

TO: DOCKET CLERK, U.S. DOT DOCKETS, ROOM PL-40 1
400 SEVENTH STREET, SW.
WASHINGTON, D.C. 20590-0001

FROM: D. BRIGHT 804-222-2220

cc:

53737 FHWA-98-3656-18

RE: DOCKET NO. RIN 2125-AE40

DATE: April 8, 1999

DEPT. OF TRANSPORTATION
DOT
99 APR 13 AM 11:49

AS A MANAGER RESPONSIBLE FOR A FLEET OF 750 INTERMODAL CHASSIS I, AND OTHER SIMILAR MANAGERS, HAVE A RESPONSIBILITY FOR EQUIPMENT GOING ONTO PUBLIC THOROUGHFARES OF BEING IN FULL COMPLIANCE WITH DOT/FHWA REQUIREMENTS. HOWEVER EVERY INDIVIDUAL ENTERING A PUBLIC HIGHWAY, WHETHER COMMERCIAL OR PRIVATE, HAS A SIMILAR OBLIGATION TO INSURE PUBLIC SAFETY. IF ONE DOESN'T COMPLY WITH THE LAWS THEY ARE HELD BOTH MONETARILY AND/OR CRIMINALLY LIABLE FOR OCCURRENCES. WHAT'S THE DIFFERENCE?

RELIEVING A CARRIER OF RESPONSIBILITY FOR OCCURRENCES TO/WITH EQUIPMENT WHICH TAKES PLACE WHILE IN THEIR POSSESSION WILL POTENTIALLY COMPOUND AN ATTITUDE OF "NOT MY PROBLEM:" WHEN A WHEEL SEAL FAILS AND THE DRIVER DOESN'T PERFORM IN SERVICE CHECKS, AS IS NOW REQUIRED, THE COMPONENTS HEAT UP, A FIRE OR EXPLOSION OCCURS, AND GENERAL MAYHEM COULD EXIST WHICH WOULD HAVE BEEN PREVENTED HAD THE RESPONSIBLE PARTY PERFORMED AS IS PRESENTLY REQUIRED BY LAW.

A UNIT COULD HAVE A BRAKE JOB, BEARINGS REPLACED ETC. HOWEVER IF THE SEAL IS NOT SEATED PROPERLY, AFTER DEPARTING THE SHOP AND REACHING THE READY LINE, A LEAK COULD OCCUR. ALL INTENTS WERE GOOD IN PERFORMING THE WORK, HOWEVER A CAREFUL DRIVER PAYING ATTENTION TO HIS EQUIPMENT WOULD HAVE IDENTIFIED THE PROBLEM AND WOULD NOT HAVE DEPARTED THE FACILITY WHICH ULTIMATELY ALLOWED THE ABOVE SITUATION TO OCCUR.

FOR PETITIONERS TO IMPLY THEY DON'T HAVE A CHANCE, OR THEIR DRIVERS ARE NOT QUALIFIED TO IDENTIFY PROBLEMS ARE PROBABLY THE SAME CARRIERS THAT HAVE PROBLEMS WITH TRACTOR SAFETY. I WOULD EXPECT THOSE DRIVERS TO HAVE NO MORE INTEREST OR TRAINING AS RELATES TO THEIR TRACTORS AS THEY DO WITH THE TRAILERS/CHASSIS. THIS CONDITION REFLECTS NEGLIGENCE OF BOTH MANAGEMENT AND DRIVERS FOR INSURING SAFETY OF THE PUBLIC WHILE UNDERWAY.

I NOTICE INTERMODAL EQUIPMENT IN POOLS AT SHIPPING/RECEIVING PREMISES WERE NOT IDENTIFIED. THIS EQUIPMENT MAY REMAIN IN SHIPPER/CONSIGNEE POOLS FOR WEEKS OR MONTHS AND ALTHOUGH IT IS GENERALLY TRANSPORTED BY THE ORGANIZATION THAT DROPPED IT, THE OPPORTUNITY FOR BEARING LUBRICANTS AND OTHER ITEMS TO DETERIORATE TO A POINT OF CREATING A HAZARD COULD EXIST. WAS THIS AN OVERSIGHT OR WAS THIS PURPOSELY LEFT OUT BY THE PETITIONERS

BECAUSE MOST OF THEIR SUPPORT COMES FROM LARGE CARRIERS WHO HAVE EQUIPMENT PLACED IN THESE POOLS?

WHY DON'T THE CARRIERS ACCEPT THEIR RESPONSIBILITY AND BRING THE SHORTCOMINGS TO THE OPERATOR/MANAGEMENT OF THE EQUIPMENT RATHER THAN CREATING A SITUATION WHICH BECOMES INTOLERABLE FOR ALL PARTIES.

AS FOR THE IDEA OF INSPECTORS COMING ONTO OUR TERMINALS AND INTO OUR SHOPS TO INSPECT EQUIPMENT WHICH MAY NEVER LEAVE THE TERMINAL AND BECOME A POTENTIAL PROBLEM FOR THE PUBLIC IS REACHING MUCH FURTHER INTO OUR RESPONSIBILITIES THAN SHOULD BE CONSIDERED.

PLACE INSPECTORS OUTSIDE OUR GATES AND PROTECT THE PUBLIC BY PUTTING A UNIT OUT OF SERVICE AT THE TIME IT STARTS TO ENTER A PUBLIC THOROUGHFARE. OBTAIN DETAILS ON DRIVER QUALIFICATIONS, CHECK THE CONDITION OF THEIR TRACTORS, OPERATING AUTHORITY, INSURANCE COVERAGE, CARGO EXEMPTIONS, SHIPPING DOCUMENTS, DRIVER LICENSING, LOGS, ETC., BUT NOT BEFORE THEN.

LET'S NOT SPEND MILLIONS OF DOLLARS AND CREATE A LAW SIMILAR TO THE BENTLEY BILL WHICH THESE PETITIONERS ALSO SUPPORTED WHICH REMAINS QUESTIONABLE TO THIS DAY AS THE ORIGINAL INTENT OF THE BILL WAS LOST AND TOTALLY MISSED THE POINT AS TO OVERWEIGHT ISSUES AT HAND.

AS A PARTING THOUGHT IT'S ALWAYS COMFORTING TO SEE A COMMERCIAL PILOT WALKING UNDER AND AROUND A PLANE HE OR SHE IS ABOUT TO TAKE UP. AS A PASSENGER I APPRECIATE THE CONCERN BEING SHOWN. HOWEVER ITS' NOT ONLY THE PAYING PASSENGERS LIFE HE OR SHE IS CONCERNED WITH. WHY CAN'T DRIVERS SHOW THE SAME CONCERN?