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October 8, 2010

Anne S. Ferro, Administrator
Federal Motor Carrier Safety Administration
United States Department of Transportation
1200 New Jersey Avenue SE, Suite W60-300
Washington, DC 20590
Via U.S. Mail/Email
anne.ferro@dot.gov

Dear Ms. Ferro,

Thank you for meeting with us at FMCSA headquarters on Tuesday. At your request, we are proposing an alternative to our Motion to postpone release of CSA data as scheduled in early December.

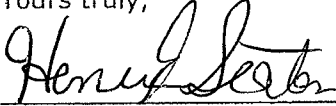
In light of our concerns about the unintended consequences and vicarious liability effects of release of unscrubbed data, we propose the following language be added to any release of data to the public which would satisfy our Data Quality Act concerns and eliminate the possibility of improper use of the data for establishing vicarious liability:

- (1) The Agency should redact use of any terminology suggesting that enforcement thresholds establish carriers as "marginal," "deficient," or any other pejorative term.
- (2) Any use of percentile ranking and enforcement threshold percentages should refer to CSA 2010 methodology and its intended purpose.
- (3) Accompanying any public release of a carrier's individual data or ranking should be the clear disclaimer and **WARNING:**

"Data accumulated for use by the Agency in prioritizing carriers for further safety monitoring is intended solely for the use of the Agency and should not be used for establishing criteria for use of carriers by the shipping and receiving public. In addition, such data may not be used for any purpose in court or other legal proceedings except by the Agency. The FMCSA intends to use this data as part of fulfilling its obligation to ultimately determine which carriers are authorized to conduct interstate operations. Until addressed in rulemaking, the Agency's determination of carriers shall be reflected as "unsatisfactory," "conditional," "satisfactory," and "unrated." Unrated carriers are fully licensed, authorized and insured in accordance with FMCSA regulations."

We would appreciate your urgent consideration of this request and notification of your response so that we may engage in follow-up dialogue and/or prepare an appropriate response if necessary in advance of the targeted release date.

Yours truly,



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Small Trucking Companies (NASTC);
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