

Reference: Federal Register Published March 19, 2002 Part V 49 CFR Part 350 and 385 Certification of Safety Auditors, Safety Investigators, and Safety Inspectors; Final Rule Docket FMCSA-2001-11060

The decision to grandfather Federal and State officials who have already been trained shows common sense and good government. To retrain Federal and State inspectors who have attended the required training would be a substantial tax burden on the public; whereas lost production time, travel, and materials cost would far out-weigh any benefits of the retraining process.

Certification of Safety Auditors, Safety Inspectors and Safety Investigators is a step forward by the FMCSA to assure the transportation industry receives the highest level of service available. By ensuring Federal and State officials are properly trained and certified the quality of work will increase. The requirement of Federal officials to conduct Safety Inspections will expose more motor vehicles and drivers to safety inspections; thereby, increasing on-the-spot identification of either safety violations or positive actions taken by drivers and carriers to operate safely.

In addition to the minimum number of inspections, audits, reviews to be conducted there should be refresher training with written test to ensure the standards are being met. The refresher training and test could be issued either annually or every other year not to exceed every three years. The every three years of refresher training and test would coincide with RSPA's requirements for hazardous material training; not-to-mention, the three years would act as a buffer to develop and implement the standards for the refresher training and written test. The refresher training could be done by local offices or for a totally unbiased opinion a third party facilitator. The third party testing would be a method of checks and balances of how effective the certification process was working. The refresher training would serve the purpose of ensuring investigators, auditors and inspectors remained current with all regulations not just those frequented most often.

As mentioned in another comment not all state officials are MCSAP qualified. Some state officials are limited in their duties and are not fully qualified as MCSAP officers; whereas, an officer may be identified as a safety inspector authorized to conduct Level I and III or Level II only. It is imperative the definitions in 49 CFR Part 350 or 385 be expanded to incorporate what a Roadside Inspection is and what the different Levels involve. CVSA has established procedures for Level I, II, III, IV and V; however, CVSA is not a law generating body. While the North American Standard Truck Inspection (NASTI) is widely accepted and taught I know of no reference incorporating it into law. The FMVSS standards are adopted by 49 CFR Part 393; however, the Out-of-Service Criteria is adopted through a joint effort of law-enforcement, manufactures, and transportation industry agreeing what constitutes a driver or vehicle violation severe enough to warrant a driver or vehicle being placed Out-of-Service. 49 CFR Part 350 or 385 can incorporate CVSA standards also-known-as the North American Standard by reference to ensure the standards to which a roadside inspection is conducted are uniform and performed in-accordance-with a set standard.

The New Entrant Audit needs serious consideration. There are approximately 36,000 new applicants a year for a US DOT number with a minimum financial risk. Obviously the applicants are not evenly distributed though-out the United States, Canada and Mexico. The Southern Border issue is being addressed head on and is self fulfilling;

however, the rest of North America will have hot pockets of registration for US DOT numbers making it difficult to place Safety Auditors to travel in a timely manner to conduct a safety audit.

Carriers that have problems obtaining insurance under one name frequently close their doors and re-open as new carrier obtaining a new MC DOT number to eliminate their past. The fees associated with obtaining a MC Number should be increased significantly as well as the requirement of having new entrant carriers attend a training seminar with a curriculum approved by the FMCSA. Once the carrier has documentation the seminar has been attended, carriers should be required to submit a written company policy outlining their plans to follow the FMCSR. Safety Auditors could be assigned duties associated in doing telephone interviews to establish the carrier's knowledge. For those carriers that don't have a clear understanding additional training may be required. Private safety auditors may prove more burdensome than hiring and training government officials as the government will have to monitor the private companies to ensure the program is being ran IAW the FMCSR; not-to-mention, the liability associated with a poorly ran program not-up-to-specifications.

Regardless of what steps the FMCSA takes to address the New Entrant procedures the first and major step should be to making the filling fee for a US DOT number \$1,000. The money can then be placed into training the public in driver education for high schools in CMV awareness, a public awareness advertising with bill boards, radio spots and television advertising to increase the publics awareness of the maneuvering capabilities of a CMV. The money could also go into a national poster campaign to dealerships and truck rental agencies to inform the public of what a CMV is by definition. There are probably tens of thousand carriers that operate a CMV and unaware of it. Landscaping companies, general contractors, private business operators, etc that operate the newer larger capacity vehicles with GVWR in excess of 11,000 pounds. Some newer heavy duty pick-ups have a GVWR of 13,000 with a 12,000 pound towing capacity. Auto transporters are using dually pick-ups with three axle trailers easily qualifying as a CMV requiring a CDL with D&A testing to transport vehicles sold at auctions and as auto transport service across state lines.

Thank you for taking the time to listen to my concerns, I believe the Certification Program has merit; however, there are areas that need to be addressed to ensure the program meets or exceeds the intent of Congress and reassures the transportation industry and the general public that the information gathered on a carrier to evaluate the carriers Safety Rating was done in a uniform manner.