



U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

Deputy Administrator

1200 New Jersey Ave, SE  
Washington, DC 20590

Mr. Collin B. Mooney  
Executive Director  
Commercial Vehicle Safety Alliance  
6303 Ivy Lane, Suite 310  
Greenbelt, MD 20770

Dear Mr. Mooney:

This letter responds to the Commercial Vehicle Safety Alliance (CVSA) petition for the Federal Motor Carrier Safety Administration (FMCSA) to amend 49 CFR 395.2 to define the term “personal conveyance.” CVSA first petitioned FMCSA to amend § 395.2 on December 17, 2018. FMCSA denied that petition on September 18, 2020.

Your petition asks FMCSA to set a maximum distance and/or time limit on a driver’s use of a commercial motor vehicle (CMV) for personal conveyance. You state that without a limit, a driver could, in theory, drive hundreds of miles using personal conveyance status, potentially increasing driver fatigue. You state that since your initial petition, enforcement officials have seen an increased misuse of the personal conveyance status. You note FMCSA added violation code 395.8E1PC to the roadside inspection software in June 2021, allowing enforcement officials to cite instances of personal conveyance misuse. Enforcement officials cited 3,041 violations using that code through January 28, 2022. Your analysis indicates that 61 percent of those violations were an attempt to conceal hours of service violations.

While we appreciate the preliminary data pertaining to violation code 395.8E1PC, FMCSA continues to lack sufficient data to initiate a rulemaking. FMCSA would need data showing the extent to which drivers’ violations result in safety critical events. In addition, the preliminary violation data suggests enforcement officials already identify drivers with hours-of-service violations relating to personal conveyance misuse, without a time or distance limit. Under FMCSA’s June 17, 2018, regulatory guidance, a driver who drives hundreds of miles in a direction that advances the motor carrier’s operational readiness is not permitted to record that time as personal conveyance.

For the reasons noted above, FMCSA denies your petition for rulemaking. Should you need additional information or assistance, please contact Valerie Beck, Acting Chief, Driver and Carrier Operations Division, at [valerie.beck@dot.gov](mailto:valerie.beck@dot.gov).

Sincerely,

A handwritten signature in blue ink that reads "Robin Hutcheson". The signature is written in a cursive style with a horizontal line extending to the right.

Robin Hutcheson  
Deputy Administrator