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Docket Clerk
U.S. DOT Dockets
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

DEPT. OF TRANSPORTATION
DOCKET SECTION
98 JUN 10 AM 10:53

Re: comments regarding Docket No. **FHWA-98-3706 - 11**

The notice of proposed rulemaking of supporting documents is untimely, vague, and made without justification.

While the retention of supporting documents is necessary to verify the accuracy of records of duty status, the Federal Highway Administration **failed** to illustrate that falsification is common enough to require carriers to develop a written program for checking supporting documents against R.O.D.S. Surely the FHWA could compile statistics showing the percentage of **falsified** documents or R.O.D.S. found during roadside inspections, Compliance Reviews, and in conjunction with the investigation of D.O.T. Recordable Accidents.

Since **falsification** is usually an attempt to hide an hours of service violation, this n.p.r.m. should not have been made until after forthcoming changes in hours of service regulations have been made.

With the experience FHWA investigators have in detecting **falsified** documents, I believe a specific program should have been outlined for checking supporting documents rather than requiring carriers to write their own program. The fact that FHWA investigators will determine if a carrier's program is sufficient will only make Compliance Reviews more subjective. Likewise, the proposed rulemaking does not specify how many or what percentage of records should be checked. Based on the volume of items defined as supporting documents, I do not believe it would be practical to expect a carrier to check all supporting documents against logs. Yet, if a carrier audits a percentage of records, and an FHWA investigator finds an instance of falsification missed by the carrier, would the carrier's program be considered insufficient?

The proposed rule also fails to define falsification and what action the carrier should take if a receipt bears an incorrect time or date. We learned last month of an Ohio based carrier who was cited for "**false** reports of records of duty status" because drivers had not logged

random drug and alcohol testing as on duty. The drivers involved logged off duty, but would not have been in violation of hours of service regulations **if they** had logged the testing on duty. While the drivers **failed** to log properly, I do not believe this is a case of **falsification**. Nonetheless, the FHWA should define **falsification**.

Respectfully,

A handwritten signature in black ink that reads "Michael C. Gill". The signature is written in a cursive style with a large, looping initial "M".

Michael C. Gill
*Transportation Safety
& Compliance, Inc.*