



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

April 16, 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 – Revise Agency Statement of Policy Regarding Adjudicated Citations

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 revise the adjudicated citations policy found in the “DataQs Analyst Guide: Best Practices for Federal and State Agency Users” to allow states to deny a request for data review when it is determined that masking of an underlying unsafe driving violation, which is prohibited under § 384.226, has occurred.

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.

According to FMCSA’s DataQs webpage, the DataQs program “is an FMCSA system that allows users to request and track a review of Federal and State data issued by FMCSA believed to be incomplete or incorrect. It enables all users—motor carriers, drivers and their representatives, as well as FMCSA and its State partners—to improve the accuracy of FMCSA’s data-driven safety systems that help prevent crashes, injuries, and fatalities related to commercial motor vehicles.”

CVSA’s membership believes in the FMCSA DataQs program and supports rigorous due process for motor carriers, drivers and their representatives. It is important not only to provide motor carriers with the due process to which they are entitled, but also to ensure that the data FMCSA and the states rely upon is of the highest quality. CVSA also strongly supports ensuring a driver’s or motor carrier’s due process criminal rights through the adjudicated

citations policy. However, CVSA has concerns with portions of the agency's current approach, which requires states to make changes to inspection data after a driver has been cited for a violation of the state's motor vehicle traffic control laws and the violation was masked through the adjudication process.

The Alliance agrees that when a violation is challenged through the judicial appeals process and the driver or motor carrier is found not guilty by a bench or jury trial, the violation should be removed from the inspection report. Inaccurate data absolutely should be removed from the system and, if a court rules that a citation is incorrect based on the merits of the case, those should be removed as well, ensuring the driver's due process rights.

However, CVSA has significant concerns with making changes to inspection data when a citation is dismissed for reasons that are not based on merit or when violations are pled down to a different, lesser charge. In these circumstances, removing the violation from the inspection report runs the risk of misrepresenting the driver's safety record, further masking the driver's unsafe behavior. For example, in the case of the request for data review below, the original charge of "Operating a CMV Without Proper Endorsements" is amended to "Parking." Driving without proper endorsements is a serious traffic violation. If this driver were convicted of a second 49 C.F.R. § 383.51 Table 2 disqualifier, that would result in at least a 60-day disqualification of their driving privilege. However, per the current adjudicated citations policy, the severity weight for this violation will be set to 1 and it will be documented as a conviction of a different charge in the driver's record. Because the charge was amended to another violation that does not carry the same severity, this driver may be permitted to continue driving when they should not.

RDR#: Case 2		Date Filed:		Review By:		
Notes: There is one Citation issued for three Violations but only the CMV without CDL is requested for review. All charges are Set Aside and Dismissed pursuant to an Amended Plea Agreement for Parking.						
Violation / Timeline	Citation#	Applies to Adj. Policy?	Diversion?	Court Final Disposition	Fines?	State Citation Result
383.23a2 - CMV without Proper Endorsement	0217	Y	N	Amended to Parking	?	Conviction of a Different Charge
392.2IRP - Registration Expired	0217	Y	N	Amended to Parking	?	Conviction of a Different Charge
392.2FT - Fuel Tax Violation	0217	Y	N	Amended to Parking	?	Conviction of a Different Charge

CVSA and others first raised concerns with the changes to the adjudicated citations policy in 2014, in response to the agency's Dec. 2, 2013 notice and request for public comments, titled "Motor Carrier Management Information System (MCMIS) Changes to Improve Uniformity in the Treatment of Inspection Violation Data," docket number FMCSA-2013-0457. Later, in 2023, CVSA partnered with the National Judicial College, the National District Attorneys Association and the National Center for State Courts in authoring a white paper (attached) evaluating the impacts of the changes to the adjudicated citations policy implemented in August of 2014.

This issue is further compounded by the fact that drivers and motor carriers are aware of the adjudicated citation policy, and some bad actors abuse the policy, relying on the court system to mask their violations, forcing the jurisdictions to remove accurate violations from their safety data.

Furthermore, the importance of prior conviction and violation data are supported by the data review from the American Transportation Research Institute's (ATRI) Predicting Truck Crash Involvement's 2022 Update. ATRI's update provided insight into crash rates over time, as well as a driver's increased likelihood to be involved in a crash after having a violation or conviction for moving violations. ATRI's study found prior violations or convictions received by a driver significantly increase the likelihood of a future crash.

Research clearly shows that driver behavior is the leading cause of crashes, and FMCSA's safety policies require that drivers who repeatedly demonstrate unsafe driving behavior be disqualified from operating a commercial motor vehicle. However, FMCSA's current policy on adjudicated citations requiring states to make changes to a driver's or motor carrier's safety record negatively impacts safety by allowing unqualified drivers to remain on the roads. In addition, it skews critical safety data that jurisdictions and motor carriers rely on. To address this, CVSA requests FMCSA revise its policy on adjudicated citations in the "DataQs Analyst Guide: Best Practices for Federal and State Agency Users" to allow states to deny a request for data review when it is determined that the change would mask an underlying unsafe driving violation, which is prohibited under § 384.226.

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,

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

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