

**TW** CORPORATION  
**WESTWAY EXPRESS, INC.** 40

LEGS./REGS. DIV.

July 25, 1996

QA-20644

DHWA Docket No. MC-96-18  
Federal Highway Administration  
Office of the Chief Counsel  
HCC-10, Room 4232  
400 Seventh Street S. W.  
Washington, DC 20590

FHWA-97-2299-40

To Whom It May Concern:

Listed below are our comments for FHWA Safety Rating Proposal.

1. Q. How should FHWA handle investigations based upon employee complaints (e.g., whether it should disclose the complainant and details of the complaints, and whether it should be used as the basis for a full-blown compliance audit)?

These complaints do not constitute the need, in most cases for full audit criteria. They are, however sometime indicators of incomplete or inaccurate interpretation of the regulations. Each complaint should be investigated and FHWA interpretations discussed with the individual carriers for corrective action. Should a second complaint be received, investigated and be found valid, then a full audit should be preformed. This would indicate a failure to follow or outright disregard the regulations.

Actual names of the complainant have to be revealed, as well as the nature of that complaint so that a full response can be issued. We tend to use a shotgun approach to a complaints, when a more focused investigation will reveal the true intent of the carrier.

2 Q. Should FHWA assess penalties for logbook violations against drivers personally?

The regulations require the driver to report his/her hours of service and the carrier to audit for misrepresentation or falsification. Within policy, procedures and audit policies a carrier is found to have made a credible effort to monitor hours of service, it is incumbent that relevant fines and/or penalties be imposed on the driver. As long as we have a punitive system in place -vs- an educational one, all responsible for the action must be held accountable.

If you need further information in persuading FHWA to make its safety rating process reflective of actual safety performance, please do not hesitate to contact me.

Sincerely,



J. B. Martin  
President

JBM/sr

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