

No. 24-1238

IN THE
Supreme Court of the United States

SHAWN MONTGOMERY,
Petitioner,

v.

CARIBE TRANSPORT II, LLC, YOSNIEL VARELA-MOJENA,
C.H. ROBINSON WORLDWIDE, INC.,
C.H. ROBINSON COMPANY, C.H. ROBINSON COMPANY, INC.,
C.H. ROBINSON INTERNATIONAL, INC., and
CARIBE TRANSPORT, LLC,
Respondents.

**On Writ of Certiorari to the United States Court of
Appeals for the Seventh Circuit**

**BRIEF OF AMICUS CURIAE THE NATIONAL
ASSOCIATION OF MANUFACTURERS
IN SUPPORT OF RESPONDENTS**

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INTEREST OF THE *AMICUS CURIAE*¹

The National Association of Manufacturers (“NAM”) represents companies engaged in every stage of the supply chain, from sourcing raw materials to manufacturing finished goods that are then shipped to retailers and consumers. The NAM is the largest manufacturing association in the United States, representing 14,000 member companies, including small and large manufacturers in every industrial sector and all 50 states.

Manufacturing employs nearly 13 million people, contributes \$2.9 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for more than half of all private-sector research and development in the nation.² The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

The NAM’s members depend on commercial trucking to move goods nationwide and frequently rely on freight brokers to arrange that transportation. Accordingly, the NAM submits this brief to urge the Court to clarify that negligent-selection suits against brokers are preempted by federal law. The NAM is concerned that the imposition of tort liability on

¹ No counsel for a party authored this brief in whole or in part, and no person other than *amicus curiae*, its members, or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

² NAM, *Facts About Manufacturing*, <https://nam.org/mfgdata/facts-about-manufacturing-expanded/> (last visited Jan. 15, 2026).

freight brokers and shippers would undermine the regulatory scheme established by Congress and increase the difficulty and cost of doing business, without providing any meaningful improvement to highway safety.

INTRODUCTION AND SUMMARY OF ARGUMENT

In the Federal Aviation Administration Authorization Act (“FAAAA”), Congress expressly preempted state laws “related to” a freight broker’s price, route, or service “with respect to the transportation of property.” 49 U.S.C. § 14501(c)(1). The plain language of that broad preemption applies to the freight broker services at issue here. And the statute’s safety exception for state regulatory authority “with respect to motor vehicles,” *id.* § 14501(c)(2)(A), which focuses on motor vehicles—not brokers—does not preserve negligent-selection claims against brokers. Allowing such suits against brokers to proceed, as Petitioner urges this Court to do, would permit exactly the kind of state-by-state regulation that Congress sought to preclude. It would let state tort law regulate broker services through after-the-fact liability, driving up costs and injecting uncertainty into interstate supply chains. The NAM agrees with Respondents’ thorough treatment of the statutory interpretation issues and submits this brief to highlight two significant policy ramifications of allowing state tort liability against brokers here.

First, the stakes of this Court’s decision extend far beyond freight brokers. The efficient transportation of goods by truck is critical to nearly every segment of the American economy. Manufacturers rely on timely

truck deliveries for raw materials and components. Retailers depend on trucks to stock shelves, warehouses, and distribution centers. Increasingly, consumers expect rapid delivery of goods directly to their homes, often through direct-to-consumer methods that leave little margin for delays or inefficiencies. When freight brokerage becomes more expensive or legally risky, those costs predictably cascade through the economy, affecting all these stakeholders. This is exactly the mischief Congress sought to avoid when it preempted state authority over brokers. And if freight brokers are driven out of key markets or forced to scale back, that will put added pressure on shippers—the manufacturers, retailers, and distributors whose expertise lies in production and commerce, not motor vehicle safety. Congress never intended to saddle shippers with that burden, and doing so would introduce costs and legal uncertainty across our nation’s supply chains.

