



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

July 9, 2025

Dockets Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor
Washington, DC 20590-0001

RE: Docket Number: FMCSA-2025-0117
Parts and Accessories Necessary for Safe Operation; Fuel Tank Overfill Restriction

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments in response to the notice of proposed rulemaking (NPRM) published in the Federal Register by the Federal Motor Carrier Safety Administration (FMCSA) on May 30, 2025, seeking comments on the agency's proposal to remove the requirement in the Federal Motor Carrier Safety Regulations (FMCSR) that a liquid fuel tank manufactured on or after January 1, 1973, be designed and constructed so that it cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95% of the tank's liquid capacity, Docket No. FMCSA-2025-0117.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

CVSA thanks the agency for responding to the Alliance's petition, which was submitted to FMCSA on April 5, 2023. As noted in the petition, currently CFR § 393.67(c)(12)(i) states:

- (12) Overfill restriction. A liquid fuel tank manufactured on or after January 1, 1973, must be designed and constructed so that –
 - (i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and
 - (ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

This language is outdated and no longer applicable to the current state of the industry. While the current regulation requires fuel tanks to be manufactured to allow a maximum fill of 95%, liquid fuel tanks are now manufactured with a vented cap, which makes the 95% maximum fill requirement in the regulation unnecessary. There are manufacturers of large trucks equipping vehicles with tanks allowing 100% fill, based on the positioning of the filler neck and vented cap, with no resulting issues.

Further, removing subsection (i) from § 393.67(c)(12) would improve harmonization with the Canadian National Safety Code Standard 11B, which currently allows for a 100% fill. Harmonization of regulations between Canada, Mexico and the United States is a stated priority of the agency and is beneficial to motor carriers who operate across the international borders. Finally, removing subsection (i) from § 393.67(c)(12) will eliminate the need for motor carriers who are operating these vehicles to request an exemption from the agency to operate in the United States.

As noted in the NPRM, the proposed change from FMCSA would remove an unnecessary and outdated requirement from the FMCSR, without negatively impacting safety.

CVSA works to closely monitor, evaluate, and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to provide feedback to the agency.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance