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ADMINISTRATION

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May 13, 1996

Docket Clerk
Room 4232
Office of the Chief Counsel
Federal Highway Administration
400 7th Street, S.W.
Washington, D.C. 20590

FHWA-97-2277-9

Re: FHWA Docket No. MC-96-6; Safety Performance
History of New Drivers

Dear Sir or Madam:

These comments are submitted on behalf of Food Distributors International (NAWGA/IFDA) in support of the rule proposed by the Federal Highway Administration (FHWA) in the above-referenced docket.

Food Distributors International, the umbrella name for the National American Wholesale Grocers' Association (NAWGA) -- and its foodservice partner organization, the International Foodservice Distributors Association (IFDA) -- is an international trade association comprised of food distribution companies which primarily supply and service independent supermarkets, convenience stores, restaurants, hotels, schools, hospitals, and military bases throughout the United States, Canada and more than 20 other countries. Food Distributors International's 265 member companies operate nearly 923 distribution centers with a combined annual sales volume of \$126 billion. NAWGA numbers employ a work force of over 350,000 and in combination with their independently-owned customer firms, provide employment for several billion people. IFDA represents member firms that annually sell over \$33 billion in food and related products.

Many Food Distributors International members operate private fleets of motor vehicles to provide transportation service in furtherance of their primary non-transportation food distribution business. Many members also conduct for-hire motor carriage service for third parties as a complement to their private fleet

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operations. In conducting both their private and for-hire motor carrier transportation service, Food Distributors International members employ thousands of motor carrier drivers.

Food Distributors International supports adoption of the proposed rule. The rule will improve the quality of the information that new employers of a driver receive about that driver's safety record and, accordingly, will enable those employers to make a more informed decision about that driver's qualifications. The result should be an improvement in highway safety.

The proposed rule, which implements the provisions of the Hazardous Materials Transportation Act of 1994, would be beneficial to new employers of drivers in at least two respects. First, while existing FHWA rules require a motor carrier to investigate each new driver's employment record for the preceding three years, the regulations do not specify the type of information to be sought about such record. The proposed rule sets forth the minimum safety indicators that a new employer must investigate; they do not, however, preclude the motor carrier from obtaining additional general employment information. Data required by the proposed rule as to the driver's accident record, hours-of-service violations, and drug and alcohol records are critical in assisting a prospective employer to make a determination as to whether or not the driver will operate a motor vehicle safely. Requiring that this information, at a minimum, be obtained by all motor carrier employers will make sure that all new employers seek basic information about a driver's safety record.

The proposed rule's mandate that past employers of the driver respond within 30 days to the request for information about the driver, is also an important tool for insuring that only safe drivers get behind the wheels of motor vehicles. There now is no requirement that a former employer respond at all to the new or prospective employer's inquiry concerning the driver's record. Even assuming that the new employer does request the necessary information to enable it to evaluate the likelihood of the driver's operating a motor vehicle safely, there is no assurance that it will receive that information. This proposed rule "puts teeth" into the process of obtaining safety information about a driver by requiring the custodian of that information -- the driver's former motor carrier employer -- to furnish it within a reasonable time.

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Food Distributors International thus commends FHWA for taking these important steps to achieve greater safety on the nation's highways, and urges that the proposed rule be adopted.

Yours very truly,

Kevin Burke
Kevin Burke (TWJ)

Vice President
Government Relations

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