Commercial Vehicle Safety Alliance
Improving commercial motor vehicle safety and enforcement

November 21, 2022

Dockets Operations
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12–140
Washington, DC 20590–0001

RE: Docket Number: FMCSA-2022-0062
Unique Electronic Identification of Commercial Motor Vehicles: Advance Notice of Proposed Rulemaking and Request for Comments

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on its advance notice of proposed rulemaking (ANPRM) exploring whether the agency should amend the Federal Motor Carrier Safety Regulations to require every commercial motor vehicle operating in interstate commerce to be equipped with electronic identification technology capable of wirelessly communicating a unique identification number when queried by motor carrier safety enforcement personnel.

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 applauds FMCSA for responding to the Alliance's universal electronic vehicle identifier petition and for seeking public comment on the concept. Establishing a universal electronic vehicle identifier requirement for commercial motor vehicles would revolutionize the way commercial motor vehicle roadside inspection and enforcement are conducted. Most importantly, establishing a universal electronic vehicle identifier requirement for all commercial motor vehicles would benefit the public by improving safety, helping inspectors to more effectively take unsafe vehicles, drivers and motor carriers off the roadways. It would also improve the effectiveness of enforcement programs while reducing costs, for both enforcement and industry. As industry continues to grow and more and more people take to the roads, it is imperative that we leverage technology where possible to improve the efficacy of our enforcement programs. Below, CVSA provides general comments related to the concept as well as responses to the questions posed in the ANPRM.

General Comments

Overview of Benefits

As noted above, establishing a universal electronic vehicle identifier requirement for commercial motor vehicles would dramatically improve the efficacy of the states' roadside enforcement programs, which are designed to improve safety by removing unsafe drivers, vehicles and motor carriers from our roadways. Given the size of the motor carrier industry, jurisdictions do not have the resources necessary to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. In order to maximize resources, the jurisdictions use a combination of methods, including screening technology programs and tools, inspection selection procedures, and inspector observation, to identify vehicles, drivers and motor carriers for intervention and enforcement. Currently, inspectors use information that is visible to them, such as the USDOT number or the license plate number, to identify a vehicle. However, this is often a manual process, particularly outside of fixed facilities, and inspectors must input the information into their systems to gather information about the motor carrier and the vehicle to determine if an inspection is appropriate. This is an inefficient process and must be done one vehicle at a time. Deploying the universal electronic vehicle identifier concept would automate and expedite this process, allowing inspectors to identify vehicles around them simultaneously, which will help inspectors determine which vehicle in their vicinity is most in need of an inspection. This will help improve roadway safety, by helping inspectors better identify commercial motor vehicles most in need of intervention, while also providing better efficiency for motor carriers and drivers. The universal electronic vehicle identifier would also assist with identifying when a motor carrier is trying to mask their safety and inspection history by reincarnating as a new motor carrier and selling their vehicles to the 'new' carrier. These reincarnated carriers, also referred to as 'chameleon carriers,' carriers are particularly concerning, as they have demonstrated a lack of safety culture and a willingness to violate the regulations to continue to operate. Identifying and removing these motor carriers is a top priority for FMCSA and the states and establishing a universal electronic vehicle identifier would provide an additional tool to help do that.

Universal Electronic Vehicle Identifier vs. Electronic Inspections

Before addressing the questions posed in the ANPRM, it is important to note that the ANPRM does not focus solely on the universal electronic vehicle identifier concept. In the ANRPM, FMCSA seeks feedback on both the electronic identification of commercial motor vehicles, which is the concept outlined in CVSA's petition, as well as electronic inspection of commercial motor vehicles, which is a separate initiative. Most notably, the universal electronic vehicle identifier concept is envisioned as a one-way communication – from the commercial motor vehicle to enforcement – to provide the inspector with information to help inform their inspection selection process. No communication back to the commercial motor vehicle is necessary under this concept. It is critical that the two concepts be kept separate and distinct from one another to avoid confusion. To that end, CVSA's comments in response to the ANPRM will focus solely on the universal electronic vehicle identifier concept and we encourage the agency to keep this distinction in mind when reviewing other comments to the docket.

