

ORIGINAL

*Farruggio's*

DEPT. OF TRANSPORTATION  
DOCKETS

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

FHWA-98-3656-25

Date: April 15, 1999

Attn: Docket Clerk

Re: **Reference Docket No. FHWA-98-3656, General Requirements Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers**

Farruggio's Express is a family owned and operated trucking company since 1920. We are submitting our comments in respect to the Reference Docket No. FHWA-98-3656.

Farruggio's provides intermodal service for the Northeast United States. We are dedicated to the growth of the intermodal product, but feel strongly about the quality of the **equipment** and how this affects our daily efforts for safety. We fully support the **ATA's** efforts to improve the quality of equipment. Yet, we, the dray-men, **cannot** be held responsible for the owner's failure to provide regular, systematic and preventative maintenance. It is their responsibility to provide the drayage community with a **safe** chassis or trailer at the point of interchange. This proposed regulation is requested to have the owner and or providers share the safety responsibility. It is also intends to correct the responsibility issue when something goes wrong.

In response to the **FHWA's** request for comments on the fourteen questions presented, I can only answer those I feel apply to me as a **drayman**. Question 3 and 4, I feel should be answered by the State. Questions 8 and 9 must be answered by the Provider. The statistical data I have included is based upon our experiences over a two year period.

1. Within two years, a total of 148 Farruggio's vehicles were inspected at roadside. Seventy-seven instances, or 52% of these inspections, resulted in an out-of-service order. Thirty-nine out of the 77 inspections, or **50%**, were due to the trailer or chassis. Of the 39 trailing units placed out-of-service, the breakdown of trailer to chassis was 18 chassis, or **46%**, and 21 trailers, or 53%. Approximately 65% of the out-of-service orders occurred within 24 hours of our taking possession, 20% within 48 hours and 10% with 96 hours. 5% of the out-of-service orders were beyond 96 hours.

2. The average equipment related violation rate for our roadside inspections was 2. Fifty-Percent of the intermodal equipment we transported had defects or deficiencies. 46% of these were chassis. 53% of these were trailers. 65% of these violations were found within 24 hours, 20% within 48 hours, 10% within 96 hours and 5% were beyond 96 hours.

3. To disavow responsibility means to refuse to acknowledge. I feel that the reason the **ATA** requested this rule making is to insure the responsibility and fitness of intermodal equipment.

6. In our experience, most intermodal equipment is picked up and returned within 10 days which should be a reasonable amount of time.

7. Our drivers can and are trained to perform a walk-around inspection. The most common **out-of-service** instances are due to the brakes **being** out of adjustment. Our drivers are not equipped at the point of interchange to get under the tandem to do a brake measurement to determine if the brakes are in or out of adjustment. Tires are the second problem. An out-of-service rating could result from low tire pressure which a driver does not carry the tools to measure, improper previous repairs or cap separation which is not visually detectable during a walk around inspection

**10/11/12.** There seems to be no significant **difference** between the time of the last inspection and the deficiencies found among the 3, 6 and 9 months time span.

**13.** Yes, I believe a 3 month inspection with the proof of inspection available within 48 hours would help to accomplish the **safety** objectives of this rulemaking. Yet, you must hold the owner or provider responsible for making sure the equipment is roadworthy at the point of interchange.

**14.** We have worked for many years within the private sector to resolve this issue. But, the responsibility has not been taken for routine maintenance. Therefore, I feel that new regulation is the only alternative that remains to reduce this problem. Generally, I am not in favor of more government regulation to address problems, however, the issue of measuring my out of service numbers to determine my safety rating puts my business on the line and questions my ability to operate in a **safe** manner.

Our **safety** program will continue to maintain and improve our safety performance. We can and will maintain the standards of our drivers. I can and will take care of the equipment that operates as Farruggio's. I will make it **safe** and roadable. I will be responsible for any failures. What I ask the government to do is make the owners or providers of intermodal equipment responsible for their equipment and to measure their equipment separately from mine. Hold them to the same standards you are holding my company. Make them responsible and measure their efforts towards safety as you are measuring all truckers.

This is an issue of **safety** and accountability. It should make the equipment safer and the provider the accountable party. We at Farruggio's support the **ATA** proposal and request that it is implemented and enforced to raise the level of safe equipment traveling on the highway.

Very truly,

A handwritten signature in black ink that reads "Sam Farruggio". The signature is written in a cursive, flowing style.

Sam Farruggio