



Oregon
John A. Kitzhaber, M.D., Governor

Department of Transportation
Motor Carrier Transportation Division
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RE: DOCKET NO. FMCSA-2001-11060 - 12

The Oregon Department of Transportation (ODOT), Motor Carrier Transportation Division (MCTD), welcomes the opportunity to submit comments regarding the interim final rule and request for comments in the issue of Certification of Safety Auditors, Safety Investigators, and Safety Inspectors. Oregon's long history of motor carrier safety activities includes a comprehensive roadside inspection program made up of over 550 certified inspectors. Oregon was the first Motor Carrier Safety Assistance Program (MCSAP) State to build partnerships with local enforcement agencies. Oregon's partnerships with local agencies have now expanded to include 56 state, county, and city enforcement agencies. In addition to Oregon's inspection program, ODOT has staff conducting over 350 safety compliance reviews annually. Oregon was the first state to have a 100% performance-based Commercial Vehicle Safety Plan (CVSP). Oregon is unique in the supplying of real-time motor carrier event data to State and 3 Federal enforcement officials for use in hours-of-service enforcement. With this experience we provide the following comments.

First, Oregon is concerned that the interim final rule is broader in scope than the intent of the Motor Carrier Safety Improvement Act of 1999. Section 211 of the Act directs the U. S. DOT to improve training and provide a certification program for "motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews." There is no mention of improved training and certification for roadside truck safety inspectors. Today, the Commercial Vehicle Safety Alliance (CVSA) establishes standards that address commercial vehicle safety training and certification of inspectors in North America. ODOT acknowledges that the Federal Motor Carrier Safety Administration (FMCSA), like most States, has a role in developing training and certification criteria with the CVSA. Nonetheless, ODOT asks, Why is the FMCSA seeking to require additional or redundant requirements for commercial motor vehicle inspectors in the United States?

Second, the language in Part 385.201(a) seems to indicate that employees conducting compliance reviews before June 17, 2002, will be allowed to continue to conduct

reviews after that date. Additionally, according to the language in 385.201, it appears these same employees will be certified to conduct roadside truck inspections. Oregon is concerned this will allow employees not certified to inspect trucks to become certified after June 17, only because the employee had been conducting compliance reviews. It is Oregon's opinion this should not be the case. Any employee, including employees of the FMCSA who wish to conduct truck inspections, should be fully trained and certified in accordance with CVSA guidelines.

Today, CVSA standards provide for employees conducting roadside truck safety inspections to be trained and certified in a uniform manner. Oregon recommends applying these standards to all individuals, Federal, State, and local governments, who want to conduct roadside or terminal vehicle inspections. Instead of the proposed language in 385.201, Oregon recommends using the CVSA standard already in place for training and certifying truck inspectors.

An additional comment regarding truck inspection training and certification would be the lack of mention of the training and certification required to become a certified Enhanced (Radioactive Materials) inspector. This omission underlines our point that any training and certification criteria remain with the CVSA.

Third, Part 385.201 contains the language, "An FMCSA employee, or a State or local government employee funded through MCSAP,..." Oregon has employees who are not funded through MCSAP conducting safety compliance reviews. These same employees are CVSA certified truck inspectors. Would the new certification standard in Part 385 apply to these individuals? Or would Part 385.201 only apply to employees funded with MCSAP monies?

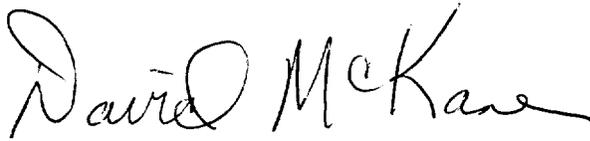
Fourth, Part 385.203(a) states the requirements to become certified after June 17, 2002. It appears a State can certify employees by applying the FMCSA standard. Oregon has reviewed the criteria listed on the FMCSA Web site and question how State and local officials would go about certifying their employees. Perhaps further discussion is necessary for States and local governments to understand how to go about training and certifying their staff. Further, the FMCSA standards for training and certification are posted on the FMCSA Web site. Oregon prefers that any criteria for training and certification be included in the rulemaking. Only then would States be guaranteed the opportunity to comment on revisions to the training and certification criteria. Absent having these criteria codified, the opportunity exists for the criteria to be changed without a complete discussion of the issue.

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Finally, Oregon wishes to comment briefly on certifying non-government employees to conduct third-party safety audits. Oregon is not opposed to non-government employees conducting safety audits. We understand the safety audit to be an opportunity to provide educational information to the motor carrier and assess the motor carrier's safety management practices. What is unclear is the who and how of program administration. Before Oregon endorses a third-party program we need to know how this program would be administered.

A handwritten signature in black ink that reads "David McKane". The signature is written in a cursive style with a large, looped "D" and "M".

David McKane, Manager
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Document faxed to 202-493-2251 on April 12, 2002