Privacy Concerns

The docket has received a number of comments in opposition to the universal electronic vehicle identifier concept based on privacy concerns. However, these concerns are unfounded. The universal electronic vehicle identifier concept does not create any privacy concerns. The commercial motor vehicle industry is a regulated industry, and the universal electronic vehicle identifier concept would not provide enforcement with access to any information

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they don't already have access to now – it would simply speed up the process. Currently inspectors will observe a vehicle's USDOT number, the motor carrier's name or the license plate number, and, in many cases, manually enter that information into their inspection systems. This then pulls up the motor carrier's safety data and inspectors use that information, as well as their own knowledge and observation of the vehicle condition and driver behavior, to determine if an inspection is warranted. The universal electronic vehicle identifier concept would automate and expedite that process, especially when patrolling the rural roads far away from a fixed facility; such as an inspection station or weigh scale. Rather than using the USDOT number or license plate number to access motor carrier data in the inspection systems, the universal electronic vehicle identifier concept would allow enforcement to receive and automatically input the universal identifier instead to access those *same* data sets, saving the inspector time and better focusing their inspection activities on motor carriers, drivers and vehicles most in need of an inspection.

Leased, Exempt and Non-Regulated Vehicles

Some have also expressed concerns over how the universal electronic vehicle identifier concept would work regarding leased, non-regulated and exempt vehicles. As noted above, the universal electronic vehicle identifier concept is intended to be an additional operational efficiency tool inspectors use in their daily processes. The inspector will use the information available to them from the universal electronic vehicle identifier query in their inspection systems, as well as their own visual observation of the vehicle and the driver's behavior, to determine whether an inspection is appropriate. In the event that an inspector stops a commercial motor vehicle that is operating under a lease or rental agreement, the inspector will be able to identify the appropriate motor carrier responsible for safety during the course of their driver interview and review of the various credentials and required documents. If an inspector comes across a commercial motor vehicle that does not communicate a universal electronic vehicle identifier, the inspector can observe the vehicle and determine whether they may be exempt from federal regulatory requirements. The universal electronic vehicle identifier does not replace the inspector or dictate exactly which vehicles should be stopped – jurisdictions have their own inspection selection priorities and processes in place. Instead, the universal electronic vehicle identifier concept is intended to provide the inspector with a tool to help inform their inspection selection decisions.

Responses to ANPRM Questions

1. General
   a. *Should a device capable of transmitting an electronic ID be permanently affixed or removable/ transferrable to CMVs currently in operation? Would FMCSA's rule need to specify*?

      In order for the universal electronic vehicle identifier concept to work as CVSA envisions, regardless of the technology selected to serve as the communication method, the identifier itself must be unique to a specific commercial motor vehicle, it must not be removeable or transferrable, and it must uniquely identify a single vehicle for its entire lifecycle.

      The core concept is that the identifier tells the inspector which exact commercial motor vehicles are in their vicinity and, using that identifier, provides the inspector with recommendations on which vehicle to inspect based on the safety data accessed via the various databases that are queried. The universal electronic vehicle identifier will be tied to that vehicle's specific inspection history, providing robust information on the vehicle's mechanical fitness, which will help inspectors make more informed decisions

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on which vehicles to select for inspection. If the identifier can be moved from vehicle to vehicle, that benefit is lost.

In discussion with industry partners and stakeholders, CVSA has determined that the existing vehicle identification number (VIN) is a promising candidate to serve as the unique electronic vehicle identifier. The data point already exists for all regulated vehicles and existing data systems would not need to be modified with the additional data point. The VIN has the added benefit of already being unique to the individual vehicle.

b. *What data should be included as part of the electronic ID (e.g., carrier name, carrier contact information, vehicle ID number, license plate number, USDOT number, and gross vehicle weight rating)*?

Other than the unique electronic vehicle identifier itself, no other data should be communicated to enforcement via the universal electronic vehicle identifier. As noted above, the universal electronic vehicle identifier is intended to be a one-way communication from the vehicle to enforcement. Once the identifier is received, it will be used to query existing databases to provide the inspector with additional information that will inform their inspection selection decision. Adding additional data points is unnecessary, as the inspector will have access to all that information via the queried software systems and databases. Adding additional data would unnecessarily complicate the technology required and could introduce security concerns that do not exist if the concept is restricted to simply the unique electronic vehicle identifier.

