



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

WRITTEN STATEMENT OF

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BEFORE THE

**SUBCOMMITTEE ON
TRANSPORTATION AND SAFETY**

OF THE

**U.S. SENATE
COMMITTEE ON COMMERCE,
SCIENCE, & TRANSPORTATION**

ON

**“KEEP ON TRUCKIN’: STAKEHOLDER PERSPECTIVES ON
TRUCKING IN AMERICA”**

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Introduction

Chairman Fischer, Ranking Member Duckworth and Members of the Subcommittee, thank you for inviting me to participate in today's important discussion on "Keep on Truckin': Stakeholder Perspectives on Trucking in America."

My name is John Samis. I am a sergeant with the Delaware State Police, and I currently serve as president of the Commercial Vehicle Safety Alliance (CVSA). CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. We represent the state agencies responsible for the administration and enforcement of commercial motor carrier safety regulations in the United States (U.S.), Canada and Mexico. We work to improve commercial motor vehicle safety and uniformity by bringing truck and bus regulatory, safety and enforcement agencies together with industry representatives to solve highway transportation safety problems. Every state in the U.S., all Canadian provinces and territories, the country of Mexico, and all U.S. territories and possessions are members of CVSA.

As Congress begins work on the next surface transportation bill, this timely hearing will hopefully provide members with valuable insight into the incredibly complex world of regulating the trucking industry to ensure safety, while also providing for the efficient flow of goods across the country. My testimony will provide a snapshot of the current state of commercial motor vehicle safety and enforcement initiatives, as well as outline our recommendations on how best to move forward to meet our shared goal of preventing crashes, injuries and fatalities related to commercial motor vehicles on our nation's roadways.

Background

CVSA represents the men and women responsible for removing dangerous vehicles, drivers and motor carriers from our roadways. Congress provides funding to the states through the Motor Carrier Safety Assistance Program (MCSAP) to support the states' commercial motor vehicle safety and enforcement programs. States use the funds to conduct inspection and enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness and improve commercial motor vehicle safety issues. The funds are used, in part, to pay the salaries of more than 13,000 full and part time commercial motor vehicle safety professionals. These people conduct more than 3.5 million commercial motor vehicle roadside inspections, 64,000 new entrant safety audits and 6,000 compliance reviews each year.¹

The states' work through MCSAP saves lives every day, keeping dangerous vehicles, and unqualified and unsafe drivers off the nation's roads. According to the Federal Motor Carrier Safety Administration (FMCSA), the agency regulates 560,809 motor carriers, 6.6 million commercial drivers and 12.2 million

¹ "2019 Pocket Guide to Large Truck and Bus Statistics." Federal Motor Carrier Safety Administration. January 2020. <http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts>

commercial motor vehicles.² The state and local agencies that receive MCSAP funding are responsible for ensuring those motor carriers, vehicles and drivers operate safely. Furthermore, the commercial motor vehicle enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the Federal Motor Carrier Safety Regulations (FMCSR). As we look ahead to the future of the commercial motor vehicle industry, it is apparent that states will need every resource available to keep pace with an ever-growing and ever-changing industry.

The FAST Act, Where We Stand Today and How to Move Forward

Significant progress for commercial motor vehicle safety was made in the Fixing America's Surface Transportation (FAST) Act of 2015. The bill included a major overhaul of and increased funding for MCSAP. In addition, the bill included a number of changes to the regulatory processes at FMCSA, directives to reduce redundancies and improve information systems, and a number of necessary studies on relevant commercial motor vehicle related issues. As a result, today we have more streamlined programs, are able to spend more of our time on implementing the programs, rather than reporting on them, and are working towards improved data collection and analysis.

Motor Carrier Safety Assistance Program Changes

Perhaps the most significant provision within Title V of the FAST Act were the changes made to MCSAP. The bill completely rewrote Sections 31102, 31103, 31104 and 31313 of Title 49 of U.S. Code, which are the sections dealing with MCSAP, making a number of organizational and programmatic changes. The goal of the consolidation and reorganization was to reduce the administrative burden for both FMCSA and the states by reducing the number of grant programs and focusing the bulk of the program in the formula grant, which is more quickly administered and more stable than competitive grants. Fewer grant programs means fewer applications for the states to submit and report on and for FMCSA to review and administer, cutting down on unnecessary paperwork and streamlining the grant process. Though, of course, there is always room for improvement.

