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August 27, 1998

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

RE: Docket no. FHWA-97-2979 - 38
Transportation of Household Goods;
Consumer Protection Regulations

DEPT. OF TRANSPORTATION
DOCKET SECTION
98 SEP -2 PM 12: 25

The proposed amendments/additions in the above NPRM include no additional enforcement mechanism to replace the previous oversight authority of the ICC in assisting shippers (consumers) with resolving disputes. As a result, carriers no longer have clear incentives to promptly resolve complaints or to comply with the extensive regulations governing transport of household goods. An individual shipper/consumer is now left to his/her own devices in pursuing claims, which I believe will result in no resolution of many claims. **If a motor carrier fails to provide a shipper with the basic information included in the Your Rights When You Move booklet, fails to provide information concerning claims procedures, fails to inform the shipper of an arbitration program, or fails to participate in an arbitration program, what recourse does the uninformed or unsophisticated consumer have?** Litigation is not a practical or affordable way to resolve these disputes, and it will not address all of the relevant violations of regulations. Nor does it prevent a violating carrier from continuing to abuse the rights of other consumers.

I note that the Highway Administration commentary recognizes the vulnerable position of "consumers who move at their own expense and are infrequent users of transportation services, are unsophisticated and less able to protect themselves than commercial shippers." The commentary also recognizes the need to "ensure these consumers are protected...". I question how these priorities can be met under the new system. Defunding the enforcement functions previously carried out by the ICC will result in more, not less, victimization of consumers. All the regulations in the world serve no purpose if there is no mechanism to enforce them. Violating carriers may now see no real threat to their ability to do business, and consumers will have very little leverage against them. To place the entire burden for enforcement on consumers is to defeat the purpose of the regulations.



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