Second, tort liability for brokers and shippers would not improve highway safety. Congress constructed a comprehensive regulatory framework governing motor carriers. That system, which involves a careful partnership between federal and state authorities, all using a comprehensive and uniform set of standards, establishes and maintains safe roadways. Brokers and shippers, on the other hand, do not operate trucks, supervise drivers, or control equipment. And they have no reliable, effective way to determine the safety of the carriers they hire across the market. Imposing state-law tort liability would not enhance safety but would instead invite jury-made standards that do not track federal motor carrier safety determinations. That, in turn, may lead brokers to avoid smaller or newer carriers in favor of

large incumbents with longer track records, regardless of actual risk. This shift would reduce competition, raise freight costs, and slow deliveries at a time when modern commerce depends on logistics supporting rapid delivery. Consumers would face delays and higher prices, and just-in-time inventory systems would suffer, with no discernible safety benefit.

The Seventh Circuit's interpretation preserves Congress's careful balance of uniform national rules and federal oversight, robust road safety, and an efficient freight system that keeps commerce moving. This Court should affirm the decision below and restore the consistency Congress intended for the regulation of freight brokerage nationwide.

ARGUMENT

I. Allowing State Law Negligent-Selection Claims Against Brokers Would Undermine A Linchpin Of Freight Transportation And Disrupt Commerce.

Freight brokers play a critical role in the massive logistical operation that is the American freight transportation system: they arrange transportation by matching shipper demand with carrier capacity across a highly fragmented trucking industry. Congress understood the distinct roles of brokers and motor carriers in this system, and it built a federal framework that assigns safety compliance duties to motor carriers—which hire drivers, control equipment, and operate on the highways. To hold brokers liable for negligent selection of motor carriers under every different state-law tort regime would

upend this federal framework. The result would be less available capacity, higher transaction costs, and slower interstate shipping.

A. Brokers Play A Critical Role In Freight Transportation, Which Is Essential To Commerce.

Brokers such as Respondent C.H. Robinson provide transportation logistics services to facilitate both short and long-range shipping of goods by truck. In 2024, the U.S. freight transportation system moved 20 billion tons of goods, valued at \$25 trillion.³ A diverse array of motor carriers, numbering more than half a million nationwide, drives this massive operation.⁴ Carriers range widely in size and specialty, from large national fleets to small local businesses and single-owner operators.⁵ But the vast majority of motor carriers registered with the Federal

³ U.S. Dep’t of Transp., Bureau of Transp. Stats., *Transportation Statistics Annual Report 2025*, 32-33 (Dec. 2025), https://www.bts.gov/sites/bts.dot.gov/files/2025-12/BTS_TSAR-2025_Annual-Report_123125.pdf. According to the Bureau of Transportation Statistics, trucking continues to serve as the principal mode of freight transportation, moving cargo valued at more than \$18 trillion, or 73 percent of the total value shipped, during the same period. *Id.* at 33; see also *Economics & Industry Data*, Am. Trucking Ass’ns, <https://www.trucking.org/economics-and-industry-data> (last visited Jan. 15, 2026) (“In 2024, the nation’s domestic truck tonnage shipped was estimated at 11.27 billion tons of freight transported (primary shipments only).”).

⁴ See *Economics & Industry Data*, *supra* note 3.

⁵ See *Owner-Operator Survey 2024*, Owner-Operator Independent Drivers Association Foundation, Inc., <https://www.oida.com/wp-content/uploads/2024/12/2024-OOMP-Survey-Report.pdf> (last visited Jan. 15, 2026).

Motor Carrier Safety Administration (“FMCSA”) are smaller carriers, with 91.5% operating 10 or fewer trucks.⁶ These trucks are indispensable to every stage of the supply chain: transporting raw materials, delivering manufactured products to warehouses, and ensuring goods reach consumers efficiently.⁷ Even shipments traveling by rail, air, or sea often begin or end their journey by truck.⁸

Because the U.S. trucking market is highly fragmented, with many small carriers, it is impractical for shippers to source and coordinate shipping logistics without specialized intermediaries. Brokers fill that gap: they act as expert intermediaries, connecting shippers with motor carriers based on routes, schedules, pricing, and other logistical considerations. *See* 49 U.S.C. § 13102(2) (defining “broker” as a “person, other than a motor carrier” that “arrang[es] for[] transportation by motor carrier for compensation”); *id.* § 13904(d)(1) (broker

⁶ *Economics & Industry Data*, *supra* note 3.

