



Oregon

DEPT. OF TRANSPORTATION
DOCKET SECTION

John A. Kitzhaber, M.D., Governor

98 SEP -1 PM 1:26

Department of Transportation

Motor Carrier Transportation Branch
550 Capitol Street NE
Salem, OR 97310-1309

August 26, 1998

42219

FHWA-98-3414-6

FILE CODE:

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Re: ANPRM 49 CFR Part 395 and 396 - Out of Service Criteria

To the Clerk;

Oregon's Department of Transportation, Motor Carrier Transportation Branch has reviewed the ANPRM for the above-mentioned issue.

Oregon has also reviewed the response offered by CVSA in its response of August 17, 1998. As such, Oregon strongly endorses the response by CVSA and does in fact agree with the assessment that the Out of Service (OOS) criteria are guidelines and should not be made a part of the regulations.

Oregon further believes that motor carrier safety-fitness ratings should be determined by assessing motor carrier compliance with the Federal Motor Carrier Safety Regulations and reviewing the motor carrier's accident history. The condition of a motor carrier's vehicles may be addressed by identifying violations of Part 393 that affect factor four of the safety fitness rating. This process would be consistent with how other factors of the safety fitness rating are determined.

An alternative would be to reference the current CVSA OOSC in Part 396.9(c).

Sincerely,

Owen Herzberg
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