



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

July 2, 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-2025-0107

Parts and Accessories Necessary for Safe Operation; Certification and Labeling Requirements for Rear Impact Protection Guards

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 rescind the requirement that the rear impact guard be permanently marked or labeled with a certification from the impact guard manufacturer, Docket No. FMCSA-2025-0107.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

CVSA thanks the agency for responding to the Alliance's petition, which was submitted to FMCSA on March 11, 2025. As noted in the petition, § 393.86(a)(6) of the Federal Motor Carrier Safety Regulations (FMCSR) requires that rear impact guards on commercial motor vehicles have a label certifying that they meet the Federal Motor Vehicle Safety Standards (FMVSS) requirements for rear impact guards. However, it is often very difficult, if not impossible, for motor carriers to comply with § 393.86(a)(6) once the label has become illegible or is missing. When a certification label is illegible or missing, the current FMCSR language requires a roadside inspector to document the violation on a Driver/Vehicle Examination Report. As a result of the documented violation, motor carriers are required to correct the violation before the vehicle is re-dispatched.

Unfortunately, this is often impossible since many manufacturers will not provide replacement certification labels, and others will only provide replacement labels under certain conditions. The original trailer manufacturer will no

longer guarantee that the rear impact guard, which has been in operation on the roadways, meets the FMVSS manufacturing standard. Further, it is not an option for an alternative certification inspection to be performed either pre-trip or roadside prior to issuing the violation (due to lack of qualifications and training by a third party such as a roadside inspector, motor carrier, or truck driver) to potentially avoid any violation for a trailer which is otherwise compliant but is merely lacking a certification label. There is, simply put, no reasonable way for a motor carrier to comply with the requirements in § 393.86(a)(6) after being cited.

CVSA petitioned the agency to remove the requirement, as doing so would alleviate an unnecessary burden on industry, while not impacting safety. The FMCSR establish the standards by which vehicles must be *maintained* in order to operate in interstate commerce. The purpose of the certification label required in § 393.86(a)(6) is to confirm that the component met the FMVSS manufacturing and installation requirements *at the time of production* and does not pertain to the maintenance of the component once it is in operation. To ensure the component is maintained in order to serve its intended purpose, additional requirements in § 393.86 set physical standards the component must comply with to meet the minimum safety standards (width, height, positioning, etc.) once in operation.

It is possible for a rear impact guard to have a certification label intact but not meet the minimum physical safety standards in § 393.86 at the time of inspection. Conversely, a rear impact guard could meet all the physical requirements set forth in § 393.86 but be missing the required label due to normal wear and tear. In these scenarios, the rear impact guard that is missing its label could be safer than the guard where a label is present. This demonstrates that the presence of the certification label itself has no measurable impact on the safety performance of the component. Rear impact guard certification labels frequently wear, fade, fall off or are removed during repair. The lack of a readable label at this point in no way undermines the safety performance of the component. The structural integrity and proper mounting of the rear impact guard are critical to safety and those requirements are outlined in § 393.86.

In addition, it should be noted that a commercial motor vehicle that is missing the required rear impact guard certification label could pass the annual inspection required under Part 396 Appendix A, as the label is not part of the Appendix A requirements, then immediately be in violation for the missing label when dispatched. The requirements in Appendix A focus on the physical safety standards in § 393.86, further demonstrating that the lack of a readable label in no way undermines the safety performance of the rear impact guard.

CVSA supports FMCSA's proposal to rescind the requirement that the rear impact guard be permanently marked or labeled with a certification from the impact guard manufacturer. Doing so will not negatively impact safety, as the physical components of the guard will still be inspected to the same standard during a roadside inspection and violations of the condition of the guard will be cited under the appropriate § 393.86 subsection.

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
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Commercial Vehicle Safety Alliance