⁷ *Moving Goods in the United States*, U.S. Dep’t of Transp., Bureau of Transp. Stats., <https://data.bts.gov/stories/s/Moving-Goods-in-the-United-States/bcyt-rqmu> (last visited Jan. 15, 2026) (“[T]rucks moved more high-value, time-sensitive commodities than any other mode in 2024.”).

⁸ *See id.*; U.S. Dep’t of Transp., Fed. Highway Admin., FHWA-HOP-16-057, *Freight Intermodal Connectors Study* 43 (2017), <https://ops.fhwa.dot.gov/publications/fhwahop16057/fhwahop16057.pdf>; U.S. Gov’t Accountability Off., GAO-25-107334, *Air Cargo: DOT Should Communicate Data Limitations and Identify Stakeholder Challenges* (2025) (“Air cargo depends on ground-based infrastructure such as warehouses and roadways to operate efficiently.”).

registration).⁹ Brokers bring expertise that allows manufacturers and retailers to avoid costly, burdensome internal logistics management, thereby allowing goods to reach their destination in an efficient and cost-effective manner.¹⁰ Among other logistical concerns, brokers' services can be indispensable for handling capacity and rate changes with seasonal demand surges (such as during produce season).¹¹

And the demand for freight brokers' services continues to climb. Freight brokers' market penetration increased from just 6% in the early 2000s to over 20% by 2023.¹² This threefold increase reflects

⁹ See also 49 C.F.R. § 371.2 (defining “Broker”); Federal Motor Carrier Safety Administration, *What Are the Definitions of Motor Carrier, Broker and Freight Forwarder Authorities?* (May 22, 2023), <https://www.fmcsa.dot.gov/faq/what-are-definitions-motor-carrier-broker-and-freight-forwarderAuthorities> (explaining that “a broker is the ‘middle person’ between a shipper and a motor carrier” and that brokers “arrange for the transportation of property or household goods”).

¹⁰ See Transp. Intermediaries Ass’n, *About Us*, <https://tianet.org/TIA/TIA.netOrg/About/About-Us.aspx> (last visited Jan. 15, 2026) (explaining that transportation intermediaries and third-party logistics companies “act as the facilitators to arrange the efficient and economical movement of goods” and “bring[] together the transportation needs” of shippers with carrier capacity).

¹¹ Chris Eudy, *The When, How, Where, and What of Produce Season*, Transport Topics (Mar. 25, 2024), <https://www.ttnews.com/articles/when-how-where-and-what-produce-season> (explaining challenges for managing capacity and price uncertainty during produce season).

¹² Joe McDevitt, *News and Analysis for Transportation Industry Shippers*, Translogistics (July 30, 2024), <https://www.translogisticsinc.com/blog/news-and-analysis-for-transportation-industry-shippers>.

the shipping industry's growing dependence on brokers to navigate carrier networks and secure capacity efficiently. Indeed, the U.S. freight brokerage market was valued at \$12.67 billion in 2024, and one market analysis estimates it will nearly double in value to \$23.32 billion by 2034.¹³

Retail practices such as “drop-shipping,” which rely heavily on ground freight and trucking networks, have contributed to this growth. Under this increasingly popular business model, retailers hold little or no inventory, relying instead on rapid and reliable truck transportation to deliver products directly from manufacturers or wholesalers to end customers.¹⁴ Drop-shipping depends on reliable truck-based last-mile delivery, meaning disruptions in the logistics chain can impair sellers’ ability to ship directly from suppliers and narrow the product inventory available to consumers.¹⁵

¹³ Precedence Research, *Freight Brokerage Market Size, Share and Trends 2025 to 2034*, Report Code 5939 (Apr. 16, 2025), <https://www.precedenceresearch.com/freight-brokerage-market>.

¹⁴ Abby Jenkins, *What is Dropshipping & How Does it Work?*, NetSuite (Apr. 20, 2025), <https://www.netsuite.com/portal/resource/articles/inventory-management/dropshipping.shtml>; FedEx, *What is Drop Shipping: A comprehensive guide for entrepreneurs*, <https://www.fedex.com/en-us/small-business/articles-insights/what-is-drop-shipping.html> (last visited Jan. 15, 2026).

