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COMPLAINT

Case Number: **WI-2011-0239-US1262** Subject Name: **MARTEN TRANSPORT LTD**

Subject Identification

Subject Type: Carrier
USDOT Number: 74432 State Census Number:
Subject Name: MARTEN TRANSPORT LTD
Address: 129 MARTEN STREET
City: MONDOVI State: WI ZIP Code: 54755
Phone Number: (715)926-4216 County: 011 BUFFALO

Complaint Identification

Complainant: (b)(3) (b)(7)(D)
Address: (b)(3) (b)(7)(D)
City: (b)(3) (b)(7)(D)
Phone Number: (b)(3) (b)(7)(D)
Complaint Source: (b)(3) (b)(7)(D)
Connection: (b)(3) (b)(7)(D)

Nature of Complaint

Complaint Number: (b)(3) (b)(7)(D) Assigned To: US1262
New Case Number: Priority Complaint: No
Study 1: Study 2:

Alleged Violations

Violation Section	Violation Description
395	Hours of Service

Date Received: 03/31/2011 Date Due: 06/18/2011 Followup Letter:
Acknowledged: Investigated: Completed:
Assigned: 04/19/2011 Action Date: Action:

Comments: Focused on HOS

Computing Technologies, Inc.
3028 Javier Road
Suite 400
Fairfax, VA 22031

Facsimile Transmittal

To: Mark Oesterle
From: Nadine Madison
Project Supervisor
James Dubose
FMCSA Transportation
Specialist
RE: Received Safety Violation
Complaints
CC:
Fax: 608-829-7540
Date: 3/31/2011
Pages: 4 including cover sheet

Please handle the attached complaints for the State of WI according to the guidance and procedures set forth in the Field Operations Training Manual. A concise summary of how the complaint was handled should be e-mailed to dotweb@cots.com [90 DAYS AFTER DATE OF FAX].

There is no need to forward copies of reports or correspondence generated as a result of handling this complaint unless it is specifically requested.

If you have any questions, please feel free to contact Nadine Madison at (703) 280-8800 Ext: 1421.

CONFIDENTIAL

Safety Violation Report

Report Information

Complaint ID: (b)(3) (b)(7)(D)

Date of Report: 3/31/2011

Input By: Nadine Madison

Recorded By: Public

Filer Information

(b)(3) (b)(7)(D)

Motor Carrier Information

Motor Carrier: MARTEN TRANSPORT LTD

City: MONDOVI **State:** WI

US DOT #: 74432

Transports HAZMAT: Yes **Transports Passengers:** No

Violation Information

Violation Involves "HOURS OF SERVICE": Yes

Violated Regulation:

Hours of Service

- Commercial motor carrier requires that the driver exceed maximum driving time.
- "03/30/11 Telephoned the complainant at 4:44 pm and the complainant alleges from (b)(3) (b)(7)(D) he hauled a load from PA to MD. The complainant alleges Joe O'Neal (Dispatcher) instructed him to work over his 70 hour work week without taking a 34-hour restart. The complainant alleges when he refused to continue driving and took his 34-hour restart, he was terminated. The complainant alleges the team members manipulate the electronic logs by either stopping a drivers working time, or by allowing additional driving hours. The complainant alleges the drivers are forced

to commit hours of service violations on a regular basis whenever the electronic recording devices are tampered with-AC." i have a specific trip number for reference here.. this is where i tried to take a stand (b)(3) (b)(7)(D) this trip delivered around Christmas time when the dispatchers where trying to make their bonuses..driver get none so there is no motivation on my part. i was out of hours and the dispatcher got with safety and stopped my time and or logged me out of the system. i asked about my hours of service and they told me i had 6 hrs to drive. my unit was showing 6 hrs but i asked how it was possible... the dispatch told me i need to run all available hrs.. i was at a walmart d.c near monroe ga and i deadheaded to tucker ga and then to brundige Alabama with the same 6 hrs.(b)(3) (b)(7)(D)

(b)(3) (b)(7)(D) or
 (b)(3) (b)(7)(D)

