



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Administrator

March 17, 2023

1200 New Jersey Ave, SE
Washington, DC 20590

Mr. Chris Burroughs
Vice President of Government Affairs
Transportation Intermediaries Association
1625 Prince Street, Suite 200
Alexandria, VA 22314

Dear Mr. Burroughs:

On August 4, 2020, the Transportation Intermediaries Association (TIA) filed a petition for rulemaking to eliminate the requirements in 49 CFR 371.3(c) that freight brokers disclose, upon request, transactional records for a particular transaction to any party to that transaction. FMCSA received public comment on this issue and has considered all comments, and the Agency also held a public listening session on October 28, 2020, in which TIA participated.

After careful consideration, FMCSA has determined that TIA's petition does not contain adequate justification to initiate rulemaking. FMCSA believes that elimination of the records disclosure provision would be contrary to the stated transportation policy goals in 49 USC 13101, including promotion of fairness and efficiency in the transportation industry. Therefore, FMCSA is denying TIA's petition for rulemaking.

In the same petition, TIA also requested FMCSA develop guidance on what legally constitutes a "dispatch service." FMCSA previously notified TIA of its intention to deny this portion of the petition, via email on December 2, 2022, and formal letter dated February 21, 2023, as the Agency had already issued interim guidance on the definitions of "broker" and "bona fide agent" that also considered the definition of a "dispatch service." 87 FR 68635 (Nov. 16, 2022). FMCSA expects to issue the final guidance on this issue in June 2023.

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