakeholders to better understand current roadway safety programs and improvements that can be made in the upcoming surface transportation reauthorization.

CVSA and its members are committed to reducing crashes, injuries and fatalities on our nation's roadways, and have long supported solutions to improve commercial vehicle safety by preventing and/or mitigating the severity of crashes. Discussion in the February 12 hearing covered a variety of solutions to address highway safety. CVSA generally agrees with what was shared regarding driver behavior, safety technologies, and challenges with funding and grant administration. Focusing on these areas can contribute to solutions that improve roadway safety.

Driver Behavior and Fatigued Driving

In his opening statement, Chairman Rouzer connected change in driver behavior to the rise in crashes and fatalities. The hearing witnesses echoed this concern, and the Governors Highway Safety Association (GHSA) referenced a study conducted by the National Highway Traffic Safety Administration (NHTSA), which cited unsafe driver behavior as the critical reason for a majority of crashes. CVSA agrees that driver behavior, such as distracted and impaired driving, is a concern and negatively impacts safety on our roadways. CVSA supports programs and resources devoted to rigorous enforcement of distracted and impaired driving behaviors, as well as education and outreach programs that help reduce the occurrence of distraction and impairment.

In addition to distracted and impaired driving, fatigued driving needs to be included in the discussion on driver behavior. Driver fatigue is a significant contributor to commercial motor vehicle (CMV) crashes and poses a substantial risk to road safety. A National Transportation Safety Board (NTSB) investigations study found that 31%

of heavy truck crashes with fatalities to the driver involved fatigue.¹ Additionally, fatigued drivers perform more inappropriate lane deviations and have slower steering responses, experience reductions in responses to speed changes of a lead vehicle, have increased speed variations, exhibit slower reaction times, experience impaired visual scanning or “tunnel vision” and are at risk of falling asleep at the wheel. All of these factors increase the likelihood of crashes and near-crashes resulting from driver error.² In the trucking industry, the federal hours-of-service (HOS) requirements exist to help prevent and manage driver fatigue. While sleep cannot be regulated, the HOS rules set forth a framework that, if followed, allow drivers to get the rest necessary to operate their vehicles safely. It is important that the HOS requirements continue to focus on fatigue management and safety, factoring in the best available fatigue data.

In their written testimony, Advocates for Highway and Auto Safety recognized the issue of driver fatigue and offered support for increased truck parking. CVSA supports investments that address the nation’s truck parking shortage, which would allow drivers to better comply with HOS requirements.

Another solution to mitigate fatigue that CVSA supports is clarifying the definition of personal conveyance by adding a maximum time and/or distance on its use. Under personal conveyance, a driver is able to use a loaded or unloaded CMV for personal use and count that driving time as off-duty time. With the current definition of personal conveyance, a driver can drive hundreds of miles over the course of several hours all under the designation of personal conveyance before, during or after their work day, putting them at risk for increased levels of fatigue.

CVSA members are seeing countless examples of this occurring, with drivers claiming they are operating their vehicle for personal use, when in reality they are extending their driving time. Some common examples of personal conveyance abuse include using personal conveyance for up to ten hours between dropping off loads and going to the next pick up, driving over two hours claiming they are looking for a place to park when there are open spaces along the two-hour drive, using personal conveyance to make up for time lost at loading docks and switching to personal conveyance time just before violating the 11- or 14-hour rules. Allowing significant extension of driving time with the use of personal conveyance undermines the goals of the HOS regulations, which exist to mitigate the impacts of fatigue on highway safety.

In recent years, CVSA inspectors have observed a rise in personal conveyance abuse and misuse. For example, as part of a data collection conducted by CVSA in 2023, CVSA found that when personal conveyance was being used by a driver, it was being used improperly nearly 40% of the time. Additionally, CVSA has seen an increase in false log violations, which is where personal conveyance violations are documented. False log violations have jumped from the seventh most frequently cited driver violation in 2019 to the third most cited in 2021, 2022 and 2023. In 2024, false log violations were the twelfth most frequently cited driver violation. When looking at “false logs - personal conveyance” violations, the number of violations rose from the 60th most frequently cited driver violation in 2021 (when the specific violation code was created) to the 27th most frequently cited in 2024.

Allowing drivers to use personal conveyance as a way to extend their driving time increases the possibility of fatigued driving and can endanger other road users. Placing a limit on the time and/or distance that a driver can use personal conveyance is a strategy for mitigating fatigued driving.

