

§ 385.19

385.7, the agency will notify the motor carrier in writing of its upgraded safety rating.

(i) If the FMCSA determines that the motor carrier has not taken all the corrective actions required, or that its operations still fail to meet the safety standard and factors specified in §§ 385.5 and 385.7, the agency will notify the motor carrier in writing.

(j) Any motor carrier whose request for change is denied in accordance with paragraph (i) of this section may request administrative review under the procedures of § 385.15. The motor carrier must make the request within 90 days of the denial of the request for a rating change. If the proposed rating has become final, it shall remain in effect during the period of any administrative review.

[65 FR 50935, Aug. 22, 2000, as amended at 72 FR 36788, July 5, 2007; 75 FR 17241, Apr. 5, 2010; 77 FR 28450, May 14, 2012; 77 FR 64762, Oct. 23, 2012]

§ 385.19 Safety fitness information.

(a) Final ratings will be made available to other Federal and State agencies in writing, telephonically or by remote computer access.

(b) The final safety rating assigned to a motor carrier will be made available to the public upon request. Any person requesting the assigned rating of a motor carrier shall provide the FMCSA with the motor carrier's name, principal office address, and, if known, the USDOT number or the docket number, if any.

(c) Requests should be addressed to the Federal Motor Carrier Safety Administration, Office of Registration and Safety Information (MC-RS), 1200 New Jersey Ave. SE, Washington, DC 20590-0001. The information also can be found on the FMCSA Safety and Fitness Electronic Records System website at <https://safer.fmcsa.dot.gov>.

(d) Oral requests by telephone to (800) 832-5660 will be given an oral response.

[62 FR 60043, Nov. 6, 1997, as amended at 66 FR 49872, Oct. 1, 2001; 72 FR 55701, Oct. 1, 2007; 75 FR 17241, Apr. 5, 2010; 77 FR 28450, May 14, 2012; 77 FR 59826, Oct. 1, 2012; 84 FR 51433, Sept. 30, 2019]

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§ 385.21 Separation of functions.

(a) An Agency employee engaged in the performance of investigative, advocacy, or prosecutorial functions in a proceeding under § 385.15, § 385.113, § 385.327, § 385.423, § 385.711, § 385.911(e), § 385.913(e), § 385.1009(d), or § 385.1011(d) may not, in that case or a factually-related case, discuss or communicate the facts or issues involved with, or otherwise advise or assist, the Agency decisionmaker or personnel advising the Agency decisionmaker, except as counsel or a witness in a public proceeding, or if the same facts and information are provided to all the parties involved in the matter. The prohibition in this paragraph (a) also includes the staff of those covered by this section.

(b) As used in this section, *decisionmaker* means the FMCSA official authorized to issue a final decision in the applicable proceeding listed in paragraph (a) of this section.

(c) Nothing in this part shall preclude Agency decisionmakers or anyone advising an Agency decisionmaker from taking part in a determination to launch an investigation or issue a complaint, or similar preliminary decision.

[86 FR 35642, July 7, 2021]

Subpart B—Safety Monitoring System for Mexico-Domiciled Carriers

SOURCE: 67 FR 12771, Mar. 19, 2002, unless otherwise noted.

§ 385.101 Definitions

Compliance review means a compliance review as defined in § 385.3 of this part.

Provisional certificate of registration means the registration under § 368.6 of this subchapter that the FMCSA grants to a Mexico-domiciled motor carrier to provide interstate transportation of property within the United States solely within the municipalities along the United States-Mexico border and the commercial zones of such municipalities. It is provisional because it will be revoked if the registrant does not demonstrate that it is exercising basic safety management controls during the safety monitoring period established in this subpart.