CVSA strongly supported the changes to MCSAP implemented in the FAST Act. The changes, most of which were effective beginning in fiscal 2017, have provided states with additional flexibility in how they spend their MCSAP grant funds, streamlined the grant application process, eliminated redundancies between overlapping programs and reduced the administrative burden on states, allowing them to spend more time doing the work of the program and less time on administrative activities. This flexibility is critical, giving states the ability to design a comprehensive commercial motor vehicle safety program that utilizes creative solutions to address issues unique to each state, while also meeting all program requirements.

² "2019 Pocket Guide to Large Truck and Bus Statistics." Federal Motor Carrier Safety Administration. January 2020.

<http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts>

Meanwhile, as we approach the end of the FAST Act authorization cycle, FMCSA is working to finalize implementation of some of the bill's provisions. The FAST Act included a requirement that FMCSA convene a group to evaluate the current MCSAP allocation formula. The group was tasked with recommending a new formula that will better allocate MCSAP funds to where they are most needed. The group's recommendations were finalized in April of 2017 and a notice of proposed rulemaking outlining the new proposed structure was published last fall. Once complete, the new MCSAP formula will have a tremendous impact on the efficacy of the new MCSAP structure.

We are hopeful that the final rule will be published early this year and work can begin on putting the new formula in place. FMCSA will need time to adjust their programs accordingly and states will need to be able to plan for any changes in funding levels based on the new formula. States are currently receiving funds based on an interim formula, which was intended to serve as a short-term place holder. As such, many jurisdictions are reluctant to make longer-term changes to their programs (such as expanding initiatives and hiring new staff) before they know what funding will look like in the future. As a result, innovative programs and technology deployments are being placed on hold.

In addition, the agency is in the process of finalizing the move to a three-year cycle for the state's commercial vehicle safety plans. These plans document how the state has met their safety goals for the past year and how MCSAP funds for the coming fiscal year will be spent in order to meet target goals for enhancing safety. Moving to a three-year cycle for the reporting will reduce the administrative burden on states and free up more time and resources for other priorities.

The states and agency are both still adjusting and adapting to the new structure, processes and requirements, as well as waiting for the final few pieces to be put in place. However, overall, feedback to date has been largely positive. We'd like to thank this committee for their work in putting those changes in place. As we evaluate the outcome of the FAST Act changes and look towards the next highway bill, CVSA has identified a few small adjustments related to MCSAP funding that could be made to build on this progress. These recommendations are discussed in the following section.

Motor Carrier Safety Assistance Program Funding

The commercial motor vehicle enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the FMCSRs, and industry advances. Despite these challenges, MCSAP, as administered by the states, has been successful in improving safety on our nation's roadways, in spite of a steady increase in the number of commercial motor vehicles operating on those roads. New and expanded responsibilities mean improvements in safety, but only to the extent the states have the resources to effectively implement those policies. Recognizing this, Congress included in the FAST Act higher levels of funding for MCSAP and other commercial motor vehicle-related grants. I'd like to take a moment, on behalf of CVSA and its membership, to thank the Members of this Committee for recognizing that fact and for helping to ensure the higher funding levels in the FAST Act.

While the states are appreciative of the higher funding levels, states experience an ongoing delay and lack of consistency in the timing of funding disbursement, which prevents many from being able to fully capitalize on the increases. In fiscal 2019, some grant funds under MCSAP were allocated to the states as late as September, just days before the end of the first year of the grant.

