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March 22, 1999

Docket #98-3656
Docket Clerk- US DOT Dockets
Room PL 401
400 Seventh Street, S.W.
Washington D.C. 20590-0001

Ref: Inspection-repair and maintenance
Inter-modal equipment
FHWA 1998-3656 - 11

To Whom It May Concern:

I am writing to voice my concerns regarding decisions being made in regard to the responsibility of maintenance and repair to inter-modal equipment owned by entities other than the trucker using this equipment.

While it is somewhat true, a trucker has the ability to "inspect" a unit before accepting possession, it is a given that due to many contributing factors, a thorough inspection and report is not often accomplished.

Many wear and tear items are not noticeable prior to actual failure. The failure will generally happen "on the road" in the possession of the trucker who has little choice but to repair the unit as best he can.

Regarding items that will put a unit "out of service" at a DOT inspections site, these reports are filed against the trucker having no power or defense,

One of our largest cost factors in the transportation of inter-modal equipment is the repair and replacing of tires. Whether it is a blown tire or a peeled cap, the trucker must obtain, replace and pay for the repair or replacement of the tire without expectation of reimbursement for the owner.

Since the owner of this equipment will not reimburse the trucker, they have no option but to purchase the most "economical" tire they can get.

Some owners "allow" the trucker to take back his newly purchased tire, and may even not bill the trucker if the owner deems that the tire failed for reasons other than driver abuse. It is almost certain that the inspections of these tires will result in the finding of "run flat" and now becomes the truckers responsibility,

Items other than tire repairs such as the chassis with a landing leg that has just gone bad since it has been in the truckers possession also cause the trucker to have the unit repaired on the road with little recourse or expectation of reimbursement.

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Minor items such as light bulbs burning out should cause no problems for a trucker to replace a bulb unless of course it is on an ILA facility.

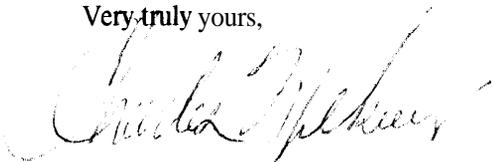
We as an industry, have our own internal problems that we contend with on a daily basis in an effort to operate in a safe and efficient manner.

In short, unless the owners of the inter-modal equipment are required by law to maintain and repair their equipment and reimburse the trucker for repairs made the units while in the truckers possession, the major number of chassis' will continue to deteriorate to a point of being unsafe.

We can not allow unsafe equipment on our nations highways.

The profit margins of a inter-modal trucking company are minimum at best and we can no longer afford to continue paying for the repairs of equipment owned by other entities.

Very truly yours,



Charles Milkiewicz
Terminal Manager

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