



June 8, 2022

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

RE: State Inspection Programs for Passenger-Carrier Vehicles [Docket No. FMCSA-2022-0079]

The American Association of Motor Vehicle Administrators (AAMVA) thanks the Federal Motor Carrier Safety Administration (FMCSA) for its work in encouraging vehicle safety. As vehicles become more complex and mechanical performance systems are replaced with layered vehicle technologies capable of providing advanced telltales alerting operators and mechanics of potential issues with a vehicle's performance, oversight of these systems is as important as ever. However, there has been a shift in the way oversight of these systems take place, and the advancement of vehicle safety system protocols should keep pace with the advancements in technology and a vehicle's ability to inform of potential problems. AAMVA offers the following comments in support of FMCSA's prior removal of the advanced notice of proposed rulemaking.

Unfunded Mandate Concerns

First and foremost, AAMVA has concerns that the designation of state agencies to perform state inspections on an expanded fleet of classified vehicles represents an unfunded mandate. The current trend towards vehicle safety inspections for passenger vehicles is in decline. Currently only 13 states require safety inspections on all vehicles and this could represent an annual or biannual requirement. With state budgets severely constrained due to competing safety priorities, many state passenger vehicle inspection programs are viewed as providing diminishing safety returns at cost to the state. Enforcement of vehicle safety issues continues with or without annual checks on the vehicles which may provide only a temporary snapshot of vehicle capabilities at the time the inspection was performed. FMCSA's proposal to expand state inspection programs would strain state resources, require states to hire new personnel or reorganize their limited resources to include additional classes of vehicles, place operational demands on limited program management operations to include specialized inspection or third-party inspection programs, expand data and recordkeeping requirements, and necessitate IT infrastructure changes to accommodate such a program – all without the provision of additional resources to the states. Additionally, even if the programs are resourced through federal program funds, states would often require additional legislative contract authority to expand programs to accommodate these additional inspections or be detailed with the appropriate third-party oversight authority before a program could be established.

Expanded Definition of Qualified Vehicles

AAMVA has concerns over which specific classes of passenger vehicles the ANPRM would contemplate as required for inspection. While the request for comment identifies some classes of passenger carrying motor vehicles the agency would include in additional regulatory actions (motorcoaches, school buses, mini-buses, 9-15 passenger vans, or other), each specific class of vehicle would expand the inspection program drastically and could require variations in the specialization and distinct training of each vehicle class's required inspectors, adding additional cost to the states. These variations could also require the state to partner with qualified third-party inspectors for specific types of vehicles. This ambiguity could also impact what additional agency actions mean in terms of state agency capabilities or who within the structure of the state is required to perform the inspections. Details on what qualifies as a passenger carrying CMV would make dramatic differences in the scope of potential impacts.

Lack of Clarity on who Performs the Inspections

While state commercial motor vehicle inspection personnel currently conduct inspections on commercial vehicles for enforcement purposes, the inspections are based on operating vehicles. An expansion of the program to include passenger carrying commercial vehicles would require the state to either stand up an entirely new program or expand its existing inspection program dramatically. It is unclear from the request for comment whether FMCSA anticipates that the state vehicle registration authorities would conduct the inspections or whether the state commercial vehicle enforcement inspectors would carry out the goals of a passenger commercial vehicle inspection program. While the notice may appropriately remain silent on who the state determines is best qualified to conduct the program, any new program requirements could strain division of duties between collaborating agencies. Each state also has differing governance structures that may complicate the ability for oversight and carrying inspection criteria to operations. Before any requirements for inspection, FMCSA must consider what the consequences of non-inspection would be and determine how failures would be leveraged against passenger carrying CMV operations. These additional duties also tie back into unfunded mandate concerns as conveyance of penalties requires the ability to institute IT changes for recordkeeping, additional staff and hearing officers to manage suspensions or any other considered consequential actions associated with due process and docket management. AAMVA questions whether the failure to pass inspection would result in a canceling of registration for the vehicle, or whether the failure of an inspection would classify the vehicle as ineligible for carrier operations (or both). This could have impacts for how the program is established, performed or maintained.

Recommendations

Ultimately, AAMVA believes the expansion of this program prior to concrete inspection criteria and specific direction on how states should respond to non-compliance with inspections is premature. As noted above, inspections provide a snapshot of current vehicle equipment safety. Standing up such an impactful program would come at great cost to the states at a time when available resources for these types of programs are diminishing. Current inspection programs for passenger vehicles provide insight into only the most basic (though essential) aspects of vehicle safety. Before contemplating an expansion of inspection program requirements, AAMVA encourages FMCSA to instead withdraw any requirements for the states to expand inspections to passenger-carrying commercial motor vehicles and instead focus on updating the baseline periodic inspection requirements for the existing vehicles subject to federal inspection requirements as requested by the Commercial Vehicle Safety Alliance (CVSA). Additionally, AAMVA urges FMCSA to carefully consider the submitted comments of its safety partners at the CVSA who hold extensive inspection expertise.

AAMVA further notes that the Infrastructure Investment and Jobs Act (P.L. 117-58) Section 20038 also carries language requesting the agency to explore whether data and information exist to support moving forward with a rulemaking. AAMVA contends that current evaluations of safety impacts through non-existent programs do not exist. Additionally, this legislative language provides that FMCSA consider whether self-reporting of inspection information serves as a viable alternative. The combination of options open to exploration suggests that regulatory mandates at this time are premature.

With respect to the specific questions included in the request for comment, AAMVA does not collect national inspection data from its members or external sources. We would defer to state inspection authorities' expertise on any operational data.

AAMVA thanks FMCSA for its continued commitment to vehicle and passenger safety and stands ready to support the agency in its mission to save lives.

Cian Cashin

AAMVA Director of Government Affairs

ccashin@aamva.org