There are a number of factors that contribute to these delays and result in complications for the states. Allocation of MCSAP funds are tied to the annual appropriations process, which, as you know, has become more delayed each year. If the process worked as it should, appropriations for the fiscal year would be finalized long before October 1 of each year and FMCSA would have time to run the formulas and award funds, in full, at the start of each fiscal year. Instead, continuing resolutions force the agency to disburse the funds in phases until a final bill is approved and the remaining funds can be released. The issue is further complicated by the fact that many states do not follow the federal fiscal calendar (most start July 1), which impacts their reporting and tracking process. When funds do become available, the grant review and approval process takes too long, further delaying receipt of funds for safety programs. It can take weeks and sometimes months for the agency to get the necessary approvals to award the funds to the states. This unpredictable, piecemeal approach to funding makes planning and management of state programs difficult.

Relying on the appropriations cycle to determine funding levels on a year-to-year basis does not allow the states to plan long-term. State agencies will be reluctant to fill positions, continue enforcement programs or engage in bold new initiatives if they cannot be confident that federal funds will come in a timely manner, at the approved levels. These delays can also leave a state with too little time to spend the funds, once they are awarded. If states are unable to spend the funds in the grant period of performance, they are forced to deobligate the money, returning it to FMCSA. FMCSA, in turn, is required to return unspent funds at the end of each grant period of performance. Requiring FMCSA to return the funds to the treasury takes much needed funding away from critical safety programs and makes long term funding for states even more unreliable.

To help address this issue, we are asking, first, that states be given an extra year to spend grant funds, to account for the delays that consume most of the first eligible year of the grant. In addition, we are asking that FMCSA be given the authority, like other agencies, to keep the unspent funds and reallocate them. This will provide states with more flexibility and stability, which in turn will result in stronger, more robust programs. Simply put, these are funds that Congress allocated to be spent on critical commercial motor vehicle safety programs. We should not let process and circumstances prevent those much-needed funds from being used by the states. Unspent funds should remain within MCSAP, for FMCSA to reallocate to states that can quickly and effectively spend the money. Finally, recognizing that future funding for MCSAP is directly tied to the long-term solvency of the Highway Trust Fund, CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund insolvency, in order to ensure stability for MCSAP, as well as other important safety-related programs.

Clarity in the Regulatory Framework

Clear, enforceable rules are the cornerstone of an effective regulatory framework designed to ensure safety on our roadways. It is imperative that those subject to the FMCSRs understand their responsibilities and that those tasked with enforcing safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated and redundant regulatory language.

Unfortunately, regulatory activity at the agency – one of FMCSA’s basic responsibilities – has come to a near standstill, and the necessary work of maintaining and updating the regulations is suffering. High profile initiatives, such as implementation of the electronic logging device rule, can consume the agency’s resources, especially when those efforts are met with a high volume of exemption requests. In an effort to address the growing backlog and delays, the agency has come to rely heavily on the use of regulatory guidance to address necessary clarifications to the regulations, using guidance documents or frequently asked questions (FAQs) to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process. However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue, some never to be published. As a result, a disconnect has evolved between written regulation, regulatory guidance, interpretations and FAQs.

To help address these inconsistencies, the FAST Act required FMCSA to conduct a regular review of active guidance documents and routinely incorporate appropriate guidance into the regulations in a timely manner, a requirement that was supported by CVSA. This process, once complete, will help clarify a number of inconsistencies in regulation. This, in turn, will help improve the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America.

However, reforming the regulatory guidance process will only address a portion of the issue. The underlying regulations must be updated and maintained regularly, in order to keep pace with advancements in industry and safety. For example, as regulators evaluate the impacts of automated driving systems on interstate transportation, they should consider the effects of this technology on the enforcement community and provide clear, uniform and enforceable standards. It is imperative that the regulations be updated to account for driver-assisted and, eventually, driverless vehicles. These updates to the regulations need to be put in place now, so they are complete and well understood before widespread deployment of automated commercial motor vehicles are on our roadways. This does not necessarily mean NEW regulations; only that existing regulations must be adjusted to accommodate the future of the trucking industry.