Further, it is important to note that the universal electronic vehicle identifier concept is not intended to allow enforcement or any other entity to 'track' a commercial motor vehicle. CVSA is not seeking the ability to use the universal electronic vehicle identifier to see where a vehicle has traveled from or to generate a map of the vehicle's route. The intent of the universal electronic vehicle identifier concept is to provide inspectors with a sophisticated tool that identifies which exact commercial motor vehicles are in the inspector's vicinity and, using that identifier, provide the inspector with recommendations on which vehicle to inspect based on the safety data accessed via the various databases that are queried.

- *Should the information be limited to non-PII information? If not, why not?*

  The data should be limited to the unique electronic vehicle identifier itself, as noted in the comments above. There is no need to communicate any additional information as part of the universal electronic vehicle identifier. Inspectors have access to the data they need now, by using other visual identifiers, such as the US DOT number or the license plate number. The universal electronic vehicle identifier concept merely provides a more sophisticated, more specific identifier and expedites the data queries for the inspector by automating the data entry. Adding additional data points is unnecessary, as the inspector will have access to all that information via the queried software systems and databases. Adding additional data would unnecessarily complicate the technology required and could introduce security concerns that do not exist if the concept is restricted to simply the unique electronic vehicle identifier and no other information.

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- *Should it include information specific to the driver (e.g., hours of service, Commercial Driver's License compliance, and medical certification*)?

  The only piece of information that should be communicated as part of the universal electronic vehicle identifier concept is the unique electronic vehicle identifier itself, as noted in the comments above. Once the inspector has that information, they will be able to access information about the motor carrier and the vehicle's mechanical fitness history. With this information, as well as the inspector's own experience and visual observation of the vehicle and the driver's behavior, the inspector will determine if an inspection is appropriate. At that point, they will be able to gather the necessary information about the driver and their compliance as part of the inspection. Adding additional data points is unnecessary and would unnecessarily complicate the technology required and could introduce security concerns that do not exist if the concept is restricted to the unique electronic vehicle identifier.

- *Should it also include information that may vary from trip to trip (e.g., axle weight, pre-trip inspection date and time, and GPS coordinates and time when requested)?*

  The only piece of information that should be communicated as part of the universal electronic vehicle identifier concept is the unique electronic vehicle identifier itself, as noted in the comments above. Adding additional data points is unnecessary and would complicate the technology required and could introduce security concerns that do not exist if the concept is restricted to the unique electronic vehicle identifier.

- *Depending on how you answer the above questions, should the electronic ID be transferrable in the event of a CMV sale?*

  In order for the universal electronic vehicle identifier concept to work as CVSA envisions, regardless of the technology selected to serve as the communication method, the identifier itself must be unique to a specific commercial motor vehicle, it must not be removeable or transferrable, and it must uniquely identify a single vehicle for its entire lifecycle. The core concept is that the identifier tells the inspector which exact commercial motor vehicles are in their vicinity and, using that identifier, provides the inspector with recommendations on which vehicle to inspect based on the safety data accessed via the various databases that are queried. The unique electronic vehicle identifier will be tied to that vehicle's specific inspection history, providing robust information on the vehicle's mechanical fitness, which will help inspectors make more informed decisions on which vehicles to select for inspection. The unique electronic vehicle identifier should be specific to one vehicle for the entire time it is in operation.

  In addition, requiring the unique electronic vehicle identifier be tied to one specific vehicle will help with identifying when a motor carrier is trying to mask their safety and inspection history by reincarnating as a new motor carrier and selling their vehicles to the 'new' carrier. These chameleon carriers are particularly concerning, as they have demonstrated a lack of safety culture and a willingness to violate the regulations in order to continue to operate. Identifying and removing these motor carriers is a top priority for FMCSA and the states and establishment of a universal electronic vehicle identifier would provide an additional tool to help do that.

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- *Depending on how you answer the above questions, who should be responsible for providing the data set (see question 1.b.) associated with the electronic ID for a CMV (i.e., driver, carrier, third party*)?

