

Comments: FMCSA-2004-18940

Having a son killed in a head on collision with a truck and trailer driver, who was then taken out of service for falsification of logs. I know the importance and the challenge of the FMCSA to assure compliance with the hours of service. In my son's death there were violations on both sides, however my son was not a professional driver who had the responsibility to assure the safety of all motoring public. He was a nineteen year old boy in the wrong place at the wrong time. The truck driver if he had been following the Hours of service regulation would not even have entered Kansas. Not only was the driver taken out of service on that day, he was investigated along with his company. The investigation revealed that this particular driver had 18 violations in the preceding 30 days, and the company had been fined three or four times for non-compliance. They had over 72 HOS violation in each audit, and for a company of only 185 drivers that percentage is way, way too high. The company is the one who should be held accountable. The company knew their drivers were violating the HOS but just turned their heads and put the onerous back on the drivers for the violations. In reality it is usually the company who turns their head for profit, not safety.

The drivers, who had known that the FMCSA had audited this company, felt like it was OK to run in violation, since the company only, received a fine and the FMCSA, had not taken disciplinary actions against any of the drivers.

I am in favor of electronic recorders, for several reasons, First they work, and can be of great value for company compliance and law enforcement. Most states do not have the funds to do adequate law enforcement for HOS. Second, when I worked for United Parcel Service, we were using recorders back in 1993, and believe me if we were even 5 minutes over on hours, we were issued a warning letter. United Parcel Service has been paperless logs for over ten years. Most union companies really enforce the HOS and keep the best maintenance, yet they seem to be the most profitable companies.

Some companies think running in violation will make them money, so they ignore the law for profits. Until the FMCSA make the penalties so stiff some companies will continue to break the law in order to have profits. Safety is not their main concern. The companies who are doing it right get hurt by the companies who violate and have accident and deaths as a result.

Third: a scan able log which a lot of companies are now using cost anywhere from five to eight dollars a piece. Technology has become so prevalent that the cost of OBC has come down tremendously. Companies can no longer make the statement about on-board recorders not being cost effective. If that were truly the case Qual-com and other companies would not be in business. Advanced Technology for the transportation industry is here, and old dinosaurs need to start capitalizing on the great benefits.

Lastly, Federal Motor Carrier SAFETY Administration has safety in their name, and that should be the top priority of the administration. Politics and special interest should not be on the radar when talking safety.

On-board recorders will not prevent all violations no more than camera's in a bank. The camera does not stop all bank robberies but it is a great deterrent. The same would be true for On-board recorders monitoring Hours of service. There are quite a few companies using electronic recorders, so there is data, to back up what I am saying. For the smaller companies, who may have to spend \$100.00 for a screen and a few hundred more for software will get the money back in saving of going paperless? Record keeping and the man power for the log checking will go down. There is absolutely no good reason for not using electronic recorders.

On-board recorders will keep the companies and the drivers in compliance, and the companies will need to issue progressive discipline to violators. Companies will then be held accountable for what their drivers are doing. Turning their heads will no longer be an excuse.

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