

Southland Express, Inc.

DEPARTMENT OF TRANSPORTATION

P. O. Box 926

TN 38464

98 JUN 19 PM 10: 32

(615) 762-6509 Lawrenceburg, or (800) 523-4969

Fax: (615) 762-1 648

DOCKET SECTION

June 17, 1998

Docket No. FHWA 98-3706 - 28

Docket Clerk

U.S. DOT Dockets

Room PL-401

400 Seventh Street, S.W.

Washington, DC 20590-0001

RE: Hours of Service of Drivers; Supporting Documents

Docket Clerk:

Southland Express, Inc. Would like to comment on the proposed rule making, which appears at 63 Fed. Reg. 19457 (April 20,,1998), issued by the Federal Highway Administration ("FHWA"). This proposal is to amend hours of service record keeping requirements. The purpose of which is intended to simplify and facilitate the supporting document auditing process.

Questions and comments concerning this proposal are as follow.

Is this the proper time to address this issue considering the fact there has been no resolution concerning hours of service? Without knowing the final results of hours of service regulations how can we develop an audit procedure for the supporting documents.

The various supporting documents which may be used are only as accurate as the accuracy of the issuer. I know many of the documents are not properly dated or timed, such as toll receipts, weight tickets, meal receipts, fuel receipts, etc. Also, they do not in many cases establish an accurate time or location which would reliably place a driver at the beginning, middle or end of the work period.

Our company is predominantly made up of independent contractors, which means they have their own business concerns requiring them to retain many of these potential supporting documents. A potential alternative would be to allow for legible copies of these supporting documents when both parties require them for backup.

Depending upon the trip and the operator, there is not always a supporting document which can verify time, place and mileage for a vehicle at the beginning and completion of each work day. A single driver running from Tennessee to California does not necessarily utilize toll roads, purchase fuel, secure cash advances, receive signed bills of lading or delivery receipts or stay in a motel each day of the run. There is no way to guarantee acceptable supporting documents will be generated on a daily basis which would comply with the proposed rule making.

Time of day and mileage information for each trip is not necessarily available in our current documentation procedures and would in all likelihood be very expensive to implement. This

would require a great deal of study to determine development, implementation and actual operation cost figures, not to mention the potential for its cost effectiveness. Time should be given to this aspect rather than arbitrarily assume the data is available in the current system by which the supporting documents are generated.

The proposal does not allow for a means to determine what is sufficient documentation. What if an auditor disagrees with what we have determined to be sufficient documentation for the auditing of hours of service requirements, even when we are routinely identifying violations and inaccurate logbook record keeping by our driver's. Too much authority is placed at the discretion of an individual auditor in the current proposal. Criteria that will insure predictability and uniformity for document selection and review are vital for a workable program on the part of the trucking industry and the regulatory agencies auditing our systems.

There is no requirement for drivers to supply the carrier with supporting documents. Compliance with the hours of service regulations and the supporting documents which document routine or daily compliance should not be the sole responsibility of the carrier, but rather a joint effort of the driver and the carrier. A given driver may fail to transmit a portion or all supporting documents with no sanctions and the carrier is punished even when it had every intention to comply. But, was unable to do so because of the actions of a portion of their driving force which does not have any type of incentive to encourage them to provide these documents. They may even have legitimate business concerns as mentioned above.

In conclusion I recommend the FHWA defer consideration of this proposal until the conclusion of the potential changes in the hours of service regulations have been established to insure a workable long term solution for compliance. In addition there are varying circumstances between carriers and it would be beneficial to allow for a certain degree of choice among carriers to choose potentially self monitoring plans and eliminate the proposal to require documentation of time and mileage data which in many cases is not readily or reliably available with current documents generated routinely today. Revise the proposal to establish a reasonable means for the selection of acceptable documents and a representative sample of a carriers driving force to insure consistency in monitoring and audits. Establish driver accountability standards which relieve the sole burden of compliance from the carrier and create a partnership to maintain compliance on the part of both parties equally.

Respectfully yours,

A handwritten signature in cursive script that reads "Davis Moon".

Davis Moon

Manager of Safety, Driver Relations