¹⁵ See generally U.S. Dep’t of Energy, Alternative Fuels Data Ctr., *Freight & Last-Mile Delivery*, <https://afdc.energy.gov/conserve/freight> (last visited Jan. 15, 2026); N.Y.C. Dep’t of Transp., Deliveries in New York City, <https://www.nyc.gov/html/dot/html/motorist/deliveries.shtml> (last visited Jan. 15, 2026) (“Close to 90% of NYC’s goods are moved into and around the city by truck.”).

Technological advancements have made brokers more efficient and increased demand for their services. C.H. Robinson “has been using artificial intelligence to automate tasks such as generating shipping quotes, scheduling pickups and deliveries and tracking shipments.”¹⁶ Those technological changes have “helped speed up its operations.”¹⁷ Today’s freight brokers increasingly rely on these digital tools, from AI-based analytics to load-matching platforms, to enhance their services.¹⁸ Brokers have adopted algorithms and online load boards to match loads with carrier capacity in real time, provide instant freight quotes, and track shipments digitally.¹⁹ Such innovations have made brokers more responsive, more precise, and more deeply embedded in modern supply chains.

As policymakers continue to encourage domestic manufacturing, the need for efficient freight transportation will continue to grow.²⁰ Consistent

¹⁶ Reuters, *C.H. Robinson’s Shares Hit Record High, Defying Freight Slump with AI-driven Gains* (Oct. 30, 2025), <https://www.reuters.com/business/ch-robinsons-shares-hit-record-high-defying-freight-slump-with-ai-driven-gains-2025-10-30/>.

¹⁷ *Id.*

¹⁸ Jeff Berman, Logistics Management, *2024 Digital Freight Matching Roundtable: Evolving for a Digitized Future* (Nov. 1, 2024), https://www.logisticsmgmt.com/article/2024_digital_freight_matching_roundtable_evolving_for_a_digitized_future.

¹⁹ Tank Transport, *Top 5 Breakthroughs in AI in Freight Brokerage [2025 Update]* (June 25, 2025), <https://tanktransport.com/2025/06/ai-in-freight-brokerage/>.

²⁰ See, e.g., U.S. Small Bus. Admin., *Make Onshoring Great Again Portal*, <https://www.sba.gov/onshoring> (last visited Jan. 15, 2026).

with that objective, the federal government has adopted policies aimed at expanding U.S.-based production capacity and reducing reliance on foreign supply chains.²¹ As the economy grows more dependent on domestic transport, freight brokers' expertise in stitching together capacity from thousands of U.S. trucking carriers will be indispensable.

B. Congress Prevented Brokers From Being Governed By A Patchwork Of State Tort Law, Which Would Harm Every Step Of The Supply Chain.

In enacting the FAAAA, Congress expressly preempted state law regulation of the price, route, or service of brokers and motor carriers because “the regulation of intrastate transportation of property” had “imposed an unreasonable burden on interstate commerce,” “impeded the free flow of trade, traffic, and transportation of interstate commerce,” and “placed an unreasonable cost on the American consumers.” Pub. L. No. 103-305, § 601(a)(1), 108 Stat. 1569, 1605 (1994). Congress thus preempted “[s]tate economic regulation of motor carrier operations,” because it had caused “significant inefficiencies, increased costs,” and led to the “reduction of competition, [and] inhibition of innovation.” H.R. Conf. Rep. No. 103-677, at 87 (1994). These Congressional objectives are reflected in Section 14501(c)(1)’s broad preemption provision, which displaces state regulation of brokers’ services.

²¹ U.S. Small Bus. Admin., *SBA Announces Made in America Manufacturing Initiative* (Mar. 10, 2025), <https://www.sba.gov/article/2025/03/10/sba-announces-made-america-manufacturing-initiative>.

Congress carved out of this preemption provision “the safety regulatory authority of a State with respect to motor vehicles.” 49 U.S.C. § 14501(c)(2)(A). As discussed below, Congress embraced a system where federal and state authorities work together to ensure motor carrier safety. But this exception for safety regulation relating to motor vehicles does not apply to brokers, which—unless separately registered as a motor carrier, 49 U.S.C. § 13904(d)—do not operate motor vehicles, hire drivers, or transport property. *See H.R. Conf. Rep. No. 103-677*, at 84 (noting “that States . . . may . . . attempt to regulate intrastate trucking markets through its unaffected authority to regulate matters such as safety” and cautioning that the “conferees do not intend for States” to do so).

