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March 1, 2016

Chairwoman Susan Collins, Senate Appropriations Subcommittee on Transportation, Housing and Urban Affairs, and Related Agencies

Ranking Member Jack Reed, Senate Appropriations Subcommittee on Transportation, Housing and Urban Affairs, and Related Agencies

Chairman Mario Diaz-Balart, House Appropriations Subcommittee on Transportation, Housing and Urban Affairs, and Related Agencies

Ranking Member David Price, House Appropriations Subcommittee on Transportation, Housing and Urban Affairs, and Related Agencies

Dear Chairs Collins and Diaz-Balart and Ranking Members Reed and Price:

As representatives of the commercial motor vehicle operator industry representing property and passenger carriers, we write to support a provision for inclusion in the FY 2017 Department of Transportation Appropriations bill to stop the Federal Motor Carrier Safety Administration (FMCSA) from proceeding the Safety Fitness Determination rulemaking until all reforms related to the Compliance, Safety and Accountability/Safety Measurement System (CSA/SMS) programs mandated by the Fixing America's Surface Transportation Act (FAST Act) are completed.

The FMCSA issued a Notice of Proposed Rulemaking: “Carrier Safety Fitness Determination” on January 21, 2016. The current safety fitness rating system ranks carriers as Satisfactory, Conditional or Unsatisfactory based on a comprehensive safety compliance review. The rule proposes to radically modify the Safety Fitness rating system in which carriers are evaluated for both the enforcement community and the general public. The new methodology would be based on on-road safety data using five of the Agency’s seven Behavior Analysis and Safety Improvement Categories (BASICS); an investigation, which will consider all seven BASICS, or a combination of on-road safety data and investigation information. The proposed new system would remove all of the existing ratings and create only one rating, “Unfit”.

Our major concern with the proposal is that the new proposed methodology utilizes flawed CSA/SMS data and scores, which pursuant to the FAST Act, Congress has directed the agency to completely overhaul just two months ago. As representatives of the commercial motor vehicle operator industry representing property and passenger carriers, this does not make sense. While we support the goal of an easily understandable, rational safety fitness determination system, this proposal is built on a flawed foundation.

FMCSA should complete the reforms to the CSA/SMS system before proceeding to a new method of evaluating safety fitness of carriers. In the meantime, the current safety fitness rating system available to customers would remain in place.

The requested language for inclusion in the FY 2017 DOT Appropriations bill is as follows:

“None of the funds appropriated or otherwise made available by this Act or any other Act may be used to amend, revise or otherwise modify by rulemaking, guidance, or interpretation the regulations in effect on December 4, 2015 relating to safety fitness determinations for motor carriers until the Inspector General of the Department of Transportation makes the certifications set out in section 5223(a) of P.L. 114-94.”

Thank you very much for your consideration of this request.

Sincerely,

National Associations

American Moving and Storage Association
American Pyrotechnics Association
Customized Logistics and Delivery Association
Gases and Welding Distributors Association
Institute of Makers of Explosives
International Liquid Terminals Association
National Association of Motorcoach Operators
National Private Truck Council
National Propane Gas Association
National School Transportation Association
Owner-Operator Independent Drivers Association
Petroleum Marketers Association of America
United Motorcoach Association

State and Regional Associations

Alabama Motorcoach Association
Bus Association of New York State
California Bus Association
California School Transportation Association
Georgia Motorcoach Association
Greater New Jersey Motorcoach Association
Illinois School Transportation Association
Maryland Motorcoach Association
Minnesota Charter Bus Operators Association
Minnesota School Bus Operator’s Association
Midwest Bus & Motorcoach Association
Motorcoach Association of South Carolina
New York School Bus Contractors Association
New Jersey State School Bus Contractors
Northwest Motorcoach Association
Pennsylvania School Bus Association
Pennsylvania Bus Association
School Transportation Association of Massachusetts
South Central Motorcoach Association
Tennessee Motorcoach Association
Virginia Motorcoach Association
Wisconsin School Bus Association