

Congress of the United States
Washington, DC 20515

May 4, 2016

T.F. Scott Darling
Acting Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue
Washington, D.C. 20590

Dear Acting Administrator Darling:

We write to express our concerns with the Federal Motor Carrier Safety Administration's (FMCSA) proposed Safety Fitness Determination (SFD) rule.

The proposed SFD rule, published in the Federal Register on January 21, 2016, radically modifies the system used to determine a motor carrier's fitness to operate on our nation's highways. **While we support an easily understandable, effective safety fitness standard, we have great concern that the new proposed methodology utilizes flawed Compliance, Safety and Accountability (CSA)/Safety Measurement System (SMS)/ Behavior Analysis and Safety Improvement Categories (BASICS) data and analytics.**

As you recall, during the consideration of the most recent surface transportation reauthorization legislation, multiple members of Congress and industry group stakeholders outlined significant problems with the FMCSA's CSA/SMS/BASICS program. Concerns centered on the accuracy and reliability of the SMS data that is used to determine a carrier's CSA score and many other issues. Issues with SMS were cited as far back as 2014 in the Government Accountability Office's study that recommended FMCSA "revise SMS methodology to better account for limitations in available information when drawing comparisons of safety performance across carriers."

In the recently enacted Fixing America's Surface Transportation Act (FAST) Act, Congress mandated a significant overhaul of the CSA/SMS program. First, the legislation required your agency to stop publishing the misrepresentative scores for property carriers and to complete strictly outlined improvements. While you are in the process of implementing the FAST Act reforms, it is inconceivable that you would propose using the same data and analysis Congress has agreed is faulty in a new safety fitness determination methodology. Common sense dictates that FMCSA should complete the reforms to the CSA/SMS system before proceeding to a new method of evaluating safety fitness of carriers.

Safety remains our top priority and we support an easily understandable, rational safety fitness rating system for commercial motor vehicle operators. However, incorporating misleading safety data and analysis into a new safety fitness determination will not provide the desired safety to the travelling public. We are hopeful that the FAST Act reforms will result in more reliable safety metrics for the agency and for carriers. We urge you to allow the Congressionally-mandated CSA reform process to be fully-completed before finalizing a new safety fitness rating methodology rulemaking.


Sincerely,



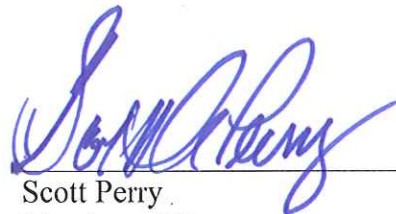
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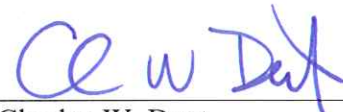
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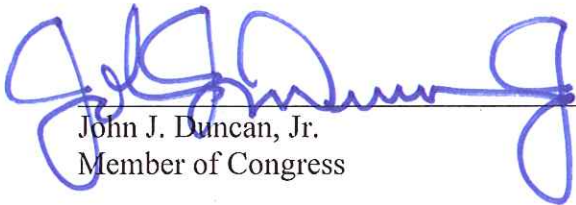
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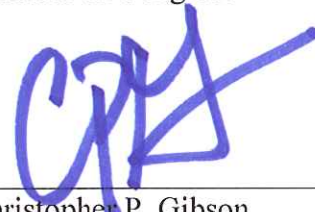
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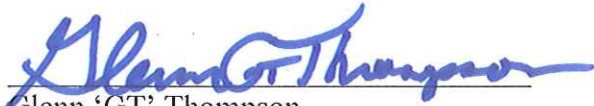
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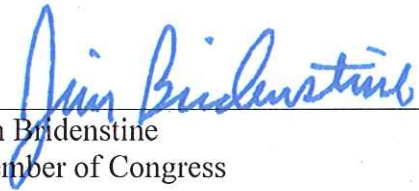
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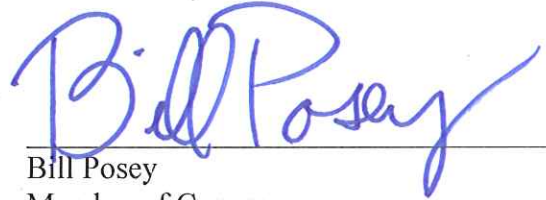
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