  This question is irrelevant to the universal electronic vehicle identifier concept. There should not be a data set. The only piece of information that should be communicated as part of the universal electronic vehicle identifier concept is the unique electronic vehicle identifier itself, as noted in the comments above. Adding additional data points is unnecessary, would complicate the technology required and could introduce security concerns that do not exist if the concept is restricted to the unique electronic vehicle identifier.

c. *Depending on the scope of the data you believe is necessary in 1.b., how should the data be transmitted and received?*

As noted in the comments above, the only piece of information that should be communicated as part of the universal electronic vehicle identifier concept is the unique electronic vehicle identifier itself. FMCSA should gather information on the available existing technologies and determine which are capable of meeting the needs of the universal electronic vehicle identifier concept. The technology should be a one-way communication from the vehicle to enforcement, should be low-cost and simply to the extent possible, should be unique to a single vehicle for its entire lifecycle, and should not be removeable or transferable from the vehicle. Several technologies exist today that would meet those standards. Once FMCSA identifies the technology that is most suited to the concept, the agency should establish the standard.

- *Can existing technology (e.g., ELDs) be used to collect and transmit the electronic ID data and receive a response from enforcement officials*?

  The universal electronic vehicle identifier concept is envisioned as a one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. No communication back to the commercial motor vehicle is necessary under this concept and requiring one would unnecessarily complicate the concept and introduce security concerns that do not exist if the concept is restricted to a one-way communication of the unique electronic vehicle identifier and no other information or data exchange. Further, linking the unique electronic vehicle identifier to the electronic logging device is problematic for a number of reasons and would likely over complicate the concept. FMCSA should gather information on the available existing technologies and determine which are capable of meeting the basic needs of the universal electronic vehicle identifier concept.

- *How far in advance (time, distance) does a state need to gather the electronic ID information to positively ID a vehicle and message the vehicle whether further inspection is required*?

  Once again, the universal electronic vehicle identifier concept is envisioned as a one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. No communication back to the commercial motor vehicle is necessary under this concept and requiring one would

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unnecessarily complicate the concept and introduce security concerns that do not exist if the concept is restricted to a one-way communication of the unique electronic vehicle identifier and no other information or data exchange.

Under this concept, an inspector would select a vehicle for inspection, based on information accessed using the unique electronic vehicle identifier, their own jurisdictional policies, the inspector's own knowledge. and observation of the vehicle and the driver's behavior. This is largely how inspection selection is done now, however, the data access step is often a manual one, using existing visual identifiers, such as the USDOT number or the license plate number.

- *Should FMCSA propose a standard for the method of data transmission, and, if so, what should it be, or do you believe a voluntary standard can be developed?*

  As noted in the comments above, the only piece of information that should be communicated as part of the universal electronic vehicle identifier concept is the unique electronic vehicle identifier itself. FMCSA should gather information on the available existing technologies and determine which are capable of meeting the needs of the universal electronic vehicle identifier concept. The technology should be a one-way communication from the vehicle to enforcement, should be low-cost and simple to the extent possible, should be unique to a single vehicle for its entire lifecycle, and should not be removeable or transferable from the vehicle. Several technologies exist today that would meet those standards. Once FMCSA identifies the technology that is most suited to the concept, the agency should establish the standard.

d. *Are there reports or studies not already referenced above available regarding the use of electronic devices to identify CMVs that FMCSA may find useful in finding a technically sound, cost-effective, long-term means to identify CMVs at roadside? If so, please provide the references in your responses*.

   CVSA is not aware of any additional research at this point.

e. *Should the electronic ID be limited only to CMV power units (e.g., motorcoaches, truck-tractors) or also include trailers?*

   At this point, CVSA recommends limiting the requirement to commercial motor vehicle power units. As noted above, the universal electronic vehicle identifier concept is intended to be an additional operational efficiency tool inspectors use in their daily processes. The inspector will use the information available to them from the universal electronic vehicle identifier query in their inspection systems, as well as their own visual observation of the vehicle and the driver's behavior to determine whether an inspection is appropriate. It is not necessary to be able to identify the specific trailer associated with the commercial motor vehicle to make an inspection selection decision. Adding trailers at this point may serve to unnecessarily complicate and delay the universal electronic vehicle identifier program. It may be appropriate to consider adding trailers to the requirement later, after the universal electronic vehicle identifier concept is fully deployed.

