

October 27th, 29020.

Capt. John Hahn

Policy and Regulatory Affairs Committee

Commercial Vehicle Safety Alliance

Dear Capt. Hahn,

The Dirección General de Autotransporte Federal (DGAF) of the Secretaría de Comunicaciones y Transportes (SCT) of Mexico, in its capacity as a member of the Commercial Vehicle Safety Alliance (CVSA), respectfully requests that CVSA add a legislative priority focusing on the elimination of the statutory requirement established by the Congress of the United States of America, in Sec 350 (a)(5)(A-C), PL 107-87 (Dec. 18, 2001), which stipulates *"with the exception of Mexican motor carriers that have been granted permanent operating authority for three consecutive years: (A) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified inspectors in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage; (B) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (A) or a re-inspection if the vehicle has met the criteria for the Level I inspection; and (C) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring reinspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violation subsequent to the inspection for which the decal was granted."* <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section13902&num=0&edition=prelim>

As such a Mexican motor carrier seeking long-haul operating authority must have a valid CVSA decal on each of its commercial motor vehicles for 18 months during its provisional operating authority period, plus an additional three years after it has received permanent operating authority. It should be noted that this requirement does not apply to motor carriers from Canada or the United States.

We do not believe this requirement is necessary, based on statistics showing that the operations of Mexican motor carriers have a lower vehicle Out-Of-Service rate than United States motor carriers.

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Roadside Inspection Out-of-Service (OOS) Rates

Domicile: Mexico Vehicle Type: All Vehicles
Report Focus: National Time Period: 2016 - 2020
Display As: Data Table only

Roadside Inspection Out-of-Service (OOS) Rates, Mexico domiciled carriers

OOS Rate	FY 2016			FY 2017			FY 2018			FY 2019			FY 2020		
	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total
Driver Inspections*	86,829	161,901	248,730	82,316	160,765	243,081	91,837	157,769	249,606	76,873	145,801	222,674	34,638	99,140	133,778
with Driver OOS Violation	953	1,083	2,036	797	1,019	1,816	992	1,059	2,051	714	936	1,650	302	633	935
Driver OOS Rate	1.10%	0.67%	0.82%	0.97%	0.63%	0.75%	1.08%	0.67%	0.82%	0.93%	0.64%	0.74%	0.87%	0.64%	0.70%
Vehicle Inspections**	76,788	142,816	219,604	72,680	146,176	218,856	77,426	147,182	224,608	64,569	135,095	199,664	29,989	88,863	118,852
with Vehicle OOS Violation	16,635	25,133	41,768	15,841	26,351	42,192	16,416	25,807	42,223	15,290	22,134	37,424	7,269	14,760	22,029
Vehicle OOS Rate	21.66%	17.60%	19.02%	21.80%	18.03%	19.28%	21.20%	17.53%	18.80%	23.68%	16.38%	18.74%	24.24%	16.61%	18.53%
HazMat Inspections***	2,397	4,587	6,984	2,391	4,998	7,389	3,139	6,541	9,680	2,957	7,008	9,963	1,766	5,409	7,175
with Hazmat OOS Violation	35	81	116	78	126	204	106	103	209	123	116	239	101	108	209
Hazmat OOS Rate	1.46%	1.77%	1.66%	3.26%	2.52%	2.76%	3.38%	1.57%	2.16%	4.16%	1.66%	2.40%	5.72%	2.00%	2.91%

Data Source: FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 9/25/2020, including current year-to-date information for FY 2020. The data presented above are accurate as of this date, but are subject to updates as new or additional information may be reported to MCMIS following the snapshot date.

