

MST
Freight Services

June 16, 1998

FHWA - Attn: Docket Clerk
U.S. DOT Dockets, Room PL-401
400 Seventh Street, SW
Washington, DC 20590-000 1

RE: Docket No. FHWA-98-3706 ¹⁹ RIN 2125-AD52

DEPARTMENT OF TRANSPORTATION
98 JUN 18 AM 11:30
DOCKET SECTION

To whom it may concern,

My name is Scott L. McElmurry; I am the President of MST Freight Services, Inc., located in Valrico, FL. MST operates with 5 power units and I have been in the transportation business for over 25 years. I am writing in response to the proposed rulemaking on Hours of Service of Drivers as it relates to supporting documents.

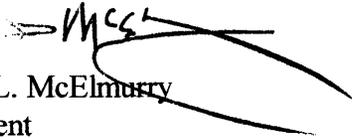
I recognize, even as a small organization, running a safe operation and operating in compliance with the law is important to everyone. I consider it, a reflection on the way MST conducts **itself in** all our business dealings. I am convinced there are many small motor carriers, like us. I agree that every motor carrier should have some kind of program in place to ensure compliance with the hours of service and other regulations.

I have been audited over the years; at one audit I attempted to explain to the current auditor why I had implemented a specific policy, to comply with the previous auditors - I was stopped in mid sentence as the auditor arrogantly, and in raised voice, stated he didn't care, in the least, what the last auditor wanted. He was in charge today and he would do his audit, his way, (not referencing the DOT way). I immediately realized it would be impossible for me to anticipate and prepare for future audits, if I continued to get a different auditor every visit, there obviously was no continuity intended by the rulemaking. It also was an alarming eye opener, in that, clean operations do not pay fines and penalties; therefore, depending on the scruples of the auditor, budget needs, and political agenda, audits are intended to "first" generate revenue and "second" have the appearance of promoting safety.

This proposed rulemaking falls short and only more deeply accentuates problems already in existence. What has happened to the idea that we need to fix these antiquated rules? Why would intelligent minds fall back to what we already know is not the crux of this problem? I have attended conferences with DOT representatives who indicated; on the "road performance checks" is how the industry felt it could best and fairly be judged. Many practical proposals have been put forth and studies done, trucking does not exist alone or in a world of its own, but is impacted daily by outside entities just like the lives of everyone else using our highways. The responsibility of safety belongs to all.

We are not “intent” or “mind” readers; state the rules simply, straight forward without ambiguity, enforce them uniformly starting with the worst “apples” first. (I am out there on the roads and it is not difficult to recognize the “apples”.) With simplicity and straightforward regulations will come the ability for large and small companies to concentrate energies on safety and efficient business.

Respectfully,

A handwritten signature in black ink, appearing to read 'SMC', with a large, sweeping flourish underneath.

Scott L. McElmurry
President

SLM/gm