

May 10, 2004

Ms. Annette Sandberg
Administrator
Federal Motor Carrier Safety Administration
400 Seventh Street, S.W.
Room 8202
Washington, DC 20590

Re: Final Rule -- Safety Performance History of New Drivers -- Docket No. 97-2277

Dear Ms. Sandberg:

The Truckload Carriers Association (TCA) submits the following letter in response to the Federal Motor Carrier Safety Administration's (FMCSAs) Docket No. 97-2277 on the Safety Performance History of New Drivers Rule, which was published in the March 30, 2004 *Federal Register*. TCA is the only national trade association whose collective sole focus is the truckload segment of the motor carrier industry. The association represents dry van, refrigerated, flatbed and intermodal container carriers operating in the 48 contiguous states as well as Alaska, Mexico, and Canada.

§391.23(g)(1) of the final rule specifically requires the previous employer to respond to the requested information from the prospective employer within 30 days after the request is received. We feel that this 30-day period is far too long, and commented as such in a September 2, 2003 filing to your agency's July 17, 2003, Supplemental Notice of Proposed Rulemaking (SNPRM) on this issue. In our filing we commented that this response time should be reduced to 5 days for several reasons including:

- The trucking industry has been experiencing a driver shortage for years and this shortage is not expected to end any time soon. Because of the shortage, carriers have a critical need to be able to screen prospective drivers in the shortest time possible;
- Many carriers will find themselves being forced to hire drivers on a conditional basis instead of waiting as long as 30 days to receive and review the required information beforehand, only to later find out that one or more of the drivers they hired should not have been hired because of the safety risk they pose; and
- Another drawback of the proposed rule is that the 30-day time frame could induce some drivers to look for jobs out of the industry rather than having to wait up to 30 days to be hired.

In addition, TCA has reviewed the April 28, 2004 Petition for Reconsideration under 49 CFR 389.35 filed by the American Trucking Associations to this docket, and completely concurs with the recommendations of the ATA on this issue. Thank you for the opportunity to comment on this very important issue.

Sincerely,

Handwritten signature of Lance Craig in cursive script.

Lance Craig
Chairman
Truckload Carriers Association

Handwritten signature of Christopher Burruss in cursive script.

Christopher Burruss
President
Truckload Carriers Association

cc: Dave Osiecki