



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Administrator

1200 New Jersey Ave, SE
Washington, DC 20590

Mr. James Lamb
Executive Director
Small Business in Transportation Coalition
1775 I (Eye) Street, NW, Suite 1150
Washington, DC 20006

Dear Mr. Lamb:

On May 6, 2020, the Small Business in Transportation Coalition (SBTC) filed a petition for rulemaking to amend 49 CFR 371.3(c), which requires freight brokers to disclose, upon request, transactional records for a particular transaction to any party to that transaction. SBTC proposed that FMCSA add a subsection to the current rule prohibiting brokers from coercing or otherwise requiring carriers to waive their right to view transaction records as a condition of doing business. FMCSA received public comment on this issue and held a public listening session on October 28, 2020. *See* 85 FR 51145 (Aug. 19, 2020) (request for comments), 85 FR 64613 (Oct. 13, 2020) (announcement of listening session).

FMCSA has determined that SBTC's petition contains adequate justification to initiate rulemaking on this matter. Consequently, FMCSA will open a rulemaking proceeding to consider amendments to 49 CFR 371.3(c).

The decision to grant the petition and commence a rulemaking proceeding does not mean that the regulatory changes in question will ultimately be adopted. FMCSA determines whether a proposed provision is adopted as part of a final rule on the basis of all available information developed in the course of the rulemaking proceeding, including public comments received on its proposals, consistent with statutory criteria.

Should you need additional information or assistance, please contact Sue Lawless, Director, Office of Carrier, Driver & Vehicle Safety Standards, at (202) 366-2362 or sue.lawless@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "Robin Hutcheson".

Robin Hutcheson