¹ Factors that Affect Fatigue in Heavy Truck Accidents Volume 2: Case Summaries. National Transportation Safety Board. NTSB Report Number SS-95-02. <https://www.nts.gov/safety/safety-studies/Documents/SS9502.pdf>.

² Guidelines and Materials to Enable Motor Carriers to Implement a Fatigue Management Program. North American Fatigue Management Program. https://nafmp.org/wp-content/uploads/2021/04/implementation_manual_en.pdf

Safety Technology

In her opening statement, Ranking Member Norton identified “equipping vehicles with the latest safety technologies” as part of a comprehensive approach to increase roadway safety and reduce fatalities. In general, CVSA supports policies that encourage the deployment of safety technologies proven to improve CMV safety, either through preventing or mitigating the severity of crashes. As budgets continue to tighten and technology continues to advance, it is imperative that those in the safety and enforcement communities take full advantage of technological advancements that improve safety and demonstrate a net benefit to society. As federal agencies develop performance standards and specifications for safety technologies, it is imperative that they work with industry and the enforcement community to ensure that the devices are effective and that any regulations put into place are enforceable.

Automated Vehicles

One specific form of safety technology referenced during the hearing was automated vehicles. GHSA highlighted the need to have a national regulatory framework for automated vehicle technology and shared how it is preparing its members for a future with automated vehicles. CVSA is also preparing for the presence of automated CMVs on our roadways.

CVSA strongly supports policies that encourage the deployment of safety technologies proven to improve CMV safety by preventing and/or mitigating the severity of crashes. CMVs equipped with automated driving systems (ADS) have the potential to significantly improve roadway safety. As ADS technology continues to advance and be tested on public roadways, it is imperative that federal agencies, lawmakers, law enforcement and motor carriers keep pace with the ADS industry. While ADS-equipped CMVs have the potential to improve roadway safety, that potential is based on the vehicles and technology being well maintained and fully functional. Oversight by the enforcement community is necessary to ensure ADS-equipped CMVs are properly maintained. Unfortunately, there are challenges with applying the traditional roadside inspection program to ADS-equipped vehicles because the current roadside inspection program is not compatible with ADS-equipped commercial motor vehicles. The current inspection process relies heavily on the driver to complete an inspection, for example. In addition, incorporating all possible roadside inspection locations into an ADS-equipped CMV’s operational design domain is not practical.

When policies are considered regarding automated trucks, it is important that they look beyond the ADS technology itself and address how overall safety and compliance with the safety regulations will be established and maintained. CVSA recommends implementing the Enhanced Commercial Motor Vehicle Inspection Program, an inspection standard and procedure designed to govern the inspection of ADS-equipped commercial motor vehicles operating without a driver/operator on duty. The program establishes a no-defect, dispatch (point-of-origin) inspection program and includes an enhanced inspection standard and procedure for motor carriers operating ADS-equipped vehicles, as well as a 40-hour CVSA training course and exam (written and practical) for motor carrier personnel who will be conducting the inspections. Under this program, rather than the driver conducting a pre-trip inspection (as is currently done), for ADS-equipped commercial motor vehicles, CVSA-trained and -certified motor carrier personnel will conduct the Enhanced CMV Inspection Procedure at the point of origin before dispatch.

Universal Electronic Vehicle Identifier

Another safety technology and tool that would help increase roadway safety is the Universal Electronic Vehicle Identifier. CVSA supports a requirement that all new commercial motor vehicles be equipped with a universal electronic vehicle identifier which allows them to be identified at a short range electronically by enforcement. Given the size of the motor carrier industry, jurisdictions do not have the resources necessary to inspect every vehicle,

driver and motor carrier operating on our roadways on a regular basis. To maximize resources, jurisdictions must prioritize enforcement activities and utilize technology to continue to increase enforcement program efficiency. Currently, inspectors use screening technology programs and tools, as well as inspection selection procedures and inspector observation, to determine which trucks to select for a roadside inspection. Requiring a universal electronic vehicle identifier would revolutionize commercial motor vehicle enforcement and improve safety. Electronic identification of commercial motor vehicles will expand the footprint of commercial motor vehicle enforcement and allow inspectors to better identify and prioritize vehicles with safety concerns, removing unsafe vehicles and drivers from the nation's roadways. For example, requiring that all CMVs be equipped with a universal electronic vehicle identifier would significantly improve enforcement's ability to identify drivers operating under a federal out-of-service order, helping to remove unsafe operators from the roadways more effectively.

