



February 15, 2017

The Honorable Elaine L. Chao
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Chao,

As representatives of the commercial motor vehicle operator industry representing property and passenger carriers, we write to you regarding an important federal motor carrier regulatory issue needing your prompt attention.

The Federal Motor Carrier Safety Administration 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 Compliance, Safety and Accountability (CSA) program/Safety Measurement System (SMS) data and scores, which Congress directed the agency to review and reform just months earlier in the Fixing America's Surface Transportation Systems Act (FAST Act) enacted in December of 2015. Those reforms are in process with initiation of a study by the National Academy of Sciences and their final report is expected in June of this year. As representatives of the commercial motor vehicle operator industry representing property and passenger carriers, we do not believe it makes sense to build a new safety fitness determination system upon a flawed system which is currently undergoing Congressionally mandated review and reform and is likely to change. While we support the goal of an easily understandable, rational safety fitness determination system, this proposal is built on a flawed foundation.

We urge you to rescind this ill-advised and harmful rulemaking immediately and participate fully in the reform of the CSA/SMS process as mandated by Congress. We look forward to working with you on this important issue. For responses or questions on this letter, please contact Becky Weber at (202) 530-4811.

Thanks very much for your consideration.

Sincerely,

National Organizations

Air and Expedited Motor Carrier Association
Alliance for Safe, Efficient and Competitive Truck Transportation
American Home Furnishings Alliance
American Moving and Storage Association
American Pyrotechnics Association
American Trucking Associations
Apex
Auto Haulers Association of America
Central Transport
Customized Logistics and Delivery Association
Expedite Association of North America
Gases and Welding Distributors Association
Institute of Makers of Explosives
International Liquid Terminals Association
National Association of Motorcoach Operators
National Association of Small Trucking Companies
National Private Truck Council
National Propane Gas Association
National Ready Mixed Concrete Association
National School Transportation Association
National Tank Truck Carriers
Owner-Operator Independent Drivers Association
Petroleum Marketers Association of America
Specialized Furniture Carriers
Transportation and Logistics Council

Transportation Loss Prevention and Security Association
United Motorcoach Association
Universal
Werner Enterprises

State and Regional Associations

Alabama Motorcoach Association
Bus Association of New York State
California Bus Association
California Delivery Association
California School Transportation Association
Connecticut Messenger Courier Association
Florida Messenger Association
Florida Motorcoach Association
Georgia Motorcoach Association
Greater New Jersey Motorcoach Association
Illinois School Transportation Association
Massachusetts Delivery Association
Maryland Motorcoach Association
Maryland School Bus Contractors Association
Minnesota Charter Bus Operators Association
Minnesota School Bus Operator's Association
Midwest Bus and Motorcoach Association
Motorcoach Association of South Carolina
New England Bus Association
New England Fuel Institute
New York State Messenger and Courier Association

New York School Bus Contractors Association
New Jersey State School Bus Contractors
Northwest Motorcoach Association
North Carolina Motorcoach Association
Pennsylvania School Bus Association
Pennsylvania Bus Association
School Transportation Association of Massachusetts

South Central Motorcoach Association
Tennessee Motorcoach Association
Virginia Motorcoach Association
Western States Trucking Association
Wisconsin School Bus Association