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f. *How would an electronic ID apply to rented or leased vehicles that are operated by different carriers or parties throughout the course of the year?*

As noted in the "Leased, Exempt and Non-Regulated Vehicles" section of CVSA's general comments above, this does not create an issue for the universal electronic vehicle identifier concept. The universal electronic vehicle identifier concept is intended to be an additional operational efficiency tool inspectors use in their daily processes. The inspector will use the information available to them from the universal electronic vehicle identifier query in their inspection systems, as well as their own visual observation of the vehicle and the driver's behavior to determine whether an inspection is appropriate. In the event that an inspector stops a commercial motor vehicle that is operating under a lease or rental agreement, the inspector will be able to identify the appropriate motor carrier responsible for safety during the course of their driver interview and review of the various credentials and required documents. The universal electronic vehicle identifier does not replace the inspector or dictate exactly which vehicles should be stopped – jurisdictions have their own inspection selection priorities and processes in place. Instead, the universal electronic vehicle identifier concept is intended to provide the inspector with a tool to help inform their inspection selection decisions.

g. *How would or should an electronic ID be tied to States' CMV record keeping (e.g., International Registration Plan registration, Performance and Registration Information Systems Management (PRISM))?*

As discussed above, the universal electronic vehicle identifier concept is envisioned as a one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. The unique electronic vehicle identifier should be tied to the states' commercial motor vehicle record keeping the same way the current visual identifiers are tied to those systems.

h. Are there privacy, health, or coercion concerns FMCSA should consider in a future proposal?

No, there are no privacy, health or coercion concerns associated with the simple concept CVSA is proposing: a one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. CVSA strongly encourages the agency to focus their efforts on the concept as outline above in order to avoid unnecessarily complicating and confusing the issue.

2. <u>Functionality</u>

a. Should the electronic ID framework be flexible so that functionality could be added later, as new safety and other vehicle technologies emerge?

No, as noted above, the universal electronic vehicle identifier concept is envisioned as a simple, one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. FMCSA should avoid adding additional functionality or purpose to the universal electronic vehicle identifier. It is intended to be an additional operational efficiency tool inspectors use in their daily processes, nothing more. However, FMCSA should

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ensure that any future programs, systems and safety tools are designed to recognize and be compatible with the unique electronic vehicle identifier, once one is selected.

b. *What operational and/or technical processes should be in place for handling situations where messages or data concerning the electronic ID do not send or receive correctly?*

The universal electronic vehicle identifier concept is envisioned as a simple, one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. It is intended to be an additional operational efficiency tool inspectors use in their daily processes. As such, no additional operational or technical processes are necessary for handling situations where a vehicle does not communicate its unique electronic vehicle identifier to nearby enforcement.

This same situation occurs today, with the visual identifiers inspectors use now, such as the USDOT number and the license plate number, to query a vehicle and gather information to inform their inspection selection decision. Today, if an inspector comes across a vehicle that is not properly displaying the required visual identifiers, they are typically stopped and evaluated. If the inspector confirms the vehicle is not in compliance with the regulations, the violation is documented.

If an inspector comes across a commercial motor vehicle that does not communicate a unique electronic vehicle identifier to enforcement, the inspector can observe the vehicle and determine whether they should stop the vehicle to determine if the vehicle may be out of compliance and proceed from there, as noted in the "Leased, Exempt and Non-Regulated Vehicles" section above.

c. *How quickly can malfunctions in any electronic ID system be located and corrected?*

The answer to this question will likely depend on the specific technology that FMCSA selects as the basis for the universal electronic vehicle identifier concept. However, once the technology is identified and technical specifications are set, confirming functionality of the unique electronic vehicle identifier should be part of the driver and motor carrier responsibilities, along with all other vehicle components.

d. *What cybersecurity issues (e.g., ''spoofing,'' and interference) should FMCSA consider in a future electronic ID proposal? Compare and contrast such concerns with the current electronic ID systems.*