Both brokers and motor carriers play important roles in the shipping ecosystem, but their functions are statutorily and practically distinct. Once brokers connect shippers with motor carriers, they remain engaged in logistical coordination. But they lack both the authority and the practical ability to monitor motor carriers. Freight brokers neither own nor operate the trucks they arrange; they do not employ the drivers or directly oversee carrier operations. And brokers typically have no contractual or legal right to dictate who a carrier hires, how it trains drivers, or how it administers its employment policies. Given the scale of brokers’ operations—determining capacity of thousands of carriers to match them with shippers—continuous monitoring of carriers’ compliance with existing safety regulations is infeasible. Tort liability against brokers would thus create an untenable burden on brokers ill-equipped to assume this regulatory role. Moreover, it would impose that

obligation across many different jurisdictions, even though the brokers do not control motor carrier or driver decisions about which routes, through which states, to use.

This risk is not hypothetical. As an initial matter, not every negligent-selection suit will be litigated in federal court. For example, a broker could be sued in Illinois state court after an out-of-state load and accident; and if the broker is incorporated in Illinois, it may be unable to remove. *See Kaipust v. Echo Global Logistics, Inc.*, 2025 IL App (1st) 240530, 271 N.E. 3d 1066. This means brokers could be subject to divergent state-law approaches and held liable based on varying state tort law. And even where a broker can remove to federal court or is sued there, it may lack the ability to control—or even anticipate—what substantive state law standards will apply. For example, the same broker located in Illinois may arrange for a motor carrier and driver to transport goods. But the motor carrier and the driver may decide to take a route through a particular state without input from the broker. If an accident occurs in that state, the broker could find itself defending a suit in an unexpected jurisdiction under state tort law it could not have anticipated would apply. *Cf. Miller v. C.H. Robinson Worldwide, Inc.*, 976 F.3d 1016, 1020 (9th Cir. 2020) (plaintiff sued C.H. Robinson in district court in Nevada following a motor vehicle crash in the state).

Given the central importance of trucking to the national economy, the threat of tort liability against brokers and shippers for negligent selection of motor carriers and drivers poses a significant risk to the efficient movement of goods across state lines. *See Ye*

v. GlobalTranz Enters., Inc., 74 F.4th 453, 459 (7th Cir. 2023) (imposing state tort law duties of care on brokers would cause brokers to “change how they conduct their services—for instance, by incurring new costs to evaluate motor carriers” and “hir[ing] different motor carriers than they would have otherwise hired without the state negligence standards”). Indeed, allowing tort claims against brokers will harm not just brokers, but also motor carriers, shippers, manufacturers, retailers, and ultimately, consumers, leading to increased costs and decreased efficiency.

Motor Carriers: The trucking industry is vast and varied, with nearly 580,000 active motor carriers, ranging from large fleets operated by Fortune 500 companies to small businesses and individual owner-operators.²² As discussed below, these motor carriers are subject to a highly reticulated motor-carrier safety framework, designed to ensure safe roadways.²³ Imposing a negligence standard on brokers, who would then be forced to favor larger carriers with more established safety records, could push smaller carriers out of business, reducing market competition and driving prices upward. *See Miller v. C.H. Robinson Worldwide, Inc.*, 976 F.3d 1016, 1032 (9th Cir. 2020)

²² *Economics & Industry Data*, *supra* note 3.

²³ *See infra* Part II. Those standards are implemented through the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 300-399, and enforced through a federal-state inspection and investigation system. *See* 49 U.S.C. § 31102(c)(1) (conditioning state safety-assistance funding on adoption and enforcement of regulations “compatible” with federal motor-carrier safety rules); *see also* 49 C.F.R. pt. 350 (motor-carrier safety programs include driver and vehicle inspections, carrier investigations, and new-entrant safety audits).

