



QA  
19978

April 24, 1996

Docket Clerk, Room 4232  
Office of the Chief Council  
Federal Highway Administration  
400 Seventh Street, SW  
Washington, DC 20590

FHWA-97-2277-3

96 MAY 1 8:51  
LEGIS. REGS. DIV.  
ADMINISTRATION

Refer to Docket Number FHWA Docket No. MC-96-6

Comments on the proposed regulations to increase the scope of specific minimum safety information to be sought when investigating the driver's employment under 391.23:

The proposed regulations concerning **Accidents and Hours of Service Violations Resulting in an Out-of-Service Order** are at odds with the President's stated goal of streamlining government and reducing the paperwork burdens on the regulated community. Former employers should not be forced to keep redundant records of information already available through law enforcement agencies.

The accident reporting burden was removed from motor carriers because law enforcement records were more complete and objective. That is still true and the prospective employer should have access to accident records in the same manner, and with the same ease, that there is access to traffic records. It should be noted that involvement in an accident does not imply guilt for causing the accident and the official law enforcement account of the circumstances should be what is considered by the prospective employer.

Out-of-Service Orders for hours of service violations do not necessarily reflect the attitude or unsafe practices of the driver. They can be, and usually are, a reflection of the practices of the motor carrier, whose responsibility it is to see that the driver follows the hours of service regulations. To use Out-of-Service Orders as an indicator of the driver's safe driving practices could put the driver and his previous employer into a serious confrontation concerning who was at fault, with the prospective employer caught in the middle. If Out-of-Service Orders are going to be used to judge a driver's safety fitness, then make it official and have the incident recorded on the driver's motor vehicle record.

DOCKET MC-96-6-2  
PAGE 1 OF 2

Please, do not make previous employers a back-up source for information on drivers generated by law enforcement and already a public record. Previous employers are reluctant to release negative information on former employees because of law suits and such. Do not compound the problem. There are no real benefits from these two proposals. Please withdraw them.

Sincerely,



Ray Brisnehan,

Manager, Government Regulations

DOCKET MC-96-6-2  
PAGE 2 OF 2