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DOCKET SECTION

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U.S. DOT Dockets.RoomPL-401
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Attn: Docket Clerk, Re: Docket # FHWA 98-3656 General Requirements Inspection, Repair,
And Maintenance; Inter-modal Container Chassis and Trailers

Mosaic has been operating as a carrier since 1974 and has been transporting steamship containers and railroad equipment from Port Elizabeth, N.J. and surrounding N.J. rail facilities since that time. In our experience it has been more **difficult** to manage the safe operation of equipment not in our control for short periods of time. Our owned or long term leased equipment remains in our control & safety cycles for enough time to be monitored, repaired, and maintained in operating condition over time. This allows for the maintenance responsibility to be shared among our drivers, maintenance vendors and personnel.

We run into unsafe territory when we take control of equipment for very short amounts of time. As our drivers pick up steamship containers or railroad trailers they make inspections of the units as they get ready to transport them. In the short amount of time allowed they can do cursory inspections including lights, documentation, tire condition, brake lining condition and visual problems that are fairly obvious. More detailed inspections would include brake stroke distances, tire pressure readings to insure being within the 20% tolerance that is the standard. We experience chassis changes fairly routinely, before finding units appropriate for use. The maintenance & repair process is **virtually** done by truckers who tell the owner & lessors of their equipment when repairs are necessary. The FHWA annual inspection is just not enough to insure these units are in safe operating condition. **Intermodal** drivers for all units they handle do the daily inspections, but the steamship & railroad personnel that move equipment do not periodically have comprehensive inspections.

The inequity lies in the custody of trailers with preexisting **safety** problems which truckers are solely responsible for. Our power units are pulling trailers and/or containers that need more care and consideration at their origin to upgrade their overall condition. When there is an out of service violation, there are no criteria to expose steamship and/or rail operators to participate in the exposure. The statistics of DOT roadside inspections show that the trailers pulled by intermodal drivers are out of service more than the power units that pull them. This simple fact suggests that the care for our tractors exceed the care given for intermodal trailers. If steamship & rail operators would upgrade their inspections and share in the responsibility for roadside inspections for more obscure faults, the trucker, steamship/railroad operator, and the travelling public would be better served.

If we examine Mosaic's **USDOT** Safety Profile we will see a picture of a company committed to safe operation. In 1998 we had a preventable accident differential of -4.67 below the National Standard. Our driver turnover rate is -12.50 below the National Standard. Our driver out of service rate -5.70 below the National Standard. Our Vehicle out of service rate is however, 27% higher than the National Average. The national average is 25.1% for all vehicles inspected in roadside inspections. The profile listed above shows a company operating safely with only one statistical problem. Our Out of Service rate is not consistent with our overall safety performance. In addition to this our 43 drivers had only accumulated 9 points during the year of 1998. Our insurance carrier has just informed us that we will receive their silver award for fleet safety.

As we ask for assistance **from** the **FHWA** it would be remiss of me not to mention intermodal contracts with Steamship operators and Railroads. The **UIIA** represents the largest body to have a uniform contract with many truckers, Steamship operators & Railroads in North America. The standard is so strict for truckers, due to the obligation to hold all other participants harmless to liability even when their negligence is proven. This is a serious mistake to allow such a condition to exist, when by and large the truckers are the least able to address safety concerns unknown to us. Simply allowing the responsible parties to share proportionately in mishaps as they occur could easily **rectify** this.

The conclusion to this letter can be summed up with a plea for common sense. We are not attempting to avoid responsibility for safety, but simply asking for support **from** suppliers of equipment to insure a higher standard of safety for the **travelling** public as well as our drivers. If we work together to improve equipment readiness we will operate more safely and more **efficiently** for the benefit of the entire transportation industry.

Sincerely,


Terry L. Kraft, Vice President

3-21-99