(Fernandez, J., concurring in part and dissenting in part) (“It could even require brokers to effectively eliminate some motor carriers from the transportation market altogether.”). Moreover, larger carriers’ safety data averages could mask individual driver and fleet risks, providing a misleading sense of security and further disadvantaging smaller carriers.²⁴

Shippers, Manufacturers and Retailers:

Shippers, including manufacturers and retailers, rely on freight brokers to arrange cost-effective and efficient transportation. Manufacturers depend on brokers to source carriers for raw materials and components. Retailers rely on them to manage complex delivery logistics, often under just-in-time systems or drop-shipping models that depend on rapid, reliable transport.

If brokers face open-ended tort exposure for carrier selection, some may withdraw from certain markets or sharply limit their operations.²⁵ Shippers, who lack regulatory tools and safety data, could be forced to assume greater responsibility for evaluating carrier safety, a task Congress never intended them to bear.²⁶ Even those who continue using brokers will

²⁴ See Todd Dills, *Risk & Reward: How CSA’s Data Shows Discrimination Toward Small Carriers*, Com. Carrier J. (Aug. 6, 2013), <https://www.ccjdigital.com/business/article/14927194/risk-reward-how-csas-data-shows-discrimination-toward-small-carriers>.

²⁵ See John Kingston, *TIA Warns: TQL-linked Broker Liability Case Threatens Industry*, FreightWaves (Sept. 15, 2025), <https://www.freightwaves.com/news/tia-warns-tql-linked-broker-liability-case-threatens-industry>.

²⁶ Indeed, plaintiffs have already sought to impose negligent selection liability on shippers. See, e.g., *Moseley v. Big’s Trucking*, No. 2:23-CV-683-ECM, 2025 WL 1186868, at *5 (M.D.

face indirect costs, as brokers pass along higher risk premiums in the form of increased fees or more restrictive carrier networks. The result will be higher shipping costs, reduced access to competitive carriers, and new legal risks for parties that have long relied on brokers to navigate those complexities. These burdens will raise prices and slow the movement of goods at a moment when efficient domestic freight transportation is more important than ever.

Consumers: Ultimately, consumers will bear the brunt of higher shipping and brokerage costs, which ripple through the economy, increasing prices for everyday goods.²⁷ Higher costs and fewer transportation options will also lead to delayed deliveries, negatively impacting consumer satisfaction and placing strain on an already taxed supply chain. Federal transportation officials have observed that when supply chains are strained, Americans face “higher prices and longer delays” as logistics networks struggle to keep pace.²⁸

Ala. Apr. 23, 2025) (holding that the preemption clause of Section 14501(c)(1) applies “even if ABDC acted solely as a shipper”); *Creagan v. Wal-Mart Transp., LLC*, 354 F. Supp. 3d 808, 813 n.6 (N.D. Ohio 2018) (“Although Wal-Mart is a shipper rather than a broker, the negligent hiring claim against Wal-Mart . . . indirectly attempts to regulate broker services, [and] must be preempted as well.”).

²⁷ See Maggie Isaacson & Hannah Rubinton, *Shipping Prices and Import Price Inflation*, 105 Fed. Rsr. Bank St. Louis Rev. 89, 90 (2023) (finding that high shipping price increases during the pandemic resulted in consumer-price inflation).

²⁸ U.S. Dep’t of Transp., *Supply Chain Assessment of the Transportation Industrial Base: Freight and Logistics* vii–xi (Feb. 2022).

II. Existing Comprehensive Federal and State Regulation, Not Broker Tort Liability, Ensures Roadway Safety.

Congress addressed roadway safety through carrier-focused federal and state regulation of motor carriers and drivers.²⁹ The responsibility for roadway safety thus rests primarily and appropriately with the entities directly responsible for the control and operations of motor vehicles. Tort liability against brokers is not only unnecessary given this federal and state framework but also ineffective, creating an untenable burden on brokers ill-equipped to assume this regulatory role.

