

**FMCSA Guidance on Leveraging Technology to Conduct Compliance Reviews
During COVID-19 Health Emergency
May 19, 2020**

Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. This guidance is intended only to provide clarity regarding existing requirements under the law.

NOTICE

During the Coronavirus Disease 2019 (COVID-19) public health emergency, the Federal Motor Carrier Safety Administration (FMCSA) will conduct compliance reviews under 49 CFR part 385, subpart A, by leveraging all available technology to access information and records and thus limit exposure risk for the regulated community and safety investigators. Using the same standards otherwise applicable, FMCSA will assign safety ratings following a compliance review even if no on-site review activities have taken place. FMCSA will continue to apply the procedures in 49 CFR part 385, including the Safety Fitness Rating Methodology (SFRM) in Appendix B, prior to assigning a safety rating. This guidance does not apply to compliance reviews conducted under 49 CFR part 385, subpart B.

FMCSA is required by statute to determine whether an owner or operator of commercial motor vehicles is fit to operate safely. 49 U.S.C. § 31144. FMCSA carries out this statutory duty by assigning safety ratings to motor carriers following in depth examination of the motor carrier's records and operations using the SFRM. Since adoption of the SFRM in 1997, the mechanisms and tools FMCSA uses to access information from motor carriers has continued to evolve, making compliance reviews more efficient and lessening the burden on the regulated community. Although the definition of "compliance review" in 49 CFR 385.3 describes these reviews as "on-site," in practice, the advent of electronic recordkeeping and other technology now allows FMCSA to perform the same investigative functions remotely that it could perform previously only by in-person reviews of the motor carrier's files.

Motor carriers may access and transmit their information through a portal directly with FMCSA and upload documents in a secure environment. Many motor carriers maintain their records electronically and prefer to submit the records directly, from the electronic application where they are stored. Motor carriers may also fax or email documents to FMCSA if they so choose, or if they cannot access the portal. FMCSA may also use email and telephone and video calls as a substitute for in-person interaction with motor carrier officials during the compliance review or to review the findings of the compliance review with company officials during the close out.

Because of travel restrictions, social distancing, and other advisories associated with the COVID-19 public health emergency, and the desire to limit exposure risk to the regulated community and safety investigators, FMCSA will conduct compliance reviews of motor carriers and assign safety ratings even if those compliance reviews do not include an "on-site" component. FMCSA

has determined that because safety investigators are able to follow all of the procedures in 49 CFR part 385 without physically visiting the motor carrier's business premise, compliance reviews that do not include an "on-site" component will limit exposure risk to COVID-19, consistent with current regulations, without compromising FMCSA's safety mission.

This guidance document is effective immediately and shall remain in effect until the revocation of the Presidentially declared COVID-19 national emergency.