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CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS
CONSEIL CANADIEN DES ADMINISTRATEURS EN TRANSPORT MOTORISÉ

July 24, 1996

Federal Highway Administration
Office of the Chief Counsel
HCC-10, Room 4232
400 Seventh Street SW
WASHINGTON, DC
USA 20590

QA-20601

FHWA-97-2299-19

96 JUL 27 11:12
REGS./REGS. DIV.
ADMINISTRATION

Re: FHWA Docket No. MC-96-18 (Commercial Vehicle Safety Ratings)

Dear Sir/Mme:

This will respond to the Notice of Proposed Rulemaking per Federal Register Notice Volume 61, Number 83, April 29, 1996, and is presented on behalf of all Canadian federal, provincial and territorial jurisdictions.

Context

Commercial trucking is a vital component of Canada-US trade. The total value of trade carried by trucks across the Canada-US border was \$218 billion in 1994. This represents about ten million trips a year, and approximately two thirds of all Canada-US trade.

It, therefore, is not surprising that Canadian and United States jurisdictions share a history of mutual cooperation and understanding on motor carrier matters. One pertinent, recent example is the April 29, 1994 Understanding wherein Canadian and American jurisdictions agreed to establish mutually compatible motor carrier facility audit and compliance review/safety rating programs. We are, therefore, pleased to offer the following comments on the proposed revisions to the United States safety fitness rating regime.

Background

You may be aware that all Canadian jurisdictions are in the process of developing and implementing a safety rating system for Canadian commercial motor carriers. The work is being

lead by a Canadian Council of Motor Transport Administrators (CCMTA) Task Force, which includes representation from all jurisdictions and Canadian industry. Achieving compatibility of safety rating systems has been an important objective of the Task Force, which has been privileged to have Mr Bill Hill of the FHWA as a member.

In Spring 1995, CCMTA approved both a new National Safety Code Standard #14, Compliance Review-Safety Rating, as well as amendments to the companion Standard #15, Facility Audits. Standard #14 provides that all Canadian commercial carriers will be assigned a publicly available safety rating based on the following factors: Reportable Accidents; and violations, convictions or detentions related to Drivers; Hours of Service; Vehicle Maintenance; Load Security; Transportation of Dangerous Goods; and Vehicle Weights and Dimensions. The rating will fall into one of four categories: Satisfactory; Satisfactory Unaudited; Conditional; or Unsatisfactory. The latter rating will result in removal of the carrier's permission to operate. Standard #15 sets out facility audit requirements, and includes provision for audits to be undertaken by an accredited third party.

Provincial and territorial governments currently are preparing to implement the standards. A remaining issue still under study by the Task Force is the concept of "mandatory audits", which would require every carrier to undergo a facility audit on a periodic basis. A decision is expected later this year; should the concept be approved, Standard #14 will be modified accordingly. The standards are expected to become operational in 1997.

The Proposed Rule

Appropriately, Canadian-US motor carrier reciprocity discussions historically have emphasized consistency of principles and objectives. In this regard, there is no doubt that the objective of the safety rating systems in both countries is to improve safety by removing the less safe operators from the road. Having said this, we do, however, have a number of serious concerns about the comprehensiveness and consistency of the two systems, including:

1. the proposed system has the potential to leave a large proportion of US carriers unrated, while the Canadian system will require carriers to have a current rating;
2. there is the prospect for two rating categories in the US, compared with four in Canada;
3. the Canadian systems will put out of business those carriers rated "unsatisfactory", while US carriers with a similar label will continue to operate; and
4. there is the potential that facility audits be required for every Canadian carrier, while relatively few US carriers will be required to have same.

We believe the provisions of the NPRM have the potential to move the two countries further away from the reciprocity envisaged in the aforementioned Understanding, and that further discussion will be needed to achieve the necessary consistency on this important matter.

Should further detail be required, feel free to contact Mr. Derek Sweet, Director, Road Safety, Transport Canada, and Chair of the CCMTA Compliance Review of Safety Rating Project Group, by telephone (613) 998-1990 or by fax (613) 990-2912.

Yours sincerely,



Alan Cockman
President, CCMTA

cc: CCMTA Board of Directors
Task Force on Compliance Review Safety Ratings
Foreign Affairs and International Trade - Ken Ho (Ottawa), Terry Wood
(Washington)

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