



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

March 25, 2026

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Petition for Rulemaking – § 393.87 Warning Flags on Projecting Loads

Dear Administrator Barrs,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to Title 49 CFR § 393.87 *Warning flags on projecting loads* to exclude rear mounted forklifts with functional lamps. This change would remove an unnecessary and redundant regulatory burden on industry and aligns with the goals and priorities outlined in the January 2025 “Unleashing Prosperity Through Deregulation” executive order issued by the White House.

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.

Justification

CVSA requests that FMCSA amend Title 49 CFR § 393.87 *Warning flags on projecting loads* to add language excluding rear mounted forklifts from the requirement when the item is secured to the rear of the transport vehicle and is connected to the transport vehicle with an electrical connection to activate brake, tail, hazard and turn signal lamps. These forklifts are machines (generally under 10,000 lbs.), primarily used in the support of the work of the truck (e.g. unloading sod, sheetrock etc.). When the forklift’s lighting components are powered and functioning, they compensate for any obscured lamps on the rear of the transport vehicle.

In multiple CVSA Vehicle Committee meetings where proper securement of these machines was under consideration, CVSA received verbal direction from FMCSA subject matter experts that this type of machine should be considered cargo, rather than a material of trade. When mounted on the rear of a transport vehicle, these machines can extend more than four (4) feet beyond the rear of the transport vehicle and, as cargo, are required

to be marked with red or orange fluorescent warning flags. However, as noted above, when these machines are mounted on the rear of a transport vehicle and connected to the transport vehicle with an electrical connection to activate brake, tail, hazard and turn signal lamps, the forklift's lighting components compensate for any obscured lamps on the rear of the transport vehicle, making the requirement that the cargo be marked with flags as well unnecessary. This exception should only apply when the forklift is connected to the transport vehicle with an electrical connection and all required lamps are functional and marked with the required conspicuity tape, if mounted on the rear of a trailer. This change would not negatively impact roadway safety and aligns with the agency's focus on eliminating unnecessary and redundant regulatory requirements.

Recommended Language

CVSA is asking FMCSA to amend Title 49 CFR §393.87 *Warning flags on projecting loads*, as noted in red below.

§ 393.87 Warning flags on projecting loads.

- (a) Any commercial motor vehicle transporting a load which extends beyond the sides by more than 102 mm (4 inches) or more than 1,219 mm (4 feet) beyond the rear must have the extremities of the load marked with red or orange fluorescent warning flags. Each warning flag must be at least 457 mm (18 inches) square.
- (b) ***Position of flags.*** There must be a single flag at the extreme rear if the projecting load is two feet wide or less. Two warning flags are required if the projecting load is wider than two feet. Flags must be located to indicate maximum width of loads which extend beyond the sides and/or rear of the vehicle.
- (c) ***Exception.*** The requirement for flags in paragraph (a) of this section do not apply to a forklift equipped with lamps mounted on the rear of a transport vehicle with an electrical connection to activate the brake, tail, hazard, and turn signal lamps, and displaying conspicuity markings, if applicable.

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 roadways. 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 agency's consideration of this request.

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

Respectfully,



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