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FEDERAL  
ADMINISTRATION

TO: Department of Transportation, FHWA  
FROM: Robert L. Keener   
SUBJ: Proposed Rule Making, Docket No. MC-96-18

What is needed today is more uniformity by Regions and accountability by agents for their actions rather than more law. It seems that we now have nine different Kingdoms that each do their own thing and are accountable to no one.

OMC has been able to rate only a fraction of the industry and for this reason the system is discriminatory and should be eliminated entirely. Nothing more needs to be said here.

Everywhere I go I hear the same thing from motor carriers today. The way DOT operates today they are out of control. I concur.

The behavior of many of the agents today is so bad that they have lost the respect of the industry. They are not only disliked but many detest them. What can you expect when an agent props his feet up on your desk and says, "If you don't clean this mess up in 45 days I will be back and padlock this place."

There is not a motor carrier in this country that advocates violating the hours of service regulations. They believe in the limitations of the hours of service regulations but they do not support DOT's current procedures. When an agent finds a document that does not agree with a log he has himself a false log. No attempt is made to determine if this would have caused an hours of service violation and no attempt is made to check other documents of the same trip. If he finds a number of these instances he prepares a case report and the motor carrier must defend himself. Never mind that these toll receipts do not belong to the driver or that they are inaccurate.

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In the matter of accidents the agent has the sole discretion in determining preventability. This is too much power in the hands of an entry level investigator. Recently when I tried to discuss how the investigator was rating certain accidents I said, "It looks to me like that if our driver struck a black horse in the middle of the night you would rate it preventable." The response I got was, "Actually, if it was a domesticated animal it would be preventable but if it was a wild animal it would not." Is it any wonder that they are not respected?

I worked for many years for ICC and DOT as an investigator and we said that all we wanted was compliance. Today it seems that it is all a matter of money.

When I was employed our case reports were reviewed by our attorneys. Today you have people approving case reports for filing who have no legal training. There is one thing that could be done that would improve the image of DOT more than any other thing. That is, have legal involved on the front end rather than the back. Then we would not see all these frivolous cases.

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