



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Please Reply To:  
**Office of Traffic & Safety**  
7491 Connelley Drive  
Hanover, Maryland 21076  
Fax. (410) 767-2663

43730

September 16, 1998

DOT Docket No. FHWA-98-3414  
Docket Clerk  
U.S. DOT Dockets  
Room PL-40 1  
400 Seventh St., SW  
Washington, D.C. 20590-0001

*-22*

Dear Sir/Ms.:

This correspondence is in regard to the Federal Highway Administration's (FHWA) request for comments relating to the inclusion of the North American Uniform Out-of-Service Criteria (OOSC) into the Federal Motor Carrier Safety Regulations (FMCSR).

The Maryland State Highway Administration is the lead Motor Carrier Safety Assistance Program (MCSAP) agency for the State of Maryland and is responding on behalf of the Maryland State Police Commercial Vehicle Enforcement Division, the Maryland Transportation Authority Police Commercial Vehicle Safety Division and the Maryland Department of the Environment.

The OOSC is formulated and amended by the Commercial Vehicle Safety Alliance (CVSA) with input from FHWA, industry, government transportation officials and enforcement officials from the United States, Canada and Mexico. Changes are instituted only after proposals are approved by the applicable committees and passed by a floor vote of the overall membership. The FHWA has considerable input regarding changes to the OOSC and may vote for or against them, although they usually choose not to vote. We are concerned the inclusion into FMCSR would cause lengthy delays when attempting to amend the OOSC and are not in favor of such a move. The OOSC was, in our opinion, created as a guide for roadside enforcement and not intended to be a regulation.

If the OOSC in made a part of the FMCSR, most states would find it necessary to adopt those regulations into state law before enforcement action could be taken. If any state legislature fails to take such action, we fear that some states could formulate their own OOSC which would create a lack of uniformity within the United States and could have an effect on Canada and Mexico.

My telephone number is \_\_\_\_\_

Maryland Relay Service for impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

DEPT. OF TRANSPORTATION  
DOCKET SECTION  
98 SEP 24 PM 3:25

FHWA-OOSC

Page Two

An alternative would be to incorporate the OOSC into the FMCSR by reference with the provision that the CVSA would remain in control of all amendments. We would prefer, however, that the OOSC remain under the purview of the CVSA to promote uniformity and facilitate the amendment process.

Thank you for your consideration in this matter and please feel free to contact me if you have any questions.

Sincerely,



Mrs. Dolores J. Strausser, Chief  
Motor Carrier Division

cc: Captain G. Guyton, Maryland State Police  
Lieutenant C. Carroll, Maryland Transportation Authority Police  
Ms. Rose Clark, Maryland Department of the Environment  
Mr. T. Hicks, State Highway Administration  
Mr. D. Atkins, State Highway Administration  
Mr. J. Rotz, State Highway Administration  
Mr. J. Foster, Maryland Department of Transportation