



FROZEN FOOD EXPRESS INDUSTRIES, INC.

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JULY 22, 1996

FEDERAL HIGHWAY ADMINISTRATION
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WASHINGTON, DC 20590

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96 JUL 21 12:40
LEGS./REGS. DIV.
FEDERAL HIGHWAY
ADMINISTRATION

RE: FHWA DOCKET NO. MC-96-18

FHWA-97-2299-23

TO WHOM IT MAY CONCERN;

I AM SUBMITTING THE FOLLOWING COMMENTS, REGARDING THE PROPOSED CHANGES IN THE SAFETY RATING PROCESS FOR MOTOR CARRIERS. FIRST, LET ME SAY THAT THE CURRENT SYSTEM IS NOT WORKING. WE DESPERATELY NEED TO FOCUS ON CARRIER PERFORMANCE AND STOP JUDGING SAFETY ON PAPERWORK. WE SUPPORT THE SINGLE CATEGORY RATING OF UNSATISFACTORY. THIS WOULD ALLOW THE ADMINISTRATION TO CONCENTRATE ON THE UNSAFE CARRIERS.

PERFORMANCE BASED RATING WOULD LOOK AT THE ACCIDENTS AND OUT OF SERVICE VIOLATIONS, CONSIDERING ONLY CATEGORIES OF SAFETY RELATED HAZARDS. THE CURRENT MOTOR CARRIER PROFILE IS NOT AN ACCURATE VIEW OF THE CARRIER. THE INSPECTIONS REFLECTED ARE OFTEN NOT ACCURATE. ALSO THE PERCENTAGES ARE SKEWED DUE TO THE FACT THAT A GOOD CARRIER IS WAVED THROUGH A CHECK POINT WITHOUT BEING INSPECTED(E.G. MANY TIMES THE CARRIER THAT IS KNOWN FOR HAVING A SAFE OPERATION IS NOT INSPECTED UNLESS A VIOLATION IS NOTICED). THIS DOES NOT GIVE THE CREDIT TO THE CARRIER FOR A NO VIOLATION INSPECTION. THE ACCIDENT STATISTICS REFLECTED ON THE PROFILE ARE FROM THE LAST REVIEW CONDUCTED ON THE CARRIER, WHICH COULD BE FROM YEARS AGO. THE INSPECTIONS SHOWN ARE AS RECENT AS THE STATES ALLOW, BUT THE ACCIDENT INFORMATION IS NOT. THIS WOULD THEREFORE ELIMINATE THE PROFILE AS AN ACCURATE TOOL FOR PERFORMANCE EVALUATION. THE ACCIDENT INFORMATION MUST BE KEPT AS CURRENT AS THE INSPECTIONS. THE CARRIER SHOULD BE REQUIRED TO REPORT MILEAGE TO THE ADMINISTRATION ON A BI-ANNUAL BASIS. AGAIN, THE ONLY AREA TO BE CONSIDERED IN THE PERFORMANCE OF THE CARRIER SHOULD BE ANY VIOLATION, OR ACT, THAT WOULD POSE A HAZARD TO THE MOTORING PUBLIC. THE ONLY OUT OF SERVICE VIOLATIONS TO BE CONSIDERED WOULD BE EQUIPMENT AND DRIVER VIOLATIONS, OTHER THAN PAPERWORK. THE ACCIDENT FREQUENCY SHOULD BE RECORDABLE/ PREVENTABLE.

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WE CAN SHOW NO CORRELATION BETWEEN ACCIDENTS AND HOURS OF SERVICE VIOLATIONS. LESS IMPORTANCE SHOULD BE PLACED ON THESE TYPES OF PAPERWORK VIOLATIONS. IT IS HOWEVER, IMPORTANT TO MONITOR THE DRIVER QUALIFICATION FILES, VEHICLE MAINTENANCE, FINANCIAL RESPONSIBILITY, AND HAZARDOUS MATERIAL VIOLATIONS DURING ANY AUDIT PROCESS. A CARRIER SHOULD BE ASSESSED ON HOW THEY CONDUCT THEIR BUSINESS ON THE ROAD, ACCIDENTS AND INSPECTIONS. THIS IS THE SAME CRITERIA THAT SHOULD BE CONSIDERED FOR AN AUDIT. THE ACCIDENTS SHOULD BE A LARGE PART OF THIS PROCESS. THE CURRENT PROGRAM ON PREVENTABLE AND NON-PREVENTABLE MUST BE ADDRESSED. THERE ARE ACCIDENTS THAT ARE NON-PREVENTABLE OTHER THAN LEGALLY PARKED. THE INDUSTRY UTILIZES THE NATIONAL SAFETY COUNCIL AND AMERICAN TRUCKING ASSOCIATIONS GUIDELINES FOR DETERMINING PREVENTABILITY. I RECOMMEND THE ADMINISTRATION DO THE SAME. AGAIN, WE CAN SHOW NO RELATION BETWEEN HOURS OF SERVICE VIOLATIONS AND ACCIDENTS.