A. Freight Transportation Is Governed by a Comprehensive Regulatory Framework of Federal and State Law.

In designing the FAAAA, Congress recognized both the vital role of trucking in the national economy and the importance of keeping unsafe carriers off the road. It created a system in which federal and state governments work together to identify and address safety risks in commercial transportation. Under this partnership, federal and state authorities have imposed rigorous safety standards designed specifically to monitor and ensure safe motor carrier operations. The Department of Transportation (“DOT”) and the FMCSA administer a comprehensive

²⁹ See 49 U.S.C. § 13902 (motor carrier registration); *id.* § 31144; (safety fitness requirements); *id.* § 31136(a) (requiring Department of Transportation to prescribe “minimum safety standards”); 49 C.F.R. pts. 390–399 (allocating operational safety obligations to motor carriers and drivers under a carrier-focused compliance framework).

regulatory framework, the Federal Motor Carrier Safety Regulations (“FMCSR”), codified at 49 C.F.R. pts. 300–399. These regulations meticulously govern every safety aspect of commercial trucking, from drivers’ hours-of-service limitations, 49 C.F.R. § 395, to essential vehicle safety features such as brakes, *id.* § 393.52, lighting, *id.* § 393.24, and window integrity, *id.* § 393.60.

These federal safety standards are integrated with state law. Under the Motor Carrier Safety Assistance Program, states agree to adopt and enforce regulations on commercial vehicle safety that are compatible with those of the federal government in exchange for funding. *See* 49 U.S.C. § 31102. Every state participates.³⁰ For instance, Nevada explicitly incorporates numerous FMCSR provisions, including drug and alcohol testing, commercial driver licensing, vehicle inspections, hazardous materials transport, and mandatory insurance coverage, directly into state regulations. *See* Nevada Admin. Code § 706.2472. Other states achieve the same effect through analogous statutes and regulatory schemes. *See* 49 C.F.R. § 350.303(b)-(d) (setting forth state responsibilities for ensuring compatibility and conducting annual review).

This coordinated federal-state partnership ensures consistency and thoroughness in

³⁰ *See As Part of DOT’s Push to Bring Traffic Deaths to Zero, Biden-Harris Administration Sends Every State Funding for Commercial Motor Vehicle Safety*, Federal Motor Carrier Safety Administration (June 3, 2024), <https://www.fmcsa.dot.gov/newsroom/part-dots-push-bring-traffic-deaths-zero-biden-harris-administration-sends-every-state>.

enforcement. Both state and federal inspectors enforce these uniform safety standards, conducting regular roadside inspections and promptly removing unsafe vehicles or drivers from service. Complementing these efforts, the Commercial Vehicle Safety Alliance (“CVSA”), a consortium of state, territorial, and federal safety officials, establishes uniform “Out-of-Service” criteria, ensuring consistent nationwide enforcement and removing any vehicle or driver that presents an imminent safety hazard.³¹ This regulatory framework is robust and comprehensive by design. It is specifically tailored to address motor carrier safety at every level, from meticulous vehicle maintenance to stringent driver qualification standards.

Congress recognized this distinction between brokers and motor carriers in crafting this safety framework. Congress required, for example, that brokers hold a surety bond or financial security to satisfy claims arising from failure to pay contractual freight charges, but did not require brokers to insure against personal injury claims. *Compare* 49 U.S.C. § 13906(b) (broker bond/trust fund financial security), *with id.* § 13906(a) (motor carrier financial responsibility/insurance). Consistent with this allocation of responsibility, the broker–carrier agreement in this case specified that the carrier “retained exclusive control over the manner of performance of transportation services, as well as the equipment and personnel it used to perform them.”

³¹ *About the Alliance*, Commercial Vehicle Safety Alliance, <https://www.cvsa.org/about-cvsa/about-the-alliance/> (last visited Jan. 15, 2026); *see also* CVSA’s 2021 *Out-of-Service Criteria Now in Effect*, Commercial Vehicle Safety Alliance (Apr. 1, 2021).

Montgomery v. Caribe Transp. II, LLC, 124 F.4th 1053, 1054 (7th Cir. 2025). Allowing common-law tort claims against freight brokers for their choice of carrier would undermine this Congressional design, while adding nothing meaningful to these extensive federal and state safety protections.

