

PUBLICATION

FMCSA to Withdraw Safety Fitness Determination Rule

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The Federal Motor Carrier Safety Administration (FMCSA) on Wednesday, March 22, announced its intention to withdraw its proposed Safety Fitness Determination rule this week. The rule would have utilized data from the agency's Compliance, Safety, Accountability (CSA) program to determine when a motor carrier is unfit to operate a commercial motor vehicle. The motor carrier industry has long attacked the CSA system, and numerous studies have shown the CSA data to be materially flawed and unreliable indicators of a motor carrier's safety performance.

The National Research Council of the National Academies of Sciences has an ongoing congressionally mandated study of the CSA program, specifically its Safety Measurement System methodology. The study is expected to be completed this June, but it is expected to be months later before FMCSA determines whether to issue another proposed rule to revise the safety fitness determination process.

The withdrawal of the proposed rule eliminates concerns many of our clients and their insurers would have faced in litigated matters and further eliminates the ability FMCSA would have had to shut down a carrier based only on CSA data rather than an onsite compliance review.

Baker Donelson's Transportation Group defends motor carriers and their insurers in high-stakes litigation across the country and is well-versed in CSA scores, BASIC ratings and compliance reviews. For more information on this or other transportation matters, please contact any member of Baker Donelson's Transportation Group.