THE AUDIT PROCESS SHOULD BE BASED ON THE CARRIERS ACCIDENT FREQUENCY. LOOK AT THE RECORDABLE/PREVENTABLE FREQUENCY THAT EXCEEDS 0.30 PER MILLION MILE. IF AN EMPLOYEE COMPLAINT IS RECEIVED BY THE ADMINISTRATION, THE INFORMATION SHOULD BE PROVIDED TO THE MOTOR CARRIER, MUCH LIKE THE PROGRAM THAT OSHA FOLLOWS. IT ALLOWS THE EMPLOYER THE OPPORTUNITY TO FULLY INVESTIGATE THE ISSUE AND RESPOND BACK. IF THE RESPONSE IS NOT TO THE SATISFACTION OF THE ADMINISTRATION, AN AUDIT MAY BE CONDUCTED. THE AUDIT SHOULD FOCUS ONLY ON THE VIOLATIONS ALLEGED IN THE COMPLAINT. OFTEN TIMES A DISGRUNTLED EX-EMPLOYEE KNOWS THAT A COMPLAINT TO FHWA WILL STEM AN AUDIT, CAUSING A TERRIBLE INCONVENIENCE AND A COSTLY FINANCIAL BURDEN ON THE MOTOR CARRIER. THE SIZE OF THE MOTOR CARRIER SHOULD NEVER ENTER INTO THE AUDIT DECISION. JUST BECAUSE A CARRIER IS LARGE IN FLEET SIZE, DOES NOT MEAN THEY ARE UNSAFE. STOP SPENDING SO MUCH TIME DURING THE AUDIT PROCESS LOOKING AT RECORDS OF DUTY STATUS, LOGS DON'T CAUSE ACCIDENTS! TO DO A PURELY RANDOM SELECTION IN THE AUDIT, ALLOW THE AUDITOR TO CHOSE HALF AND THE CARRIER TO CHOSE HALF OF THE SAMPLING. IF VIOLATIONS ARE DISCOVERED IN THE AUDIT, CARRIER PERFORMANCE AND CORRECTIVE ACTIONS THAT HAVE BEEN PUT IN PLACE SHOULD BE CONSIDERED (E.G. DISCIPLINARY MEASURES FOR HOURS OF SERVICE VIOLATIONS). THE MOTOR CARRIER SHOULD BE GIVEN THE CHANCE IN THE EXIT INTERVIEW TO FULLY EXPLAIN THEIR POLICIES AND PROCEDURES. COMMUNICATIONS IS A TWO-WAY TRANSACTION.

IF A CARRIER IS DEEMED UNSATISFACTORY, THE 45 DAY APPEAL PROCESS SHOULD AUTOMATICALLY GO INTO EFFECT, PRIOR TO THE RELEASE OF THE CHANGE IN RATING. THE QUALIFICATIONS THAT WOULD PLACE A CARRIER SHOULD BE VERY SPECIFIC AND IT MUST SHOW THAT THE CARRIER IS A HAZARD TO THE PUBLIC. IF THIS IS THE CASE, THE CARRIER SHOULD NOT BE ALLOWED TO TRANSPORT ANY HAZARDOUS MATERIAL. THE CARRIER MUST SHOW CORRECTIVE ACTIONS, TO TRANSPORT ANY COMMODITY, WITHIN SIX MONTHS. THE APPEAL SHOULD GO BEFORE A REGIONAL COMMITTEE, NOT THE INDIVIDUAL THAT CONDUCTED THE AUDIT. THIS WOULD ELIMINATE ANY PREJUDICES THAT MAY HAVE BEEN CONCEIVED.

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ALL ENFORCEMENT CASES SHOULD HAVE AN EQUAL FINE FOR THE SAME TYPE OF VIOLATION. CURRENTLY THE FINES VARY ACROSS THE NATION AND ALSO ARE BASED ON THE SIZE OR INCOME OF THE MOTOR CARRIER. IF YOU ARE STOPPED FOR SPEEDING, THE COURT DOES NOT CONSIDER THE TYPE OF VEHICLE YOU WERE DRIVING.

WE ALSO WOULD LIKE FURTHER CONSIDERATION ON THE "PREMIER CARRIER" PROGRAM. THIS WOULD BE BESTOWED UPON A CARRIER THAT HAS GONE THE EXTRA MILE IN SAFETY. THEY HAVE AN OUTSTANDING, PROACTIVE PROGRAM THAT CLEARLY REFLECTS THE HIGH PRIORITY THE COMPANY PLACES ON SAFE OPERATIONS. A CERTIFICATE WOULD BE ISSUED TO THE CARRIER WHICH WOULD BE OF GREAT USE IN SALES AND MARKETING, AS WELL AS FOR PUBLIC RELATIONS IN THEIR COMMUNITY.

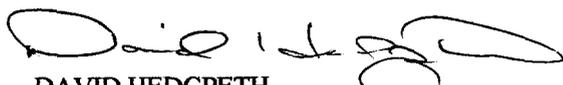
SHIPPERS SHOULD ALSO BE HELD ACCOUNTABLE TO ENSURE THAT THE SCHEDULE GIVEN TO THE MOTOR CARRIER CAN BE DONE LEGALLY. MANY TIMES THE ORIGINAL PICK UP TIME IS DELAYED BUT THE DELIVERY TIME REMAINS THE SAME. THEY SHOULD BE REQUIRED TO ABIDE BY THE SAME REGULATIONS AS THE MOTOR CARRIER.

DRIVERS SHOULD ALSO BE HELD ACCOUNTABLE FOR THEIR ACTIONS, SUCH AS HOURS OF SERVICE VIOLATIONS. THE CARRIER CANNOT BE IN THE CAB WITH EVERY DRIVER DURING EVERY TRIP. THE ULTIMATE RESPONSIBILITY REMAINS WITH THE DRIVER.

THE TRANSPORTATION INDUSTRY HAS THE SAME GOAL AS THE ADMINISTRATION. WE WANT TO ELIMINATE MOTOR VEHICLE ACCIDENTS BY ENHANCING SAFETY UPON OUR HIGHWAYS. WE SHOULD WORK TOGETHER AS A PARTNERSHIP IN ORDER TO ACHIEVE THIS.

THANK YOU FOR YOUR SUPPORT AND CONCERN.

SINCERELY,



DAVID HEDGPETH
CORPORATE DIRECTOR OF SAFETY

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