



National Shippers Strategic Transportation Council.
Providing shippers with education, advocacy, and connections in all modes of transportation.

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November 23, 2010

The Honorable Anne S. Ferro
Administrator
Federal Motor Carrier Safety Administration
Suite W60-300
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Re: Support for November 18, 2010 TIA Letter on CSA 2010

Dear Administrator Ferro:

NASSTRAC has reviewed the letter sent to you November 18, 2010, in which the Transportation Intermediaries Association (TIA) requested that FMCSA continue to operate the SafeStat system for a period of time after the CSA 2010 Safety Measurement System is implemented, in the interest of facilitating the transition from the former to the latter.

NASSTRAC is a leading national association whose regular members are primarily shippers of freight, with motor carriers as associate members. For more than 50 years, NASSTRAC has participated actively in proceedings affecting transportation and logistics before Congress, federal and state agencies, and the courts. NASSTRAC has filed comments on many occasions with FMCSA – most recently on Hours of Service – and will certainly file comments on CSA 2010 after the NPRM is issued.

On behalf of our shipper, broker and carrier members, we want to support TIA's request. NASSTRAC members strongly support safe operations by trucking companies and other service providers. Many shipper-carrier and shipper-broker contracts used by our members require that carrier serving shippers or engaged by shippers' brokers must maintain a Satisfactory safety rating, and must agree to other requirements intended to promote safety.

We understand that CSA 2010 reflects similar goals, and should improve on the safety programs it supersedes. Nevertheless, thousands of contracts have been executed and implemented based on SafeStat system terminology. Once SafeStat is terminated, those contractual provisions will need to be updated to reflect CSA 2010 standards. It will take time to notify parties of the need for contract revisions, to determine the appropriate new verbiage, and to negotiate and execute amendments. Indeed, this process may be required twice if FMCSA terminates SafeStat at the time the CSA 2010 NPRM is issued, and then changes the CSA standards when it subsequently issues final rules.

Preserving SafeState temporarily will reduce the likelihood that contractual safety standards will be nullified due to obsolete references to SafeStat standards. While we do not believe any responsible carrier would willfully ignore safety requirements merely because contractual obligations become inoperative or ambiguous, logistics personnel working for shippers are charged by their employers with upholding corporate policies as to safety, security, and other requirements. Clear contracts benefit shippers, carriers and the public, and reinforce FMCSA's own efforts.

NASSTRAC also supports a disclaimer along the lines of the language TIA has proposed:

The Federal Motor Carrier Safety Administration has determined that this carrier is approved to operate and to transport freight on the nation's roadways. Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in the system. This data is intended for Agency use in prioritizing carriers for further monitoring and is not intended to imply any rating of the carrier.

NASSTRAC supports highway safety and FMCSA's mission to promote safe operation of commercial motor vehicles. If you have any questions about this letter, please contact us. Thank you.

Sincerely,

John M. Cutler, Jr.
General Counsel