In order for the universal electronic vehicle identifier concept to work as CVSA envisions, regardless of the technology selected to serve as the communication method, the identifier itself must be unique to a specific commercial motor vehicle, it must not be removeable or transferrable, and it must uniquely identify a single vehicle for its entire lifecycle. If a vehicle is found to be communicating a unique electronic vehicle identifier that is not correct, the inspector would document that as a violation and take any appropriate action, much like when a vehicle is found to be displaying a USDOT number or license plate number fraudulently. It should be noted that fraud exists today within the industry, and it is an issue enforcement investigates for and addresses when identified. The same would be true for any misrepresentation of a vehicle's unique electronic vehicle identifier by a driver or motor carrier in an effort to evade detection and enforcement. Inspectors would use all the tools at their disposal, including the

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unique electronic vehicle identifier, to identify unsafe vehicles, drivers and motor carriers and remove them from the roadways.

e. How could tampering be prevented if some or all data entry or transfer is performed manually?

Other than the unique electronic vehicle identifier itself, no other data should be communicated to enforcement via the universal electronic vehicle identifier. The unique electronic vehicle identifier itself must be unique to a specific commercial motor vehicle, it must not be removeable or transferrable, and it must uniquely identify a single vehicle for its entire lifecycle. This concept minimizes the opportunity for tampering and fraud by limiting the data and removing the manual entry aspect entirely. Any additional tamper resistance specifications will likely depend on the technology selected.

3. Populations Affected

a. What is the population of trucks that already have a type of electronic ID technology (e.g., PrePass, Drivewyze)?

This information is irrelevant to the universal electronic vehicle identifier concept. The technology necessary for the universal electronic vehicle identifier is not comparable to the robust, complex bypass systems in place today. The universal electronic vehicle identifier concept is envisioned as a simple, one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier – which will be used to query the various systems inspectors use today as part of their queries based on existing visual identifiers. Further, existing bypass programs are subscription-based services which are entirely voluntary, while the universal electronic vehicle identifier concept is mandatory for all commercial motor vehicles.

b. What is the percentage of carriers that are not identified through current electronic screening capabilities? Please provide any supporting studies or reports.

This specific information is unknown and irrelevant to the universal electronic vehicle identifier concept.

4. Cost/Benefits

a. What are the current and potential future safety benefits of electronic IDs?

Establishing a universal electronic vehicle identifier requirement for commercial motor vehicles would dramatically improve the efficacy of the states' roadside enforcement programs, which are designed to improve safety by removing unsafe drivers, vehicles and motor carriers from our roadways. Given the size of the motor carrier industry, jurisdictions do not have the resources necessary to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. In order to maximize resources, the jurisdictions use a combination of methods, including screening technology programs and tools, inspection selection procedures, and inspector observation, to identify vehicles, drivers and motor carriers for intervention and enforcement. Currently, inspectors use information that is visible to them, such as the USDOT number or the license plate number, to identify a vehicle. Deploying the universal electronic vehicle identifier concept would automate and expedite this process, allowing inspectors to identify vehicles around them simultaneously, which will help inspectors determine which vehicle in their vicinity is most in need of an inspection.

This will help improve roadway safety by helping inspectors better identify commercial motor vehicles most in need of intervention, while also providing better efficiency for motor carriers and drivers. Jurisdictions will save time and see improved efficiencies as inspectors are able to more accurately identify vehicles, drivers and motor carriers in need of an intervention. This allows safe, compliant vehicles and drivers to deliver their freight more quickly and efficiently.

In addition, establishing a universal electronic vehicle identifier requirement for commercial motor vehicles would improve the data the states and FMCSA have on the motor carrier industry. FMCSA lacks data on a significant number of motor carriers who, due to their routes or operational area, do not often come in contact with an inspector for enforcement. This is particularly true in rural areas where, typically, fewer inspectors have more miles to cover. Combine that with staffing shortages across the country and the end result is inspectors are only able to interact with a fraction of the vehicles, drivers and motor carriers operating on our roadways today – and the industry only continues to grow as our nation's freight needs increase. Deploying a universal electronic vehicle identifier requirement would help enforcement find and interact with more of those vehicles, putting more data into FMCSA's and the states' systems. And more data means a better understanding of the industry as a whole.

