



## National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

May 18, 2021

Docket Management Facility  
US Department of Transportation  
1200 New Jersey Avenue, SE  
Room W12-140  
Washington, DC 20590-0001

RE: Docket No. FMCSA-2018-0152

Dear Sir or Madam:

The National Transportation Safety Board (NTSB) has reviewed the Federal Motor Carrier Safety Administration's (FMCSA) supplemental notice of proposed rulemaking (SNPRM) titled "Extension of Compliance Dates for Medical Examiner's Certification Integration," published at 86 *Federal Register* 21259 on April 22, 2021. The proposed rulemaking would, for the second time, extend compliance dates for provisions of FMCSA's Medical Examiner's Certification Integration (MECI) final rule. Although the NTSB acknowledges that extension of those compliance dates might be needed, we believe that the proposed extension of the dates by 4 years is excessive and should be no longer than 2 years.

The MECI final rule, originally published on April 23, 2015, with an effective date of June 22, 2015, included provisions to use FMCSA's National Registry of Certified Medical Examiners (National Registry) to electronically transmit medical certification data on applicants for or holders of commercial driver's licenses or commercial learner's permits to state driver licensing agencies (SDLAs) for posting to the drivers' motor vehicle records. After implementation of those provisions, certified medical examiners would no longer be required to issue paper medical certificates to interstate commercial driver's license or commercial learner's permit applicants/holders at the time of each medical examination, SDLAs would no longer need to manually enter medical certification information into those drivers' motor vehicle records, and motor carriers would no longer be required to verify that the examiners who certified their drivers were certified medical examiners listed on the National Registry.

Compliance with those provisions was originally required by June 22, 2018, 3 years after the effective date of the MECI final rule. The lag was designed to allow FMCSA and SDLAs sufficient time to develop, test, and install the necessary information technology (IT) infrastructure. On June 21, 2018, FMCSA issued an interim final rule extending the compliance date to June 22, 2021, to give FMCSA additional time to complete related IT system development tasks for the National Registry and then give SDLAs sufficient time to make the necessary IT changes. The current SNPRM proposes extending the compliance dates again, to June 23, 2025, citing ongoing challenges associated with IT system development for the National Registry.

Among the challenges is that FMCSA took the National Registry offline in December 2017 in response to an unsuccessful attempt by an intruder to compromise the website. An interim version of the National Registry was implemented and remains in use, but it does not support electronic transmission of medical certification data to SDLAs. FMCSA planned for a replacement National Registry system, and unsuccessfully attempted to launch the first stage in May 2019. In December 2020, FMCSA selected a vendor to develop a new replacement system. The NTSB is aware from recent correspondence that FMCSA hired the vendor in April 2021. FMCSA has targeted early 2022 for the replacement system to be ready. According to the SNPRM, FMCSA anticipates that SDLAs will need 3 years to develop and implement IT changes after the new National Registry system and its technical specifications are released.

Safety is at stake with this continued delay. In 2015, FMCSA stated in its executive summary of the MECI final rule that electronic transmission of medical certification information from the National Registry would reduce the potential for submitting falsified medical certificates to SDLAs. FMCSA stated that this would in turn decrease the risk of commercial motor vehicle crashes attributable, in whole or in part, to drivers having medical conditions that adversely affect their safe operation of commercial motor vehicles. Yet, the SNPRM proposes to further delay full implementation of the MECI final rule until a decade after its effective date of June 22, 2015.

The delay in developing a replacement National Registry system further affects safety because the National Registry, which FMCSA developed partly in response to NTSB recommendations, is an important tool for improving the quality of commercial driver medical certification, thereby helping to protect all road users. The National Registry was established in 2012, with required compliance beginning in May 2014. Since 2014, the NTSB has investigated multiple crashes in which issues of commercial driver medical fitness were determined to be causal or contributory.<sup>1</sup> We continue to identify safety risks posed by commercial driver medical issues in NTSB investigations. FMCSA should view as a top priority making the National Registry as effective a safety tool as possible, as soon as possible.

Considering the development delays that have already occurred at FMCSA, the NTSB acknowledges that extending the compliance dates associated with the MECI final rule might be necessary. However, we strongly urge FMCSA to now fully commit the necessary resources to expedite the implementation of a replacement National Registry system. As part of that effort, FMCSA should provide SDLAs with the technical specifications necessary to support IT development as early as possible.

Comments submitted during rulemaking for the 2015 MECI final rule indicated that several SDLAs had concerns about meeting 3-year compliance dates because, if FMCSA took 1 to 2 years to develop and disseminate technical specifications, the states would have insufficient time to implement the required changes. FMCSA responded that a 3-year time frame was adequate

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<sup>1</sup> For example, [\*Multivehicle Collision and Postcrash Fire in Partially Stopped Traffic on Interstate 290, Elmhurst, Illinois, March 1, 2018\*](#) (Highway Accident Brief NTSB/HAB-20/03), [\*Selective Issues in School Bus Transportation Safety: Crashes in Baltimore, Maryland, and Chattanooga, Tennessee\*](#) (Special Investigation Report NTSB/SIR-18/02), [\*Motorcoach Collision With Combination Vehicle After Traffic Break on Interstate 10, Palm Springs, California, October 23, 2016\*](#) (Highway Accident Report/HAR-17/04), and [\*Motorcoach Run-Off-the-Road and Overturn, US Highway 83, Laredo, Texas, May 14, 2016\*](#) (Highway Accident Report NTSB/HAR-18/03).

because the agency was working to send technical specifications to the states sooner than in the past. In 2018, however, FMCSA extended compliance dates by 3 years.

The current proposal to extend compliance dates another 4 years is not justified. FMCSA now has a contract with a vendor to complete system development, including delivery of technical specifications to SDLAs, within less than a year of the current (June 22, 2021) compliance dates. In addition, FMCSA has now had substantial opportunity to assess the needs of the project and potential barriers to implementation. If FMCSA expedites dissemination of the technical specifications, a 2-year extension should give SDLAs sufficient time to implement IT changes. Therefore, the NTSB believes that FMCSA should not extend the date for full compliance with the provisions of the MECI final rule by any longer than 2 years (at the latest, to June 22, 2023).

Thank you for the opportunity to provide comments.

Sincerely,

Robert L. Sumwalt, III  
Chairman