



November 29, 2023

The Honorable Robin Hutcheson
Administrator
Federal Motor Carrier Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Safety Fitness Determinations
FMCSA-2022-0003**

Dear Administrator Hutcheson:

The National Industrial Transportation League, NITL, submits this letter strongly supporting the Transportation Intermediaries Associations (TIA) filed comments in response to the Federal Motor Carrier Safety Administration (FMCSA) above referenced Advanced Notice of Proposed Rulemaking (ANPRM).

NITL appreciates this opportunity to submit remarks as FMCSA develops a new methodology to determine when a motor carrier is not fit to operate a commercial motor vehicle (CMV) in or affecting interstate commerce.

NITL is a trade association whose mission includes advancing the views of shippers on industrial freight transportation policy matters since 1907. NITL members include U.S. companies across a wide variety of industries who rely on efficient, competitive, and safe maritime, rail, and highway transportation systems within the United States and beyond to meet their supply chain requirements and the needs of their customers. NITL members move billions of dollars of freight an employee millions of individuals in the supply chain. An example of our members is Exxon Mobil, BP, Shell, Cargill and others like Nestle Purina and Armada.

NITL commends the Agency for bringing this much anticipated and way overdue rulemaking to the forefront. NITL appeals to the FMCSA to accelerate the promulgation and reach a Final Rule as soon as possible. NITL understands that the safety determination of a carrier has been a difficult “nut to crack” but hopes and supports a prompt rulemaking that will mitigate the risk each shipper faces when hiring a carrier to move freight to their customers.

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As I am sure you are aware, this has been a difficult year for shippers and truckers. The continued misuse of Safety Ratings is adding to the challenges. This misuse, which manifests itself in nuclear verdicts, higher insurance rates, and reputational damage is especially acute because 90% of motor carriers are currently considered “unrated.”¹ The current three-tiered structure (which is more accurately described as a four-tier structure) creates confusion and causes mischief in the marketplace.

As such, NITL agrees with TIA in advocating for a “red-light” – “green-light” – fit – unfit systems for the use of motor carriers as a substitute for the current, confusing, and conflicting four-tiered structure. An alternative approach would be consistent with the system put in place in 2016. Think how many bad actors would be put out of business if shippers and 3PLs were told not to use them (unfit). A simple binary Safety Rating system that distinguishes a fit or unfit carrier will help clear up a great deal of confusion.

In addition, NITL agrees with TIA that CSA alerts, relative rankings, and CSA SMS scores should remain hidden from public view and be used only as intended for the agency to prioritize enforcement. NITL is aware that the agency is amending and updating the CSA initiative and applauds this effort to enhance highway safety.

NITL supports the FMCSA and its efforts in this rulemaking while also supporting the comments submitted by TIA. This proceeding promises to mitigate or alleviate the associated risk under the current system of moving freight more safely and without extreme costs when the SFD score is used against the shipper.

NITL looks forward to seeing a clean and clear-cut system in place 1) facilitating better decision-making among shippers of all sizes when hiring a motor carrier and 2) providing more effective transparency and accountability for all stakeholders.

Respectfully submitted,



E. Nancy O'Liddy
Executive Director