

LANDSTAR

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FHWA-97-229-35

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ADMINISTRATION

FHWA Docket No. MC96-18
Federal Highway Administration
Office of Chief Counsel
HCC-10, Room 4232
400 Seventh Street SW
Washington, DC 20590

Dear Sir/Madam:

Re: Comments on Safety Rating Proposal

I would like to share my thoughts on the following topics which will be given consideration in Docket 96-18:

No. 5. Whether carriers should be "rewarded" for going the extra mile in safety, and if so, how.

In safety matters "we are all in this together" and sharing of positive safety programs with other carriers and with the general public not only is good business, but is morally the right thing to do.

Carriers who really care about safety, spend thousands of dollars and personal time to educate their employees, drivers and members of the public on ways to avoid accidents, reduce property damage, eliminate personal injury and death on our nation's highways. These efforts show results in accomplishing the desired goals.

While those who are personally exposed to these efforts are genuinely appreciative, often times those who officially oversee the carrier do not recognize the effort, time or expense.

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In the rating process, all carriers will fall short of 100% compliance. There are so many areas where paper errors can occur. These paper errors do not cause accidents, but can adversely effect the rating under current formulas.

For instance, taking a tractor trailer and a driver to a high school driver education class to teach teenage drivers about driving safely around big trucks actually does much more for highway safety than putting a freight bill number on a log.

There are ways carriers could be "rewarded" for extra safety efforts. One is to establish a credit system based on events, hours or cost that carriers can document for the past 12 months (or since last audit) that they have participated in. They could be given "credit" towards any civil penalty the FHWA feels appropriate for violations. If there were no enforcement actions to be taken, FHWA could acknowledge the carriers efforts with an award such as a plaque giving official recognition of their safety commitment. Just think how such a program could inspire more carriers to take part in community safety efforts.

No. 18. How to handle investigations based upon employee complaints.

First, I believe all complaints should be required to be in writing. Generally speaking, a single complaint, which may be from a disgruntled employee, should not be the basis for a full blown compliance audit until after an initial inquiry as to its validity and extent. If the allegation turns out to be an isolated instance and no attempt to evade the rules, a warning to the carrier should be sufficient for both the government and the complainant.

It is an American tradition that one has the right to face his/her accuser. I see no reason that this should not apply to motor carriers as well. There could be instances where disclosure may not be appropriate, but they are rare. I speak from personal experience on this subject having been an investigator for over 30 years. Most of the time I found that the accused knew who the complainant was based on previous contact.

If the complaint investigation indicates a willful disregard for a requirement, then a full blown audit would be in order.

No. 20. Whether FHWA ought to assess penalties for logbook violations against drivers personally.

My response is a definite yes. If drivers are not held personally responsible for violations that they cause, they will continue. If drivers intentionally violate the law, without carrier influence, they should be responsible for their actions. If, on the other hand, it can be established that the carrier encouraged the violation, the carrier and the driver should be held responsible.

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No. 24. Whether FHWA should establish an educational program to help carriers improve their operations to improve their rating.

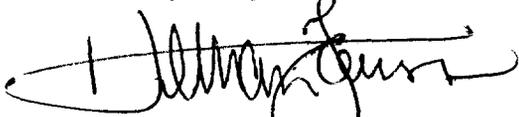
For 40 years I have operated on the basis of education first - penalties later. The FHWA has a responsibility to the public to inform and assist with compliance issues. I have no knowledge that they have not been responsive to this responsibility.

For the past 10 years I have been personally involved with the Florida Trucking Association in many educational endeavors. When these activities have had FHWA application, the agency staff has never refused to participate.

Entry into the trucking business is not restricted. Anyone with a truck (owned or leased) can become a motor carrier with no confirmed knowledge of safety obligations. In this environment it is especially important that DOT/FHWA remain open to educational opportunities and in fact, be charged with directives to seek out those opportunities among those who are subject to the safety and hazardous materials regulations. This educational mandate should extend to shippers as well as carriers.

Thank you for your consideration to the above.

Very Truly Yours,



Herman Fauss
Director of Safety

cc: Lana Batts
Interstate Truckload Carriers Conference
Don Lucchesi

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