Likewise, a number of petitions from CVSA and other organizations calling for various technical corrections, updates and adjustments to the FMCSRs sit before the agency, unaddressed. There are a

number of factors that contribute to the growing delay in regulatory action at FMCSA, and many of these factors are outside the agency's control. The result is that critical work maintaining the FMCSRs, something only the agency can do, is falling behind. CVSA strongly encourages Congress to ensure that FMCSA is given the resources needed to prioritize the day-to-day maintenance of the regulations, meet obligations set forth by Congress and prepare for the future.

Exemptions

Another challenge facing the enforcement community is inconsistency in the regulations caused by exceptions, exemptions and waivers. The federal safety regulations help reduce or prevent truck and bus crashes, fatalities and injuries by establishing minimum credentialing and vehicle mechanical fitness requirements to ensure interstate motor carriers and drivers operate safely. The regulations are developed in consultation with enforcement, industry and subject matter experts, and are intended to establish a clear set of rules by which all motor carriers must abide. The states, in partnership with FMCSA, work to enforce those regulations consistently and correctly.

In order to become a commercial motor vehicle inspector, an individual must go through rigorous training. Once certified, an inspector must conduct a minimum number of inspections each year to maintain their certification. Inspectors must also attend annual in-service refresher training and are trained after every regulatory update or change. Significant training and continuing education ensure inspectors and roadside enforcement officials fully understand and effectively communicate the regulations they enforce.

Clarity, consistency, uniformity and enforceability are the cornerstones of an effective regulatory framework. Confusion and inconsistencies create more work for the enforcement community and have the potential to frustrate the motor carrier industry. Inconsistencies and exceptions within the regulations require more training and create more opportunities for mistakes, which in turn require additional resources to correct. Unfortunately, however, the FAST Act included a number of legislative exemptions from the safety regulations. CVSA is generally opposed to the inclusion of exemptions in legislation. We recognize there may be instances when exemptions are appropriate and do not compromise safety; however, overall, CVSA believes exemptions have the potential to undermine safety and complicate enforcement. Every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from other activities and undermining the program's effectiveness. While CVSA has no specific opposition to many of the exemptions on an individual basis, complications have already surfaced regarding their implementation.

Problems begin with the adoption of exemptions. While the exemptions were made effective at the federal level upon enactment of the bill, that is not necessarily the case at the state level. The states cannot enforce federal laws and regulations, and instead adopt federal regulatory policy into their own state law and code. Some states adopt federal rules by reference, allowing them to automatically adopt federal changes immediately. However, many states do not adopt by reference and must go through

either a legislative or regulatory process to make the federal regulatory changes effective at the state level. This process takes time, especially in states where the legislature does not meet annually.

Even in states where adoption is automatic by reference, there is still a delay in the practical implementation of an exemption. Jurisdictions must be made aware of the change and its impacts. In many cases, interpretations and guidance from the related federal agency on the parameters and definitions of the exemption are necessary. For example, a number of the exemptions to commercial motor vehicle size and weight limits included in the FAST Act required guidance from the Federal Highway Administration (FHWA). FHWA worked quickly to provide the guidance to the states, but even so, the document was not circulated until February of 2016, which left industry and the enforcement community wondering how the exemptions would work in the meantime and, at times, creating conflicts during roadside inspections.

Finally, once the exemption has been analyzed and guidance provided, state enforcement personnel must be trained on the new exemptions. Inspectors must be taken away from important enforcement and education efforts and brought into the classroom to be trained on the changes. Practically speaking, this takes time. This guidance and the subsequent training are critical to ensuring the exemption is interpreted and enforced uniformly.

Recognizing these challenges, FMCSA has a policy in place that allows states three years to adopt changes to the FMCSRs. While states work hard to adopt the changes as quickly as possible, the three-year window allows enough time for the states to go through their process and for inspectors to be properly trained. Moving forward, CVSA encourages Congress to consider including an 18-month implementation window or some other mechanism that allows other federal agencies enough time to provide any necessary guidance on the exemption and the states enough time to adopt the changes and train inspectors and enforcement personnel. We understand the exemptions are intended to relieve industry of a certain regulatory responsibility, but if the exemption cannot be implemented correctly and consistently, industry and the enforcement community both suffer. CVSA looks forward to working with Congress and our partners in the motor carrier industry to identify a solution to this issue that meets the industry's needs while also allowing for clear, uniform application and enforcement of the regulations.