Most importantly, establishing a universal electronic vehicle identifier requirement for all commercial motor vehicles would benefit the public by improving safety, helping to take unsafe vehicles, drivers and motor carriers off the roadways. As industry continues to grow and more people take to the roads, it is imperative that we leverage technology where possible to improve the efficacy of our enforcement programs. In particular, the universal electronic vehicle identifier concept would assist with identifying when a motor carrier is trying to mask their safety and inspection history by reincarnating as a new motor carrier and selling their vehicles to the 'new' carrier. These reincarnated, or chameleon, carriers are particularly concerning, as they have demonstrated a lack of safety culture and a willingness to violate the regulations to continue to operate. Identifying and removing these motor carriers is a top priority for FMCSA and the states and establishment of a universal electronic vehicle identifier would provide an additional tool to help do that.

- *Are there studies or reports that provide data to support the benefits of electronic IDs?*

  Unfortunately, nothing comparable to the universal electronic vehicle identifier concept exists at this time, so there are no studies or safety data to point to. However, the state motor carrier safety improvement programs are built on the model of identifying unsafe drivers, vehicles and motor carriers and removing them from the roadways. Giving inspectors better tools to do their jobs will help improve the efficacy of their programs, which are all designed to improve roadway safety.

- *Would implementing an electronic ID requirement lower crash rates, if so, how?*

  As noted above, establishing a universal electronic vehicle identifier requirement for all commercial motor vehicles would improve enforcement's ability to identify vehicles for enforcement and intervention. This, in turn, will help inspectors become more effective at removing unsafe drivers, vehicles and motor carriers from our roadways, which will help improve overall roadway safety for all users.

b. *How would requiring an electronic ID impact the overall effectiveness of State CMV inspection programs?*

As mentioned above, establishing a universal electronic vehicle identifier requirement for commercial motor vehicles would significantly improve the efficacy of the states' roadside enforcement programs, which are designed to improve safety by removing unsafe drivers, vehicles and motor carriers from our roadways. Currently, inspectors often use a manual process to enter in visual identifiers, one by one, of vehicles the observe that they are considering for inspection. The universal electronic vehicle identifier concept would automate and expedite this process, allowing inspectors to simultaneously evaluate multiple vehicles in their immediate vicinity and make better informed inspection selection decisions.

There are roughly 13,000 inspectors responsible for overseeing compliance for millions of commercial motor vehicles. Inspectors need all the tools they can get to help meet this growing demand. Deploying the universal electronic vehicle identifier concept would allow the jurisdictions to reach more vehicles, drivers and motor carriers, better identifying those who currently are not inspected very frequently due to their routes or operating area. This would improve the data the states and FMCSA have on the motor carrier industry. As the states and FMCSA move more and more to data-based approaches in their safety plans, a better understanding of the industry would result in stronger plans, better tailored to address safety challenges.

Also, as noted above, the universal electronic vehicle identifier concept would assist with identifying when a motor carrier is trying to mask their safety and inspection history by reincarnating as a new motor carrier and selling their vehicles to the 'new' carrier. These reincarnated carriers, also known as chameleon carriers, are particularly concerning, as they have demonstrated a lack of safety culture and a willingness to violate the regulations in order to continue to operate. Identifying and removing these motor carriers is a top priority for FMCSA and the states and establishment of a universal electronic vehicle identifier would provide an additional tool to help do that.

c. *How much time would compliant motor carriers save if an electronic ID were to be required?*