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Roadside Inspection Out-of-Service (OOS) Rates

Domicile: United States Vehicle Type: All Vehicles
Report Focus: National Time Period: 2016 - 2020
Display As: Data Table only

Roadside Inspection Out-of-Service (OOS) Rates, U.S. domiciled carriers

OOS Rate	FY 2016			FY 2017			FY 2018			FY 2019			FY 2020		
	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total
Driver Inspections*	30,279	2,937,328	2,967,607	31,887	2,942,397	2,974,284	31,517	3,051,995	3,083,512	32,200	3,015,271	3,047,471	13,059	2,309,284	2,322,343
with Driver OOS Violation	622	155,926	156,548	699	161,717	162,416	746	157,694	158,430	782	162,600	163,382	280	129,178	129,458
Driver OOS Rate	2.05%	5.31%	5.28%	2.19%	5.50%	5.46%	2.37%	5.17%	5.14%	2.43%	5.39%	5.36%	2.14%	5.59%	5.57%
Vehicle Inspections**	25,061	2,056,563	2,081,624	26,620	2,060,795	2,087,415	23,766	2,123,666	2,147,432	24,324	2,116,069	2,140,413	9,245	1,632,416	1,641,663
with Vehicle OOS Violation	4,049	419,156	423,205	4,210	431,483	435,693	3,622	451,042	454,664	3,659	445,121	448,780	1,620	343,418	345,038
Vehicle OOS Rate	15.66%	20.38%	20.32%	15.82%	20.94%	20.87%	15.24%	21.24%	21.17%	15.04%	21.04%	20.97%	17.52%	21.04%	21.02%
HazMat Inspections***	3,646	186,847	190,493	3,802	183,631	187,433	3,252	185,601	188,853	3,361	190,254	193,615	1,032	138,483	139,515
with Hazmat OOS Violation	71	7,608	7,679	101	7,480	7,581	76	7,908	7,984	105	8,624	8,729	27	6,357	6,384
Hazmat OOS Rate	1.95%	4.07%	4.03%	2.66%	4.07%	4.04%	2.34%	4.26%	4.23%	3.12%	4.53%	4.51%	2.62%	4.59%	4.58%

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Roadside Inspection Out-of-Service (OOS) Rates

Domicile: Canada Vehicle Type: All Vehicles
Report Focus: National Time Period: 2016 - 2020
Display As: Data Table only

Roadside Inspection Out-of-Service (OOS) Rates, Canada domiciled carriers

OOS Rate	FY 2016			FY 2017			FY 2018			FY 2019			FY 2020		
	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total	Fed	State	Total
Driver Inspections*	217	82,814	83,031	324	84,953	85,277	417	85,064	85,481	319	86,690	87,009	113	65,005	65,118
with Driver OOS Violation	2	2,620	2,622	6	2,756	2,764	7	1,876	1,883	11	1,838	1,849	3	1,522	1,525
Driver OOS Rate	0.92%	3.16%	3.16%	1.85%	3.25%	3.24%	1.68%	2.21%	2.20%	3.45%	2.12%	2.13%	2.65%	2.34%	2.34%
Vehicle Inspections**	287	44,836	45,123	403	46,725	47,128	580	45,997	46,577	423	45,822	46,245	118	36,681	36,799
with Vehicle OOS Violation	26	5,255	5,281	38	5,787	5,825	51	5,552	5,603	28	5,184	5,212	11	4,064	4,075
Vehicle OOS Rate	9.06%	11.77%	11.76%	9.43%	12.39%	12.36%	8.79%	12.07%	12.03%	6.62%	11.31%	11.27%	9.32%	11.08%	11.07%
HazMat Inspections***	26	2,751	2,777	36	2,935	2,971	47	2,761	2,808	43	2,682	2,725	7	1,901	1,908
with Hazmat OOS Violation	0	79	79	0	84	84	2	83	85	0	102	102	0	74	74
Hazmat OOS Rate	0.00%	2.87%	2.84%	0.00%	2.86%	2.83%	4.26%	3.01%	3.03%	0.00%	3.80%	3.74%	0.00%	3.89%	3.88%

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Since the Vehicle OOS rate for all Mexican motor carrier is less than that of United States motor carriers, it is reasonable to suppose that this requirement does not significantly add to motor carrier safety in the United States. Rather it is a burden to the motor carrier industry and the United States enforcement community

The SCT appreciates the intervention of the CVSA by proposing to the United States Congress to eliminate this statutory requirement, as an appropriate and positive legislative action.

Sincerely,

Salvador Monroy

Director,

International Affairs.

SCT-DGAF

Mexico.