Hours-of-Service

General

One area of the regulations that presents a significant challenge for the enforcement community is the hours-of-service requirements. Recently, and motivated partially by the electronic logging device requirement, there has been a lot of discussion about the need for additional 'flexibility' in the hours-of-service rules. CVSA does not have expertise in fatigue data and will not weigh in on all the proposed changes being discussed. However, it should be noted that the federal hours-of-service requirements exist to help prevent and manage driver fatigue. While sleep cannot be regulated, the hours-of-service 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 hours-of-service requirements continue to focus on fatigue management and safety, factoring in the best available fatigue data. Recognizing that the motor carrier industry is diverse, it is critical that the regulations account for significant variances within segments of the industry, while keeping exemptions to a minimum, in order to ensure uniform enforcement.

Agricultural Commodities

Currently, consideration is being given to whether or not the agricultural industry should be given additional flexibility within the hours-of-service regulations. CVSA has concerns with several of the proposals being discussed, as for many of them ‘flexibility’ translates to additional on-duty and driving time. Additional driving and on-duty time will expose drivers to a greater risk of fatigue, putting themselves and the public at risk. Operators in the agricultural industry already have a number of exemptions in place today that allow them to drive well past the current limits. The hours-of-service framework exists to prevent exactly this type of excessive driving that causes fatigue.

Some in the industry point to a low level of annual crashes as justification for the additional driving time. However, this argument fails to recognize that the relatively low level of crashes is likely due, in part, to the fatigue management of the very hours-of-service framework they are seeking relief from. Further, the data used fails to account for the safety impacts of recent changes made by FMCSA to the 150-air-mile agricultural commodity exemption. The guidance on the 150-air-mile agricultural commodity exemption that was issued in May 2018 changed how on-duty and driving time is recorded once a driver leaves the 150 air-mile radius. Prior to the change, if a driver left the 150 air-mile radius, they had to record all driving and on-duty time that occurred within the 150 air-mile radius. Under the new guidance, all on-duty activities and driving that occur within the 150 air-mile radius is recorded as off-duty time, even if the driver leaves the 150 air-mile radius. So, in theory, a driver could be on-duty and/or drive within the 150 air-mile radius for 8 hours, leave it and only then start their clock. For agricultural carriers, this change significantly increases the amount of time they are able to work and drive, exposing them to increased risk of fatigue. This significant change and the subsequent impacts on crash rates have not been evaluated. Further expanding the distance of the current air-mile radius exemption or expanding the workday in general at this point will only result in more tired drivers.

CVSA also supports requiring that the agricultural community now be required to install electronic logging devices. They have been exempted from the requirement, as they argued the mandate would have a disproportionate impact on their industry, due to the rigid nature of the hours-of-service rules. Given that FMCSA has provided additional flexibility within the rules themselves, we believe it’s time for this sector of the industry to adopt electronic logging devices.

We recognize the nature of the commodities they are hauling – they are live animals and/or perishable products. The enforcement community is not seeking to penalize the agricultural community or hurt their business. We live in these communities. These are our neighbors, friends and relatives. We recognize that complying with safety regulations can make business more difficult and require adjustments and

additional expense. But fatigue does not vary based on what a driver is hauling and compliance with the safety regulations is part of the requirements to operate in commerce.

Personal Conveyance

Another hours-of-service issue that is related to the regulatory guidance matter discussed above is the “personal conveyance” designation under the hours-of-service rules. In June of 2018, FMCSA published new guidance providing a new interpretation of how to apply and use the “personal conveyance” designation. To be able to log personal conveyance time as off-duty, commercial motor vehicle drivers must meet several conditions as outlined in the regulatory guidance. These include being relieved of all on-duty activities and responsibilities and ensuring that the off-duty trip is personal in nature. While these conditions present certain parameters to drivers and enforcement, the guidance it offers is incomplete because it does not provide a maximum distance and/or time that a driver can travel under the “personal conveyance” designation.