B. Brokers Lack Reliable Means to Evaluate Carrier Safety, and a Negligence Standard is Unworkable.

Motor carriers own and are responsible for maintaining their trucks; they employ drivers and ensure compliance with applicable safety standards; and they control day-to-day operations. Motor carriers have access to real-time information about their own safety records, violations, and potential hazards—information that freight brokers lack. Petitioner and his amici point to the FMCSA’s “conditional” safety rating of Caribe Transport as a reason C.H. Robinson should have refused to hire Caribe as a motor carrier. *See* Pet. Br. 11-12; *see also* Amici Br. of Truck Safety Coalition, Parents Against Tired Truckers, and Citizens for Reliable and Safe Highways 16 (arguing that FMSCA’s “safety data is available to brokers when they make decisions about whether to bring a carrier into their network or to hire them to move freight”). But these rating systems are primarily designed to help law enforcement, not to facilitate outside investigation by brokers.

The primary federal safety evaluation system, the FMCSA’s Compliance, Safety, Accountability (“CSA”) program, is a law enforcement mechanism designed to

prioritize carriers for agency intervention.³² The CSA program was created to support law enforcement and regulatory oversight, not to guide brokers or shippers in carrier selection. The program consists of three main components:

- The Safety Measurement System (“SMS”), which analyzes inspection and crash data to identify carriers needing intervention;
- A graduated intervention process, including warnings, investigations, and potential out-of-service orders; and
- Safety Fitness Determinations, categorizing carriers as “satisfactory,” “conditional,” or “unsatisfactory,” with many carriers receiving no rating at all. 49 C.F.R. § 385.11.

These ratings result from comprehensive onsite investigations typically triggered by serious incidents or problematic SMS scores. And they reach a very small percentage of motor carriers. In 2019, FMCSA and state partners inspected about 2% of registered carriers.³³ Many carriers therefore operate without any assigned safety rating, and even those with “satisfactory” ratings may have outdated assessments that no longer reflect current safety performance. Thus, a “satisfactory” rating does not reliably indicate a carrier’s comparative safety.

³² See *Motor Carrier Safety Planner*, Federal Motor Carrier Safety Administration, ch. 3, § 3.2, <https://csa.fmcsa.dot.gov/safetyplanner/MyFiles/Sections.aspx?ch=20&sec=54> (last visited Jan. 15, 2026).

³³ Advance Notice of Proposed Rulemaking and Request for Comments, 88 Fed. Reg. 59489, 59492 (2023).

FMCSA itself cautions that its ratings are “not based on relative comparison to other motor carriers,” underscoring the system’s fundamental limitations for comparative analysis.³⁴ And Congress recognized the CSA program’s limitations in the 2015 Fixing America’s Surface Transportation (“FAST”) Act, mandating FMCSA to provide explicit warnings to users of the CSA system. The required notice underscores that conclusions about a carrier’s overall safety should not be drawn merely from CSA data unless FMCSA has explicitly labeled a carrier as “unsatisfactory” and ordered it off the road. Fixing America’s Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312 (2015).

Ultimately, Congress crafted an extensive regulatory regime that places responsibility for road safety precisely where it belongs—on motor carriers and their drivers. Imposing a negligence standard on brokers would be ineffective and costly, undermining the efficiency and stability of our transportation infrastructure with no discernible safety benefit.

* * * * *

Truck freight is a cornerstone of the American economy. Freight brokers, though largely invisible to the public, perform a vital function by connecting shippers with motor carriers and keeping goods moving efficiently. As logistical organizers who are not well positioned to evaluate driver safety, brokers rely on the safety regulatory agencies Congress set up for that purpose. The Seventh Circuit’s decision

³⁴ *Notice, Safety Measurement System*, Federal Motor Carrier Safety Administration, <https://ai.fmcsa.dot.gov/SMS> (last visited Jan. 15, 2026).

preserves that role and maintains the clear federal-state framework Congress designed. Imposing liability on brokers who lack the tools or authority to evaluate carrier safety would not improve roadway conditions. It would only inject uncertainty, raise costs, and reduce access to freight services at a time when supply chains are being restructured and domestic freight logistics are more essential than ever. The burden of that disruption would fall on manufacturers, retailers, and consumers alike.

CONCLUSION

For the reasons stated, the Court should affirm the decision below.

Respectfully submitted,

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