



## **REGULATORY NEWS BULLETIN....**

### **FMCSA proposes new rule for determining safety fitness of motor carriers (SFD)**

*On January 21, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) published a rulemaking proposal designed to enhance the agency's ability to identify non-compliant motor carriers. According to FMCSA, the Safety Fitness Determination (SFD) Notice of Proposed Rulemaking (NPRM), published in the Federal Register, would update the agency's safety fitness rating methodology by integrating on-road safety data from inspections, along with the results of carrier investigations and crash reports, to determine a motor carrier's overall safety fitness on a monthly basis.*

*This proposed rule will dramatically change the way carriers are rated and will have a significant impact on the numbers of carriers reviewed. The new "unfit" category will replace the current three-tier federal rating system of "satisfactory–conditional–unsatisfactory" for federally regulated commercial motor carriers (in place since 1982) and would require the carrier to either improve or cease operations.*

*Once in place, the SFD rule will permit FMCSA to assess the safety fitness of approximately 75,000 companies a month. By comparison, the agency is only able to investigate 15,000 motor carriers annually — with less than half of those companies receiving a safety rating.*

*The Agency estimates that under this proposal, less than 300 motor carriers each year would be proposed as "unfit" solely as a result of on-road safety violations. Further, the agency's analysis has shown that the carriers identified through this on-road safety data have crash rates of almost four times the national average.*

*FMCSA encourages the public to review the NPRM and to submit comments and evidentiary materials to the docket following its publication in the Federal Register. The public comment period will be open for 60 days. FMCSA will also be providing a reply comment period allowing for an additional 30 days for commenters to respond to the initial comments. Specific comments and data in the NPRM are requested including, but not limited to:*

- *Moving to dynamic safety event groups*
- *Moving to low, medium, and high severity weightings*
- *Removing English Language Proficiency violations from the SFD process*
- *Establishing lower failure standards for Passenger and Hazardous Materials carriers*
- *Additional critical and acute regulations*
- *Implementation impacts to States*

*For more information on FMCSA's Safety Fitness Determination proposed rule, including a full copy of the NPRM, an instructional webinar, and a Safety Fitness Determination Calculator, visit [www.fmcsa.dot.gov/sfd](http://www.fmcsa.dot.gov/sfd). To comment on the rule once it is published in the Federal Register, please use [www.regulations.gov](http://www.regulations.gov) and docket number FMCSA-2015-0001.*