Under the revised guidance, a driver could, in theory, drive hundreds of miles over the course of several hours all under the designation of “personal conveyance.” This presents the opportunity for increased driver fatigue and risk on our roadways, as drivers may decide to travel hundreds of miles in order to strategically relocate to an alternate location after driving a full day. When combined with the ability to operate under personal conveyance while laden, this new guidance also provides an opportunity for drivers to abuse personal conveyance time in order to circumvent the hours-of-service regulations. Further, the allowance of laden vehicles for personal conveyance use makes it much more difficult for a roadside inspector to determine the intent of a driver at the time of inspection. Inspectors are consistently seeing blatant abuse of this designation and we have heard feedback from drivers and motor carriers who indicate they are receiving pressure from shippers to use the designation incorrectly in order to deliver loads faster.

CVSA has petitioned the agency to provide a clear, set distance that is permissible under the personal conveyance designation. In setting clear guidelines on the use of personal conveyance, CVSA recommended that FMCSA look to the standard set in Canada, which allows drivers to use a vehicle for personal conveyance purposes for a maximum of 75 km per day (approximately 46 miles), unladen. While 46 miles may not be the appropriate distance here in the U.S., it demonstrates that setting a fixed distance is feasible. FMCSA should set a quantifiable distance that drivers are allowed to log as personal conveyance.

Data Quality

Uniform, timely and accurate data is the cornerstone of the Motor Carrier Safety Assistance Program. Enforcement personnel, along with state and federal agencies, use information on a motor carrier’s past performance to help prioritize motor carriers for roadside inspections and compliance reviews. Performance data from the commercial motor vehicle industry is used to identify trends and problem areas, and to craft enforcement and education initiatives to target specific safety problems. Data is not

only used to evaluate whether or not enforcement is being conducted uniformly, but also to determine whether or not a particular safety program or concept is successful. Data is used to determine whether enforcement funds are being used in the most efficient, effective manner possible. In order to effectively and efficiently perform these activities, the states and the federal government must be able to rely on the data being compiled in the various systems being accurate and as uniform as possible, in order to make comparisons.

As technology and data collection continues to advance and improve, our state programs will only grow in their reliance on data. Congress recognized this fact and included a number of provisions in the FAST Act having to do with improving FMCSA's information technology (IT) systems and data quality. Section 5504 of the bill directed the Comptroller General to conduct a comprehensive analysis of FMCSA's IT and data collection and management systems and to make recommendations on how to improve both the functionality of the systems and the quality of the data collection and analysis. In addition, Section 5224 directed FMCSA to implement certain hardcoding and smart logic standards within the inspection software, in order to improve the data quality coming from inspection reports.

CVSA is following the implementation of both requirements closely and looks forward to working with the agency as they move forward. Finally, many within the transportation industry recognize that we need better data on crashes. FMCSA has begun gathering information on the costs and parameters associated with updating the agency's crash causation study. If completed, this study would give jurisdictions better information on which to build their programs. If we can better understand where, why and how crashes are occurring, we can do more to prevent them. CVSA encourages Congress to provide DOT the resources to maintain the data sets that will inform the next generation of safety programs. Specifically, CVSA supports funding an update to the crash causation study.

Safety Technology

General

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. CVSA supports legislation and policies that encourage the deployment of safety technologies proven, through independent research, to improve commercial motor vehicle safety, either through preventing crashes or mitigating the severity of crashes. CVSA also supports giving states the flexibility to deploy technology that helps support effective enforcement programs.

Universal Electronic Vehicle Identifier

Given the growing size and complexity of the trucking industry, jurisdictions do not have the resources necessary to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. In order to maximize resources, jurisdictions use a combination of methods to identify vehicles, drivers and motor carriers for intervention and enforcement. As a result, inspectors interact with only a small

fraction of the commercial motor vehicles currently operating on our roadways. However, technologies exist today that would allow enforcement to identify nearly all commercial motor vehicles electronically, while those vehicles are in motion. If this concept were universally deployed, it would revolutionize the way commercial motor vehicle roadside monitoring, inspection and enforcement are conducted.