The universal electronic vehicle identifier concept is intended to provide the inspector with a tool to help inform their inspection selection decisions. The inspector will use a number of factors to inform their inspection selection decision, including the motor carrier's safety data, their jurisdiction's policies and their own observation of the vehicle condition and driver behavior to determine if an inspection is warranted. The universal electronic vehicle identifier concept would automate and expedite that process but does not replace the inspector. As a result, it is difficult to quantify how much time compliant motor carriers may save if a universal electronic vehicle identifier were required for all commercial motor vehicles. However, the purpose of the roadside inspection program is to remove unsafe vehicles, drivers and motor carriers from our roadways. The states and their inspectors design their programs to locate and interact with those most in need of intervention and inspectors do not want to spend their time inspecting trucks that are well maintained and interviewing drivers with strong safety records. As a result, as more data is pulled into the system on more motor carriers, inspectors will be better equipped to separate the compliant carriers from those with safety issues that need to be addressed and focus on the latter. An additional benefit of this concept is that compliant carriers will spend less time idling on the side of the road while an inspector decides whether or not to inspect the vehicle and/or driver. This will result

in fewer emissions for both the commercial motor vehicle and the inspector's vehicle, as well as less exposure to traffic on the side of the road.

d. What is the cost of adding electronic ID technology by type (e.g., transponder, wireless, software, etc.)?

This is not information CVSA has readily available. However, CVSA anticipates the cost to be minimal, because it's a simple concept and the technology needed to achieve the one-way communication from the vehicle to enforcement exists today. The exact costs will depend on which technology FMCSA selects. While CVSA has not identified a preferred technology approach for communicating the unique electronic vehicle identifier, CVSA does not support FMCSA allowing for a transponder. It is critical to CVSA that the unique electronic vehicle identifier be tied to one vehicle only and not be removeable or transferrable. We do not believe a transponder is compatible with those requirements.

e. What is the cost of electronic ID equipment for States, carriers, and drivers?

The costs will depend on what technology FMCSA selects. Once FMCSA selects a communications method and sets the technical standards, CVSA requests that any equipment necessary on the enforcement side to receive the communication of the unique electronic vehicle identifier be made eligible under the Motor Carrier Safety Assistance Program, as well as the High Priority Innovative Technology Deployment grant program.

f. What is the cost of maintaining/ operating electronic ID equipment (e.g., internet connection, inspection, repair, third party contracting fees, etc.)?

The costs will depend on what technology FMCSA selects. However, CVSA anticipates the cost to be minimal, because it's a simple concept and the technology needed to achieve the one-way communication from the vehicle to enforcement. Most of the costs identified in the question - internet connection, inspection, repair, third party contracting fees – will not be necessary if FMCSA deploys the universal electronic vehicle identifier concept as a simple, one-way communication – from the vehicle to enforcement – to provide the inspector with the single data point – the unique electronic vehicle identifier.

g. What is the additional administrative burden (time and costs not already associated with vehicle or carrier registration) for registering the electronic ID and updating the registration as necessary to ensure that it is associated with the current motor carrier responsible for safety?

CVSA anticipates that the work associated with adding this additional data point will be minimal, particularly if the agency selects the VIN as the unique electronic vehicle identifier. Once the identifier is chosen, some system updates will be necessary on the enforcement side, but overall the burden to industry should be very small.

5. Other

a. *Is there any other information associated with electronic IDs that FMCSA should consider? Please describe*.

As noted throughout the comments above, it is absolutely imperative that FMCSA keep the universal electronic vehicle identifier concept separate from the electronic inspection concept. In the ANRPM,

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FMCSA seeks feedback on both the electronic identification of commercial motor vehicles, which is the concept outlined in CVSA's petition, as well as electronic inspection of commercial motor vehicles, which is a separate initiative. The universal electronic vehicle identifier concept is envisioned as a one-way communication – from the vehicle to enforcement – to provide the inspector with information to help inform their inspection selection process. No communication back to the commercial motor vehicle is necessary under this concept. It is critical that the two concepts be kept separate and distinct from one another to avoid confusion. Many of the privacy and data security concerns raised by opponents are not applicable to the universal electronic vehicle identifier concept that CVSA has proposed. In order to gather clear feedback on the universal electronic vehicle identifier concept, rather than a mix of feedback on multiple concepts, FMCSA should separate the two proposals completely. Merging the two concepts into one proposal does a disservice to both ideas, as well as the stakeholders invested in the initiatives and the general commercial motor vehicle community. This will not provide FMCSA with the feedback necessary to make a decision on how to proceed with the universal electronic vehicle identifier concept.

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 by phone at 202-998-1008 or by email at collin.mooney@cvsa.org.

Respectfully,

Collin B. Mooney, MPA, CAE
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