

QA-20597

FHWA-97-2299-17

Before the Department of Transportation  
Federal Highway Administration

Docket No. MC-96-18

96 JUL 24 4 6 : 09  
LEGS./REGS. DIV.

FEDERAL HIGHWAY  
ADMINISTRATION

Rules of Practice for Motor Carrier Proceedings;  
Investigations; Disqualifications and Penalties

Notice of Proposed Rule Making

Comments of

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July 19, 1996

DOCKET MC-96-18-14  
PAGE 1 OF 3

Over the last few years, the Federal Highway Administration has significantly modified its operating methods to make them more performance oriented. On September 21, 1994, George L. Reagle, Associate Administrator for Motor Carriers, issued an "Explanation of Safety Rating Process" defining the current safety rating methodology based on acute and critical violations.

As a continuation of this effort on October 1, 1994, OMC released the SCE score (Safety Compliance and Enforcement) procedure. SCE scores are developed quarterly using an algorithm. Using the SCE scores, carriers are ranked for each state with the highest SCE scores at the top of each state list. Carriers may be subsequently chosen for compliance reviews at least in part, because of their SCE scores.

In most states, Offices Motor Carriers have found themselves unable to treat with the majority of carriers with high SCE scores because they are bogged down doing follow-up compliance reviews and handling complaints. During this same time period, our field experience has convinced us that carriers with SCE scores over 25 rarely have adequate safety programs and are in need of assistance quickly.

As a solution to this problem, we think FHWA should provide as part of 49 CFR 361 for the privatization of certain compliance reviews and thereby significantly expand its ability to get the job done with the carriers who have the largest problems. Since OMC is not likely to have an increasing capacity, it seems to us that a program utilizing DOT Certified Safety Consultants to do compliance reviews would make a great deal of sense. Similar programs are in place for third party CDL testers, for inspectors of bulk hazardous materials, tanks and for Class B practitioners before the Surface Transportation Board.

A program with the following features makes a lot of sense to us:

- Certified compliance reviews would be paid for by the carriers receiving reviews.
- Compliance review results would be turned in to state OMC offices for additions to MCMIS. Reviews by certified consultants would have standing only as long as the carrier had 1. a preventable accident rating less than .5 and 2. a satisfactory safety rating or was unrated.
- Certified consultants could assist carriers with unsatisfactory ratings but not do compliance reviews for them. These carriers would remain the sole responsibility of OMC. Similarly, bulk hazmat and passenger carriers compliance reviews might be limited to OMC personnel initially.

DOCKET mc-96-18-14  
PAGE 2 OF 3

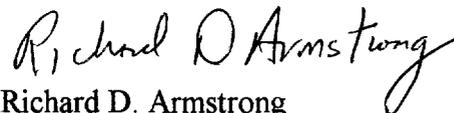
Certified consultants would be required to have:

- A Bachelors degree and at least two years of trucking industry work experience or a Masters degree and one year of trucking industry experience.
- Complete a 1-2 week training session at TSI.
- Be recommended by a State or Regional OMC Director.
- Certified consultants would have a Code of Ethics like that for Class B STB practitioners.

Compliance reviews currently cost FHWA/OMC several thousand dollars each to complete. In addition, OMC has never had nor will ever have enough safety specialists to get the job done as thoroughly as it needs to be done. The use of certified consultants would free OMC to spend more time with the carriers who need the most help. In addition, it would reward carriers who maintain good safety records by allowing them to get recertified every 2-3 years at their operating convenience.

We believe that a certified inspection program could be quite cost effective and very much in line with Vice-President Gore's interest in reinventing government.

Respectfully submitted,



Richard D. Armstrong  
Licensed STB Practitioner

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DOCKET mc-96-18-14  
PAGE 3 OF 3