Requiring a universal electronic vehicle identifier on all commercial motor vehicles would, in time, eliminate the need to stop a commercial motor vehicle to review driver information and inspect the vehicle, improving efficiencies for the enforcement community and the motor carrier industry. It would improve the effectiveness of enforcement programs while reducing costs, for both enforcement and industry, all while improving safety. CVSA has petitioned the National Highway Traffic Safety Administration (NHTSA) and FMCSA to issue an advance notice of proposed rulemaking to explore the feasibility of requiring all commercial motor vehicles be equipped with technology that allows them to be identified electronically by enforcement. Deployment of this technology would revolutionize the way commercial motor vehicle roadside inspection and enforcement are conducted, exponentially growing the program and improving roadway safety.

While many questions still exist surrounding this concept, establishing a universal electronic vehicle identifier requirement for all commercial motor vehicles will have tremendous benefit. Jurisdictions will save time and see improved efficiencies as inspectors are able to more accurately identify vehicles, drivers and motor carriers in need of an intervention while allowing safe, compliant vehicles and drivers to deliver their freight more quickly and efficiently. Most importantly, establishing a universal electronic vehicle identifier requirement for all commercial motor vehicles would benefit the public by improving safety, helping to take unsafe vehicles, drivers and motor carriers off the roadways. As industry continues to grow and more people take to the roads, it is imperative that we leverage technology where possible to improve the efficacy of our enforcement programs.

Further, the need for a universal electronic vehicle identifier becomes more critical as the industry moves forward to implement driver assistive truck platooning, increasingly advanced driver assistance systems, and partially or fully automated driving systems, which will require new methods and levels of safety checks. As driver assistive technologies evolve in commercial motor vehicle use, the proper identification and monitoring of these commercial motor vehicles becomes increasingly necessary. No matter the method, this proposed requirement would enable efficient identification and inspection/screening of vehicle systems to help ensure safe operation of commercial motor vehicles, including those being operated with or without a human operator on board. CVSA encourages Congress to direct NHTSA to initiate the rulemaking so this important discussion can begin.

Automated Driving Systems

Finally, much of the discussion on safety technology in the transportation arena currently revolves around the deployment of commercial motor vehicles equipped with various levels of automation. As the industry moves ahead with deployment of automated driving system technology and other technologies and as

Congress and the administration consider mandating certain systems, it is important that consideration be given to the practical aspects roadside. It is imperative that federal agencies and lawmakers keep pace with technical developments by consulting with industry and the enforcement community to determine the necessary guidelines for safe operation on public roadways.

In particular, a dialog with the enforcement community is needed on the requirements and capabilities of this technology to self-monitor vehicle systems' safety status and interact with law enforcement. Each new requirement in the regulations will come with a corresponding item on the roadside inspector's checklist. If a vehicle is required to have a particular component or piece of technology, thought must be given to how the enforcement community will effectively inspect the component or function, and in the pursuit of maintaining safety on our public roadways, ensure compliance with that requirement. Regulations should be clearly written and enforceable. With appropriate federal standards in place, these technologies have great potential to increase roadway safety.

5.9 GHz Spectrum Band

CVSA is following with interest the ongoing discussion regarding the possible release of a portion of the 5.9 GHz Spectrum Band. CVSA, along with many other organizations in the transportation safety realm, have grave concerns regarding the Federal Communications Commission's proposal to reallocate the majority of the 5.9 GHz band for unlicensed devices. The U.S. Department of Transportation (DOT), which has also weighed in against the move, has research that indicates this proposal would also likely cause significant interference with vehicle to everything (V2X) technologies operating in the remaining spectrum, which could render the spectrum useless for transportation safety. We are on the cusp of the next revolution in transportation, with potential for real safety benefits from connected and smarter vehicles, along with more sophisticated and effective enforcement tools. It is critical that this portion of the spectrum remain dedicated to life saving safety technology.

