



## **SAFETY FITNESS DETERMINATION**

### Background:

- The FMCSA issued a Notice of Proposed Rulemaking: “Carrier Safety Fitness Determination” on January 21, 2016. Safety Fitness ratings are currently in place based on compliance reviews.
- The current safety fitness rating system ranks a carrier as Satisfactory, Conditional or Unsatisfactory based on a comprehensive safety compliance review.
- The rule proposes to radically modify the Safety Fitness rating system in current federal regulations 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 in relation to five of the Agency’s seven Behavior Analysis and Safety Improvement Categories (BASICS); an investigation, 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”, leaving customers very limited guidance on the safety record of the carrier. This does not meet the goals of the Congressional mandate and in addition is culturally flawed in failing to properly recognize a Satisfactory rating for those carriers who have complied with the regulations and whose safety record warrants public confidence.
- In the Moving Ahead for Progress for the 21st Century (MAP-21) law enacted in 2012, Congress directed that for passenger carriers, the agency develop a simple and understandable rating system that would allow customers to easily compare the safety performance of passenger carriers. The passenger carrier industry supports this provision, but unfortunately this proposal does not meet that goal and is built on a flawed foundation.
- UMA’s major concern with the proposal, is that the new proposed methodology utilizes flawed Compliance, Safety and Accountability/Safety Measurement System (CSA/SMS) data and scores, which pursuant to the recently enacted Fixing America’s Surface Transportation Act (FAST Act), Congress has directed the agency to completely overhaul.
- The agency has issued a proposal to evaluate safety performance of carriers that relies on data and analysis from the same flawed program Congress just directed them to revise two months ago. This makes no sense.
- UMA supports the goal of an easily understandable, rational safety fitness determination system, but this proposal is built on a flawed foundation.

(see reverse side)

- UMA believes the Safety Fitness Determination rulemaking should only proceed after CSA/SMS reforms are implemented.

Conclusion:

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

- UMA is seeking language in the FY 2017 DOT Appropriations bill to require FMCSA to complete CSA/SMS reforms before proceeding to finalize a new rulemaking on Safety Fitness Determination. The requested language 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.”***