What 2025 Transpo And Logistics Legal Trends Mean For 2026

By **Jonathan Todd** (December 18, 2025)


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2025 was challenging for the transportation and logistics industry vertical, to say the least. But the same can be said for many of the other verticals reliant on transportation and logistics providers for their essential supply chain services.

The greatest certainty in this period was often use of the term "uncertain" to describe the business environment. Still, this core industrial sector managed to find a way to progress through this period, just as it has through many historic eras of uncertainty.

Six key legal trends shaped the transportation and logistics industry in 2025. This article surveys the field and assesses the degree to which we have a preview of 2026 as we prepare to flip the calendar.

Meaningful legal themes tend to steer toward risk and strategy, particularly in times of change, and this remained true in 2025. The most notable emergent trends range from continuations of multiyear factors to knock-on effects from government action.

Other trends are more traditionally legal in nature, such as developments in tort risk and the market for industry mergers and acquisitions. A clear trajectory exists across these themes — and with it, the playbook for where we are headed.

Weak Demand for Shippers

The single best example of weakness among shippers in 2025 was the bankruptcy of auto parts giant First Brands Group, which filed for Chapter 11 in September. Many transportation services providers hold claims for accounts receivable against this company and other recently bankrupt entities, particularly retailers.

Even beyond insolvency, nationwide transportation and logistics procurement continued the year-on-year trend of freight recession with depressed rates. The few bright spots were often trade distortion events caused by the pull-forward of international cargo seeking to game the rise and fall of tariffs, and related services such as the market for bonded warehousing.

Most economists focused on the sector are aligned that 2026 will likely hold more of what we experienced in 2025.

Provider Insolvency Risk

The single best example of weakness among providers in 2025 was the shuttering of 10 Roads Express, as announced earlier this month. The large carrier's stated reason for winding up operations was the loss of its U.S. Postal Service contract.

Numerous other carriers and brokers have wound up operations over the year. An anecdotal rise in double-payment risk to providers and shippers alike, that had paid for those defunct parties for service, and then received demand letters from collections firms, was notable as the year developed.

Some economists have forecast continued supply-side weakness, and the likelihood of increased market exits among providers, through the new year. Interest is growing for stronger procurement and carrier vetting practices as the market braces for continued financial risk and supply chain disruption in 2026.

Regulatory Enforcement Policy

The U.S. Department of Transportation held a high-profile position in the Trump administration throughout 2025. The agency spearheaded some of the most notable activity to implement the president's deregulatory agenda.

A 10-for-1 promise to roll back regulation included everything from ending Biden-era emissions rules to elimination of water carrier regulations that have not been enforced by the DOT in 30 years.

But in parallel, the department's approach to regulatory compliance enforcement exhibited new aggressiveness on those transportation issues that dovetail with immigration policy. Renewed enforcement of driver English-language requirements emerged in May. Scrutiny of states issuing nondomicile commercial drivers licenses emerged in October.

U.S. Transportation Secretary Sean Duffy recently suggested that the DOT may regulate shippers that, while merely tendering goods for transportation, knew or should have known the language skills or immigration status of carrier drivers.

Estimates of the impact of these policies and others, such as elimination of temporary protected status for certain immigrants, on the nationwide driver population range from tens of thousands to hundreds of thousands. The effects of these actions will echo through 2026, together with the corresponding need for risk-appropriate regulatory compliance efforts by service providers.

Cargo Theft and Supply Chain Fraud

Reported incidents of cargo theft and supply chain fraud continued to rise in 2025. Shippers and their carrier providers, and even brokers, have suffered losses of full truckload and containerload shipments.

Criminal interests target high-value cargoes, easily liquidated retail items and general commodities alike. While some incidents have been outright thefts, others have involved mind-blowingly sophisticated tactics.

We have seen fraudulent dispatch instructions to drivers, imposter carriers running under otherwise legitimate names and operating authorities, hacking to intercept shipment tender, forged shipping documents, and diverting shipments to different delivery points.

Every theft is different, but the fact always remains that products are unavailable for use as intended, and some or all law-abiding parties have a measure of exposure.

Expect the cargo theft phenomenon to drive interest in verifying available insurance response, technology deployment, chain of custody procedures, shipment decoy tactics, use of new lanes and smaller equipment sizes, and specialized contract terms throughout 2026.

Tort Claims Exposure

Industry service providers have long been concerned about nuclear verdicts, tort claims generally and the cost of insurance. A sea change may be coming for freight brokers, due to the U.S. Supreme Court's grant of certiorari in Montgomery v. Caribe Transport II LLC this October.

At issue is the applicability of the Federal Aviation Administration Authorization Act, or FAAAA, to shield freight brokers from liability for vehicular accidents caused during transportation of loads they arrange. In essence, the statute creates federal preemption on matters involving prices, routes or services of freight brokers.

But the FAAAA also contains a so-called safety exception. Federal circuits are split on whether the law operates to preempt tort claims under state law to establish broker liability, notwithstanding the safety exception.

A decision in favor of the broker, C.H. Robinson Worldwide Inc., will be viewed as a monumental decision for the transportation bar, since brokers and even shippers may face far lower risk of exposure for casualties caused by the motor carriers they hire.

An adverse decision will potentially drive up the frequency and magnitude of tort claims against brokers, particularly where the broker may have deeper pockets than the carriers involved in the underlying accidents. The court will decide the issue in 2026.

Industry Acquisitions Continue

The market for mergers and acquisitions in the transportation and logistics sector continues to make news and change the competitive landscape. Strategic buyers were particularly active as they continued to find deals to strengthen service portfolios and enter new markets.

In the first half of the year, Ryder System Inc. acquired Cardinal Logistics Management Corp. in February, and freight forwarding behemoth DSV AS acquired Schenker AG in April.

In the second half, Union Pacific Corp. announced its plan to merge with Norfolk Southern Corp. in July, Hub Group Inc. acquired Marten Transport Ltd.'s intermodal division in September, and Kuehne+Nagel acquired a majority stake in IMC Logistics in November.

The value of combinations and investments is expected to maintain momentum in 2026 due to realistic price expectations among those open to investment and the availability of capital.

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