

# Congress of the United States

Washington, DC 20515

March 17, 2016

The Honorable Mario Diaz-Balart  
Chairman  
Committee on Appropriations  
Subcommittee on Transportation,  
Housing and Urban Development,  
and Related Agencies  
U.S. House of Representatives  
Washington, DC 20515

The Honorable David Price  
Ranking Member  
Committee on Appropriations  
Subcommittee on Transportation,  
Housing and Urban Development,  
and Related Agencies  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Diaz-Balart and Ranking Member Price:

As you begin to draft the Fiscal Year 2017 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (THUD), **we respectfully urge you to include a prohibition of funds on the Federal Motor Carrier Safety Administration (FMCSA) from finalizing the Safety Fitness Determination rulemaking until all reforms related to the Compliance, Safety and Accountability/Safety Measurement Scores programs mandated by the FAST Act are completed.**

As you may know, safety fitness ratings, which are used by both the enforcement community and the general public, are currently in place based on compliance reviews. On January 21, 2016, FMCSA issued a Notice of Proposed Rulemaking: "Carrier Safety Fitness Determination." The new rule proposes to radically modify the safety fitness rating system in current federal regulations. The new methodology would include on-road safety data in relation to five of the Agency's seven Behavior Analysis and Safety Improvement Categories (BASICS).

**Our greatest concern is that the new proposed methodology utilizes flawed Compliance, Safety and Accountability/Safety Measurement System (CSA/SMS) data.** The problems with these scores have been highlighted by the Government Accountability Office, in countless hearings, and even in previous House Appropriations Report language accompanying the THUD bill.

In the recently enacted Fixing America's Surface Transportation Act (FAST) Act, Congress overhauled the CSA/SMS program. First, FMCSA was forced to stop publishing the misrepresentative data and was mandated to complete strictly outlined improvements. While FMCSA is now working to reform this important safety program, it is irresponsible and inconceivable that FMCSA would use the same data and analysis Congress said is faulty in a new safety fitness determination. Common sense dictates that FMCSA should complete the reforms to the CSA/SMS system before proceeding to a new method of evaluating safety fitness of carriers.

Safety remains our top priority and we support an easily understandable, rational safety fitness rating system. However, incorporating misleading safety data and analysis into a new safety fitness determination will not provide the desired safety to the travelling public. **We**

respectfully request that you include a prohibition of funds on the FMCSA's ability to finalize the Safety Fitness Determination rule until the CSA/SMS reforms mandated by the FAST Act are completed. The requested language is as follows:

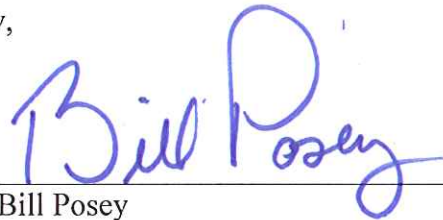
*None of the funds appropriated or otherwise made available by this Act or any other Act may be used to amend, revise or otherwise modify by rulemaking, guidance, or interpretation the regulations in effect on December 4, 2015 relating to safety fitness determinations for motor carriers until the Inspector General of the Department of Transportation makes the certifications set out in section 5223(a) of P.L. 114-94.*

Thank you for your consideration of our request.

Sincerely,



Lou Barletta  
Member of Congress



Bill Posey  
Member of Congress



Glenn Thompson  
Member of Congress



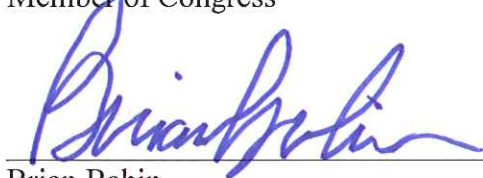
Jim Bridenstine  
Member of Congress



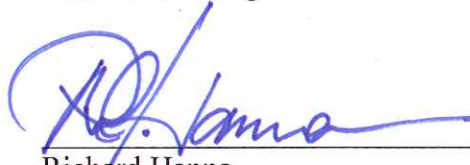
Tom Rice  
Member of Congress



Barbara Comstock  
Member of Congress



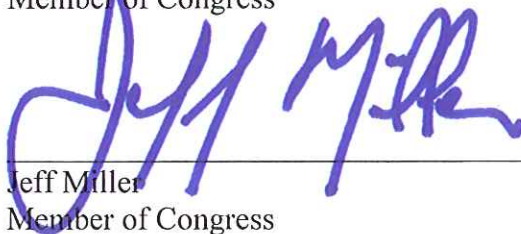
Brian Babin  
Member of Congress




Richard Hanna  
Member of Congress



Bob Gibbs  
Member of Congress



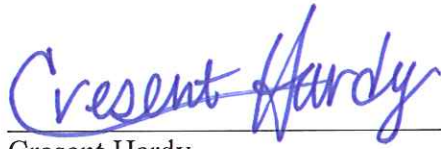
Jeff Miller  
Member of Congress



Ryan Costello  
Member of Congress



Mike Bishop  
Member of Congress



Crescent Hardy  
Member of Congress



Patrick Meehan  
Member of Congress



Tom Emmer  
Member of Congress



Paul Gosar  
Member of Congress



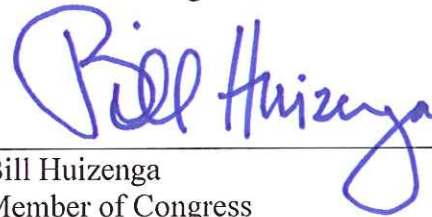
Luke Messer  
Member of Congress



Chris Collins  
Member of Congress



Scott Perry  
Member of Congress



Bill Huizenga  
Member of Congress



Mo Brooks  
Member of Congress



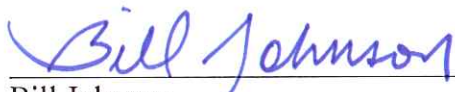
Mike Bost  
Member of Congress



Mike Kelly  
Member of Congress



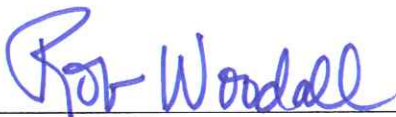
Christopher Gibson  
Member of Congress



Bill Johnson  
Member of Congress



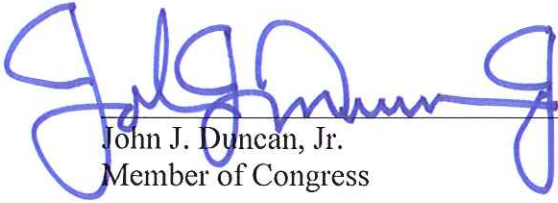
Rick Crawford  
Member of Congress



Rob Woodall  
Member of Congress



Rodney Davis  
Member of Congress



John J. Duncan, Jr.  
Member of Congress



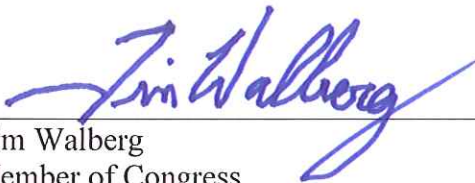
Bob Goodlatte  
Member of Congress



Don Young  
Member of Congress



Duncan Hunter  
Member of Congress



Tim Walberg  
Member of Congress