

Bus Industry Safety Council

Reinstatement of Authority Fit, Willing and Able

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Objectives

- Reinstatement after voluntary revocation of operating authority,
- Returning to operations after a proposed Unsatisfactory Safety Fitness Rating,
- Reinstatement after receiving an Unsatisfactory Safety Fitness Rating
 - Fit, Willing and Able



Voluntary Revocation of Passenger Operating Authority

- Beginning March 2020 FMCSA declared multiple exemptions and waivers in response to the National Health Emergency.
 - Includes waiving the \$80 reinstatement fee for carriers who voluntarily revoked their passenger Operating Authority due to COVID-19



Reinstatement Process for Voluntary Revocation Only

Voluntary Revocation of Operating Authority Registration Questions and Answers #4 and #5

- <https://www.fmcsa.dot.gov/emergency/voluntary-revocation-operating-authority-registration-qa>



Voluntary Revocation of Passenger Operating Authority #4

- If you have a USDOT PIN you can request reinstatement online
 - Complete the MCSA-5889 Motor Carrier Records Change Form, with all required information, which you can submit:
 - By the way of the web form (upload the signed and completed form)
 - By Fax: 202-366-3477
 - By Mail (May take additional 6-9 weeks to process)



Voluntary Revocation of Passenger Operating Authority #4

- If you do not have a PIN, you can apply online by going to the SAFER WEB and clicking on the link;
 - <https://www.fmcsa.dot.gov/registration/request-pin-number>
 - Will receive USDOT PIN by email ***immediately*** or
 - Will receive USDOT PIN by US Mail ***7-10 working days***



Voluntary Revocation of Passenger Operating Authority #4 - Fee Required

- Before submitting request, must have in place...
 - BOC-3 (Designation of Process Agent) AND
 - Financial Responsibility/Insurance Filing
 - Active up-to-date USDOT Number record
 - Update online
 - Submit MCS-150 with reinstatement request
- If not in place, reinstatement request will be placed on hold
- If all is submitted, authority will become active no later than 4th business day after payment is processed.



Voluntary Revocation of Passenger Operating Authority #5- Fee Waived

- Reinstatement Fee may be waived for passenger carriers who voluntarily revoked it's passenger authority due to the COVID-19 public health emergency.
- To be considered for a fee waiver
 - Send MCSA-5889 with only Sections A and D completed directly to MC-ecc.comments@dot.gov
 - Fee waiver cannot be requested online with USDOT PIN



Proposed Unsatisfactory
Safety Rating

Proposed Unsatisfactory Rating

- FMCSA issues three ratings:
 - Satisfactory, Conditional, or Unsatisfactory.
 - Satisfactory and Conditional ratings that are improvements to a prior rating
 - Take effect immediately upon issuance from HQ (see 49 CFR Part 385.11(b)).
 - Conditional or Unsatisfactory rating that is a downgrade from a currently held rating
 - Effective on day 46 for Passenger or Hazardous Material Carriers
 - Effective on day 61 for all other carriers
- This means a Passenger Motor Carrier has ***ONLY 45 days*** to improve the UNSAT rating or they must cease operations ***on day 46!!!***



Safety Rating Upgrade Requests

- **385.15 Petition for Review**
 - Request a Hearing on the grounds the Agency has committed an error in assigning the proposed safety rating.
 - FMCSA can deny the petition
 - Motor carrier can appeal FMCSA's final decision to the court of appeals.
- **385.17 Request for Upgrade**
 - Motor carrier wishes to correct the violations discovered and continue to operate in a safe manner.



Safety Rating Upgrade Requests

- 385.17 Rating Upgrade Request for Passenger Carrier Operations (Proposed Unsatisfactory)
 - Must Submit to the FMCSA Division office
 - Rating Upgrade Request in writing
 - Safety Management Plan (SMP)
 - Corrective Action Plan (CAP)
 - Must undergo a Pre-operational Assessment to verify the corrective actions outlined in SMS were implemented.
 - May undergo investigation within 60 days of upgrade to verify changes made were sufficient for compliance.



Proposed Unsatisfactory Rating

- Safety Management Plan with Corrective Actions
 - Documentation will be provided by safety official with a listing of
 - All Acute and Critical violations listed on the investigation report
 - Vehicle Out-of-Service rate (When 34% or more)
 - Unsatisfactory crash rate
 - Any new OOS Violations cited at roadside after the investigation if related to investigation violations.
 - Includes checklist of deficiencies that must be addressed
 - Information and documentation must be submitted for review as proof of corrective action.



Unsatisfactory Rating

Unsatisfactory Rating

A motor carrier that does not request a safety rating upgrade, or fails to submit sufficient corrective action to merit a rating upgrade, will have its safety rating designation made final when the appropriate timeframe expires.

**When an Unsatisfactory Rating takes effect
Carrier must reapply for operating authority and prove
Fit, Willing and Able to operate as a motor carrier.**



Unsatisfactory Rating

- No reinstatement of Operating Authority
- Motor carrier must reapply for operating authority on a paper OP-1(P)
 - Application will be rejected if completed through the online process
 - Application is sent to MC-E to begin the Fit, Willing and Able assessment
 - If approved by MC-E, application is sent back to MC-RS to begin granting of authority process
 - Posts for public comment



Fit, Willing and Able

- **FIT** – Completing the 385.17 process
 - Corrective Action Plan / Settlement Agreements / Consent Agreements / etc.
- **Willing and Able** – Safety History Timeline
 - Past performance - violations, investigations, inspections
 - Repetitive violation patterns
 - System search to ensure no sign of reincarnation
 - Assess the ability and willingness of the motor carrier to cease a poor safety history/culture

**Process may take months to complete
(6-8 weeks at best – may take 24 weeks)**



Questions or Input

Contact the FMCSA Commercial Passenger Carrier
Safety Division by e-mail at:

mc-ecp@dot.gov

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