

November 9, 2016

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

Re: Docket ID's FMCSA-2014-0083, NHTSA 2016-0087

Introduction:

The Institute of Scrap Recycling Industries, Inc. (ISRI) submits the following comments to the Federal Motor Carrier Safety Administration (FMCSA) and National Highway Transportation Safety Administration (NHTSA) regarding Federal Motor Vehicle Safety Standards; Federal Motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices; Proposed Rule.

ISRI represents more than 1300 companies in 34 countries (of which 800 member companies have US DOT authority). Nationally ISRI has 21 chapters nationwide of companies that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics and textiles. With headquarters in Washington, D.C., the institute provides education, advocacy, safety compliance, training, and promotes public awareness of the vital role recycling plays in the U.S. economy, global trade, the environment, and sustainable development.

Proposed rulemaking background:

NHTSA and FMCSA are proposing regulations that would require vehicles with a gross vehicle weight rating of more than 26,000 pounds to be equipped with a speed limiting device initially set to a speed no greater than a speed to be specified in a final rule and would require motor carriers operating such vehicles in interstate commerce to maintain functional speed limiting devices set to the to-be-determined speed for the service life of the vehicle. The speed limits under consideration in the notice are 60 miles per hour (MPH), 65 MPH, and 68 MPH.

Summary of Position:

ISRI supports rules and regulations that increase highway safety (reduce accident frequency and severity). ISRI has been an active supporter of pro-safety regulatory changes at both the state and national levels over the years. Because of our strong support for highway safety, ISRI cannot support the proposed regulation as written for the following reasons:

1. The proposed rule (FMCSA-2014-0083, NHTSA 2016-0087) fails to address the scenario of one speed-limited vehicle trying to pass another speed-limited vehicle on an interstate highway, but cannot because it is incapable (i.e., restricted) of traveling any faster. The result would be the backing up of other road traffic behind the two speed-limited vehicles. This situation could cause motorists to follow too close to each other (tailgating) and potentially other maneuvers (i.e., braking or lane weaving to avoid congestion) which would likely lead to more accidents and serious pileups. This scenario would be especially prevalent in the 34 states with highway speed limits for trucks of 70 MPH or greater.
2. A second situation is similar to the first, but in this scenario a driver behind the speed-limited vehicles attempts an aggressive maneuver to get around the vehicles but, because of the speed limitation, ends up causing an accident.
3. The proposed rule also ignores the fact that thousands of trucks often travel in western states for hundreds of miles without interacting with other traffic. In this scenario, there is no immediate clear rational basis for suggesting a truck traveling on Interstate 90 in South Dakota should have the same top speed as a truck traveling on Interstate 294 near the Chicago city limits.
4. The proposed rule ignores the legitimate and known safety hazard of speed differentials. There is nothing in the record offered to show the safety impact when a 60, 65, or 68 MPH limit is applied to commercial motor vehicles that weigh in excess of 26,000 pounds while surrounded by cars and other smaller trucks traveling at speeds of 10, 15 and perhaps 20 MPH greater (Issue: faster vehicles overtaking slower vehicles / drivers attempting to judge closing speeds). This scenario poses a significant risk for motorists on the roads.
5. The proposed rule does not consider the fact of CMV drivers speeding on roads where the posted limits are well below any of the proposed governed speeds, crashes will continue to occur even in the event of a mandatory installment of speed limiters. Physical speed enforcement is the best deterrent.

ISRI recommends the following:

1. That FMCSA take a more aggressive approach with motor carriers that exceed the Compliance Safety Accountability (CSA) Unsafe Driving BASIC threshold, in addition to providing a standard intervention form letter for some first time offenders. A mandatory intervention assessment from FMCSA or a state agency should also be conducted.
2. That FMCSA and NHTSA consider motor carriers policing drivers internally by using current technologies that mitigate risk by reducing driver behavior such as global positioning systems (GPS), electronic log devices (ELD's), and accident

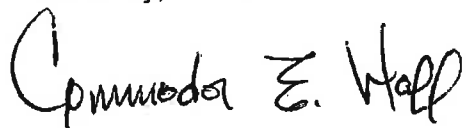
avoidance devices (camera event recorders, lane departure warning, forward collision warning, and blind spot information systems). These devices are cost effective and can easily be interchanged from one vehicle to another.

3. Future vehicle-to-vehicle communications, e.g., will soon allow cars and trucks to communicate with and avoid each other (perhaps regardless of driver input). In such an environment, a speed limiter would offer no additional safety benefit and would merely be an unnecessary cost and a potential safety hazard.

Conclusion:

ISRI respectfully recommends that the proposed rule be withdrawn, researched, and rewritten for the benefit of all of the motoring public.

Sincerely,

A handwritten signature in black ink that reads "Commodore E. Hall". The signature is written in a cursive, slightly stylized font.

Commodore E. Hall, CDS
Transportation Safety Director
Institute of Scrap Recycling Industries, Inc.

Commodor Hall

From: Regulations.gov <no-reply@regulations.gov>
Sent: Wednesday, November 09, 2016 2:26 PM
To: Commodor Hall
Subject: Your Comment Submitted on Regulations.gov (ID: FMCSA-2014-0083-3642)



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Agency: Federal Motor Carrier Safety Administration (FMCSA)

Document Type: Rulemaking

Title: Parts and Accessories Necessary for Safe Operation: Speed Limiting Devices

Document ID: FMCSA-2014-0083-3642

Comment:

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Uploaded File(s):

- FMCSA-2014-0083, NHTSA -2016-0087 (ISRI DRAFT).pdf

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Category: Public Comment(s)

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