Panelists from the February 12 hearing cited traffic enforcement as a key tool for addressing unsafe driver behavior, and the universal electronic vehicle identifier would enhance a CMV inspector's ability to identify CMVs most in need of an inspection or intervention, creating better targeted enforcement of the regulations. Deployment of this technology would revolutionize the way CMV roadside vehicle selection, inspection and enforcement are conducted, exponentially growing the program and improving roadway safety.

Improving the Administration of Federal Funding and Grants

In its testimony, GHSA highlighted the increase in administrative burden associated with funding that the states receive from NHTSA that includes compliance with separate program rules and qualifications and duplicative record-keeping and reporting requirements. These issues are not limited to funding administered by NHTSA. CVSA acknowledges that these challenges are also present at the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) and recommends the following improvements to the administration of federal funding and grants.

Hazardous Materials Safety Grant Improvements

PHMSA administers multiple safety grants as part of its Pipeline and Hazardous Materials safety programs. Related to hazardous materials safety, there are multiple grant programs that provide funding for recipients to train and conduct outreach to first responders and communities. Specifically, the Hazardous Materials Instructor Training (HMIT), Assistance for Local Emergency Response Training (ALERT) and Community Safety grants are separate grant programs that target different stakeholder groups, despite sharing a common mission of training stakeholders on the safe handling of hazardous materials. These existing hazardous materials safety training grants should be consolidated into a single training grant. Combining these related grant programs into one training grant improves efficiency of the grant process, allowing PHMSA to better fund quality grant applications and provides grantees with flexibility to meet the most pressing training needs, while reducing the administrative burden for both PHMSA and the grantees.

In addition, due to the shared goals of the grants, many grant recipients receive funding from multiple grants to fund various training programs. For example, five non-profit organizations received funding from multiple grants as part of the fiscal year 2024 awards across the various programs.³ Currently, if a recipient receives funding from two different grant programs, they have to submit separate funding proposals, track expenses for each grant separately

³ Hazardous Materials Grants FY2024. Pipeline and Hazardous Materials Safety Administration.
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-08/PHMSA%20HAZMAT%20Safety%20Grants%202024.pdf>.

and submit separate reports to the agency. This also doubles the amount of administrative work for the agency, as they have to oversee these steps of the grant process. By consolidating the grant programs, grant recipients can redirect the resources dedicated to the administrative tasks of multiple grants to the mission of hazardous materials safety and PHMSA can more efficiently manage and administer their grant programs.

Finally, consolidation allows more flexibility for grant recipients. By combining the funding into one grant, funding can be dedicated to projects that comprehensively address current needs. Under the current structure, grant applicants must create projects that fit the narrow requirements of each grant and funding levels are tied to the specific grant criteria.

Motor Carrier Safety Program Improvements

There are also improvements that can be made to funding provided by FMCSA, especially with regards to FMCSA's Motor Carrier Safety Programs. The federal government entrusts the states with the responsibility of enforcing the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. To meet that responsibility, Congress provides funding to the states, through the Motor Carrier Safety Assistance Program (MCSAP) and High Priority Grant. States and local agencies use these funds to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to CMV safety issues. The goal of these programs, which are administered by FMCSA, is to reduce CMV-involved crashes, fatalities and injuries through consistent, uniform and effective CMV safety programs. The programs seek to identify safety defects, driver deficiencies and unsafe motor carrier practices and remove them from the nation's roadways.

To improve MCSAP, CVSA supports requiring FMCSA to allow states to make adjustments to their maintenance of effort (MOE) and enforcement activity minimums. As a condition of MCSAP, states are required to meet minimum financial requirements, known as maintenance of effort (MOE), by investing state funds in their CMV safety enforcement programs. States must also meet certain CMV inspection and enforcement minimums in order to have traffic safety activities reimbursed under MCSAP. However, the MOE and minimum activities benchmarks are outdated and often no longer relevant to the jurisdiction's program due to changes in program structure, responsibilities and priorities.

The motor carrier industry has evolved significantly since the MOE and inspection benchmarks were last updated. State CMV safety programs have evolved alongside industry to address the most prevalent safety issues, making the 20-year-old MOE and inspection benchmarks outdated for many programs. Giving states the option to request an adjustment to their MOE and inspection benchmarks ensures that their minimum state contributions meet the needs of their program and the current motor carrier safety trends. Permanent changes to the MOE should be made upon request by the jurisdictions. Also, adjustments to the MOE and enforcement activity minimums would create additional flexibility for the jurisdictions.

