



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

April 12, 2016

The Honorable Christopher A. Hart
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Chairman Hart:

I am pleased to update you on our activities that address Safety Recommendations H-09-29 through H-09-31 issued by the National Transportation Safety Board (NTSB) to the National Highway Traffic Safety Administration (NHTSA) regarding the Victoria, TX motorcoach crash.

H-09-29: Direct NHTSA and the Federal Motor Carrier Safety Administration (FMCSA) to work in conjunction with the U.S. Customs and Border Protection Agency to develop and implement a process to detect motor carriers that are currently operating non-Federal Motor Vehicle Safety Standard (FMVSS)-compliant motorcoaches or other passenger-carrying commercial motor vehicles, other than exempted vehicles, in the United States (outside of the commercial zone), and when such vehicles are detected, to ensure that the FMCSA has the authority to place such vehicles out of service and require that these motor carriers cease operating those vehicles in commercial interstate passenger service or face revocation of their operating authority *(to the United States Department of Transportation)*.

H-09-30: Develop, in conjunction with FMCSA, a web-based database of FMVSS-compliant passenger-carrying commercial motor vehicles that can be utilized by Federal, State, and local enforcement inspection personnel to identify non-FMVSS-compliant passenger-carrying commercial motor vehicles so that these vehicles are placed out of service and cease operating in the United States. Implement a process to periodically update this database

H-09-31: When the database requested in H-09-30 is completed, make the database known and accessible to state vehicle registration agencies and to Federal, State, and local enforcement inspection personnel for their use during roadside inspections and compliance reviews to identify non-FMVSS-compliant passenger-carrying commercial motor vehicles.

We have pointed out in our letters between our agencies, as well as in an August 17, 2011, with NTSB and FMCSA staff, that we believe establishing a database as described in the recommendations is unfeasible. We continue to believe that training border inspectors is the most practical way to ensure that motorcoaches crossing the border can legally

operate on U.S. roads. To this end, we developed training that has now been provided to Custom Border Patrol (CBP), FMCSA, and port inspectors. Since 2011, we have provided this training to FMCSA staff, and expanded the training across the country.

The training was provided at the following Ports of Entry on the dates indicated below. At these ports, NHTSA personnel made presentations concerning:

- How to identify a noncompliant motorcoach;
- Import and certification requirements for motor vehicles and equipment; and
- Current issues involving the importation of motor vehicles and motor vehicle equipment, including tires, motorcycle helmets, and lighting.

Training Dates and Ports of Entry

2011

- September 19 - Philadelphia, PA, 20 CBP officers and CBP import specialists.
- September 20 - Buffalo, NY, 50 CBP officers, CBP import specialists, and members of the trade.
- September 21 - Port Huron, MI, 20 CBP officers.
- September 22 - Detroit, MI, 2 presentations, each attended by approximately 20 CBP officers.
- September 23, Cleveland, OH, 50 CBP officers, CBP import specialists, and members of the trade.
- September 27, Eagle Pass, TX, 25 CBP officers, CBP import specialists, and 1 FMCSA Inspector.
- September 28, Laredo, TX, 50 persons including CBP officers, CBP import specialists, 6 FMCSA Inspectors; and 5 State of Texas Department of Public Safety commercial vehicle inspectors.
- Fall 2011: FMCSA headquarters staff.

2012

- September 11 - Wilmington, NC, 6 CBP Officers and Import Specialists.
- September 12 - Greenville/Spartanburg, SC, 6 CBP Officers and Import Specialists.
- September 13 - Atlanta, GA, 20 CBP Officers and Import Specialists.
- September 14 - Birmingham, AL, 3 CBP Officers.

2013

- September 17 - Charleston, SC, 15 CBP Officers and Import Specialists.
- September 17 - Savannah, GA, 10 CBP Officers and Import Specialists.
- September 18 - Savannah, GA, 10 CBP Officers and Import Specialists.

The Honorable Christopher A. Hart

- September 18 - Jacksonville, FL, 15 CBP Officers and Import Specialists.
- September 19 - Mobile, AL, 20 CBP Officers and Import Specialists.
- September 20 - New Orleans, LA, 3 CBP Officers and Import Specialists.

2014

- September 9 - Los Angeles, CA, 15 CBP Officers and Import Specialists
- September 10 - Long Beach, CA, 1 CBP Import Specialist
- September 11 - San Diego, CA, 15 CBP Officers and Import Specialists
- September 15 - Newark, NJ, 7 CBP Import Specialists
- September 15 - JFK Airport, NY, 20 CBP Officers and Import Specialists
- September 17 - Bangor, ME, 1 CBP Officer
- September 18 - St. Albans, VT, 20 CBP Officers and Import Specialists
- September 19 - Champlain, NY, 30 CBP Officers and Import Specialists

2015

- August 25 - Blaine, WA, 15 CBP Officers and Import Specialists
- August 26 - Seattle, WA, 20 CBP Officers and Import Specialists
- August 26 - Portland, OR, 15 CBP Officers and Import Specialists
- August 28 - San Francisco, CA, 25 CBP Officers and Import Specialists

We also held several training sessions that covered NHTSA import and certification requirements, and how to identify a motor coach that was not originally manufactured to comply with all applicable FMVSS. We remain committed to this training, and we believe that it is a more efficacious approach to detecting motor carriers that are currently operating non-FMVSS-compliant motorcoaches, and will not pursue a database-approach to this issue. In light of these activities, we again request that NTSB re-classify the recommendations as Closed-Acceptable Alternate Action.

As always, we appreciate NTSB's efforts toward our shared commitment to improving transportation safety. If you have any questions, or require additional information, please contact me, or Ms. Melanie O'Donnell, our NTSB liaison in the Office of Government Affairs, Policy and Strategic Planning, at 202-366-0689 or by email at melanie.odonnell@dot.gov.

Sincerely,

A handwritten signature in dark ink, reading "Mark R. Rosekind". The signature is fluid and cursive, with the first name "Mark" and last name "Rosekind" clearly legible.

Mark R. Rosekind, Ph.D.