Under 21-Year Old Drivers

As freight volumes continue to increase, some of our industry partners struggle to find qualified drivers to fill vacancies. As a result, discussions are occurring around the idea of allowing 18 to 20-year old drivers to operate commercial motor vehicles interstate. Last year, FMCSA issued a notice requesting comment on how the agency might structure a pilot program to explore the impacts of this change. CVSA filed comments, noting that there is value in conducting such a pilot program to assess the impacts of allowing younger drivers to operate in interstate commerce. However, careful consideration to the program's structure is necessary to ensure the outcome provides relevant data on which to make future policy determinations.

In the notice, FMCSA proposed including a number of safety technology requirements in the pilot program. CVSA has long been a strong proponent of policies that will help deploy proven safety technologies. It is critical that FMCSA conduct a pilot program that will provide reliable, accurate data on which to base future policy determinations. If the agency includes safety technologies in the pilot, the

results will likely be skewed, as participants will perform better as a result of the safety technology. The program results would not be reflective of the actual commercial motor vehicle driving fleet and would not serve as a sound basis for future policy decisions. Consideration must be given to how the program is implemented, ensuring the pilot is reflective of how any future program would work. So, if additional safety technologies are required and, based on that structure, the agency determines that allowing younger drivers to operate in interstate commerce is a safe and prudent decision, those same technologies should be required for all younger drivers to operate going forward. Similarly, if the agency places additional restrictions on the motor carriers or drivers themselves, those same requirements should be part of any permanent program that is put into place.

It has been suggested that before younger drivers are allowed to operate interstate, FMCSA should examine data on intrastate driver performance, as drivers under the age of 21 are allowed to operate intrastate in every state in the country. While this data may prove to be informative, it is critical that it be considered under the right context. Intrastate movements by drivers under 21 years of age are not likely comparable to long haul commercial motor vehicle loads. Many of these intrastate trips are short haul, with drivers returning home every night. In addition, in many cases, these moves will take place either in extremely rural areas or in densely populated urban centers, both of which come with a unique set of challenges and exposure considerations. This does not mean that the data cannot be reviewed and incorporated, only that any conclusions being drawn from such data take into consideration and account for these factors. Finally, like many others, CVSA supports prohibiting these younger drivers from transporting passengers or hazardous materials, as a crash involving either poses a more significant risk than general cargo.

Detention Time

Drivers continue to face challenges at pickup and delivery locations, resulting in delays that impact their hours of service and productivity. The FAST Act included a provision calling for DOT to study the issue of driver detention time. This is a well-documented challenge, with clear impacts on motor carrier safety, particularly with regards to fatigue management. CVSA encourages Congress to work with stakeholders to address the ongoing issue with driver detention time.

Truck Parking

Related is the ongoing challenge of providing commercial motor vehicle drivers with adequate, safe parking facilities, strategically placed throughout the U.S. This is a critical commercial motor vehicle safety issue. Parking facilities need to be available to drivers who are trying to comply with hours-of-service requirements, as well as those who are fatigued. Without adequate parking facilities, drivers are faced with either driving over hours or parking in an unsafe location. CVSA supports investments that address the nation's truck parking shortage.

Conclusion

The FAST Act included a number of changes that will have a positive impact on the nation's roadway safety and work has been completed or is currently underway to implement a majority of those requirements. However, there is more work to be done, as recent traffic fatality data reflects an upward trend in crashes and fatalities involving commercial motor vehicles. As this committee considers the state of the trucking industry and begins development of the next surface transportation bill, we encourage you to give strong consideration to the role the enforcement community will play in any policy changes or new programs, and to ensure that the states and FMCSA are given the resources and flexibility to maintain their core programs while also building upon them and keeping pace with industry. As the state agencies responsible for commercial motor vehicle enforcement, we look forward to working with the Members of this Committee, FMCSA, our industry partners and other stakeholders to continue working towards our shared goal of preventing deaths, injuries and crashes on the nation's roadways. We are committed to meeting our mission.