



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

December 17, 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-2025-0104

Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (2025)

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Federal Motor Carrier Safety Administration's (FMCSA) notice of proposed rulemaking (NPRM) and request for comments on amendments to the Hazardous Materials Safety Permits regulations to update the incorporation by reference of CVSA's "North American Standard Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403," docket number FMCSA-2025-0104.

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 commends FMCSA for publishing an NPRM to amend the Hazardous Materials Safety Permits regulations by updating the incorporation by reference of CVSA's "North American Standard Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403" in Title 49 Code of Federal Regulations (CFR) § 385.4(b). Critical commercial motor vehicle traffic safety improvement initiatives are built on the foundation of effective roadside inspections and traffic enforcement. Furthermore, as jurisdictions deploy more advanced technology and targeting techniques at the roadside and in a motor carrier's place of business, it becomes even more important that the underlying data resulting from enforcement is uniform and consistent. While there are current FMCSA data quality programs that have been designed to improve the timeliness, accuracy and completeness of both crash and inspection reporting, it is critical that roadside violation data is

captured and reported in a uniform, consistent and legal manner. The “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403” provides a uniform standard to ensure that is possible.

The “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403” is reviewed and updated annually. As a result, the current reference to the April 1, 2024, edition is outdated and does not reflect the most up to date standard, which was published on April 1, 2025. CVSA encourages FMCSA to finalize the rule and update the incorporation by reference as soon as possible.

In addition, CVSA petitioned the agency on Oct. 27, 2025, notifying the agency of the forthcoming April 1, 2026 edition of the document. CVSA encourages the agency to immediately move forward with a notice to update the reference to the 2026 edition when it becomes effective on April 1, 2026.

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 comment on this proposal and the agency’s commitment to safety and stakeholder involvement.

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