Another recommendation to improve these safety grant programs is to provide greater spending flexibility for jurisdictions within MCSAP. Activities that are primarily eligible for MCSAP funding are the national program elements, which include driver and vehicle inspections; traffic enforcement; compliance reviews, carrier interventions, investigations and new entrant safety audits; public education and awareness; and data collection and quality. There are some activities and expenses not currently covered under MCSAP, which limits how jurisdictions are able to spend MCSAP funds. Creating additional spending flexibility by expanding MCSAP eligibility

would allow jurisdictions to spend MCSAP funds in ways that meet their needs, maximizing the benefits of MCSAP funds.

Additionally, FMCSA administers the Commercial Motor Vehicle Enforcement Training and Support Grant, which Congress created to provide for the development and delivery of certification training to state and local commercial motor vehicle inspectors. In order to improve the training of inspectors, CVSA recommends a series of improvements to the structure and administration of the Enforcement Training and Support Grant.

First, CVSA seeks language clarifying that the program that trains and qualifies existing inspectors to qualify as instructors to deliver the certification training to state personnel under this grant are included as part of the program. The current Enforcement Training and Support Grant is only applied to the development and of certification training to state and local enforcement personnel seeking to become certified as a CMV inspector, excluding the inspectors who serve as instructors for the courses. These instructors, who are also state personnel and inspectors, are a critical part of the training process and their training should be part of the same program. In addition to the overall improvement to the quality of training instructors are receiving and the administrative benefits of consolidating all state and local roadside inspector and instructor training into one program, this clarification would match the intentions of the creation of the program in the Infrastructure Investment and Jobs Act.

Another recommendation to improve the Enforcement Training and Support Grant is to implement a multi-year cycle. The Enforcement Training and Support Grant currently operates on an annual award cycle, which contains multiple downsides for training delivery. First, a single year of funding impacts the grant recipient's ability to implement a comprehensive training program reliably and consistently. Additionally, the administrative burden of annually applying for a single year of funding is cumbersome on grantees, as well as the agency. Further, a multi-year grant cycle would provide the agencies and inspectors receiving the critical certification training with much needed stability and continuity. In addition, a multi-year grant cycle would ensure consistency with the delivery of the enforcement training program, as well as give the grant recipient the opportunity to deliver on longer terms goals and objectives. Finally, transitioning to a multi-year grant cycle would reduce the administrative burden of soliciting and awarding the grant program for FMCSA. CVSA supports a multi-year grant cycle for the Enforcement Training and Support Grant.

A final improvement for the Enforcement Training and Support Grant is to ensure that the organization comprised of state government agencies responsible for the oversight and implementation of commercial motor vehicle enforcement activities is the single grant recipient. The Commercial Motor Vehicle Enforcement Training and Support Grant program provides critical training to prepare state commercial motor vehicle inspectors with the training they need to conduct roadside safety inspections, compliance reviews and safety audits on the motor carrier community, ensuring compliance with federal and state regulations. It is critical that this training be comprehensive, effective and consistent. In order to ensure the quality of the training, the state agencies responsible for motor carrier enforcement programs strongly support limiting the Commercial Motor Vehicle Enforcement Training and Support Grant program to one recipient and that the program be delivered only by the organization comprised of state government agencies responsible for the oversight and implementation of commercial motor vehicle enforcement activities. Identifying a single entity would lessen administrative burdens for FMCSA as the agency would only need to oversee a single entity that is offering the training.

Conclusion

As Congress begins to work on surface transportation reauthorization legislation, it is important that highway safety be a key focus of the investments made by Congress. In addition to addressing the topics discussed in the February 12 hearing, CVSA encourages the subcommittee to include fatigued driving among driver behavior that impacts roadway safety and to consider solutions to mitigate fatigue, such as capping a commercial motor vehicle driver's use of personal conveyance. Additionally, safety technologies should be utilized to improve roadway safety, which includes the universal electronic vehicle identifier. CVSA also encourages the committee to identify solutions, such as the Enhanced Commercial Motor Vehicle Inspection Program, to demonstrate that ADS-equipped CMVs are properly maintained and safe. Lastly, to improve the administration of various safety grants, CVSA supports multiple improvements to reduce administrative hurdles and improve efficiency within the grant process. These improvements would allow grant recipients the greatest amount of resources to deliver results benefiting roadway safety. The Alliance's recommendations align with the subcommittee's task of identifying solutions to improve highway safety as part of its work on future surface transportation reauthorization legislation.