Terminated for Refusing to Commit a Violation

- Driver was terminated for refusing to commit a violation related to Hours of Service.
- Driver was terminated for refusing to commit a violation related to Vehicle Condition or Maintenance.
- (b)(3) (b)(7)(D) i was terminated after taking my 34 hour reset.. the company had to find a reason to terminate me so they were going into the system and saying i was over speeding for x number of seconds on hills(loads are heavy it takes little effort on hills sometimes). during an argument over the phone with my dispatch Joe O'Neil out of tucker ga (i was terminated over the phone not face to face) he slipped and said you are taking a 34 hour reset needlessly...you need tell me if you want to take one.. i told him a dot reset will be need every week, weather at home or over the road... i had 4 hours on my 70 (b)(3) (b)(7)(D) .. basically they terminated me and told me i was not communicating . they basically try to call driver via phone so they wont get nailed on the qualcom.. (b)(3) (b)(7)(D)

(b)(3) (b)(7)(D)
 (b)(3) (b)(7)(D) .they always prefer a phone conversation because they cover themselves because they are still run

illegal only they cover themselves and nail the driver for not playing ball. i sent a request over the qualcom about my truck using an excessive amount of oil the day before my termination.. this conversation i had with marten may have also been a breaking point for the operations department they are all about control, (b)(3) (b)(7)(D)

(b)(3) (b)(7)(D)

(b)(3) (b)(7)(D) was terminated in Richmond VA and had to get home at my own expense. (b)(3) (b)(7)(D)

(b)(3) (b)(7)(D)

Hours of Service

- Commerical motor carrier requires that driver falsify log books.

Additional Information:

this company has been trying to make it hard for me since the termination incident.. i got no termination papers i i a warning sent to me the day after i was terminated that was back dated for the 16th and postmarked for the 24th to cover themselves.. this company is not about safety only revenue.

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Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590 • 1-800-832-5660; TTY • 1-800-877-8339



Wisconsin Division Office
1 Point Place Suite 101
Madison, Wisconsin 53719-2809
Phone: (608) 662-2010
Fax: (608) 829-7540

April 19, 2011

(b)(3) (b)(7)(D)

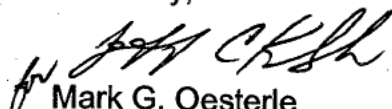
Dear Mr. (b)(3) (b)(7)(D)

This is in response to your call to our Complaint Hotline concerning the safety practices of Marten Transport LTD.

The Federal Motor Carrier Safety Administration is very much concerned with acts of noncompliance with the Federal Motor Carrier Safety Regulations by motor carriers and their employees. Your comments have been noted and an investigation will be conducted regarding the safety violations you allege. It may be necessary during this investigation for the safety specialist to contact you for additional information.

Your interest in motor carrier safety is appreciated.

Sincerely,


Mark G. Oesterle
Division Administrator

Kwilinski, Jeff (FMCSA)

From: Kwilinski, Jeff (FMCSA)
Sent: Thursday, July 07, 2011 8:32 AM
To: 'dotweb@cots.com'
Subject: Hot line Complaint ID 100047783

Compliance review complete, USDOT # 74432 Marten Transport LTD
No enforcement action taken

Jeff C. Kwilinski
Federal Programs Manager
USDOT, FMCSA , WI Division
Ph: 608-662-2010
Fax 608-829-7540

Jeff.Kwilinski@dot.gov



Wisconsin Division Office
1 Point Place Suite 101
Madison, Wisconsin 53719-2809
Phone: (608) 662-2010
Fax: (608) 829-7540

July 7, 2011

(b)(3) (b)(7)(D)

Dear Mr. (b)(3) (b)(7)(D)

This is in response to your call to our Complaint Hotline concerning the safety practices of Marten Transport LTD.

The matter has been investigated and instances of noncompliance with the Federal Motor Carrier Safety Regulations were discovered. The company's safety performance will be monitored by our Agency. We believe the action we have taken with the carrier as a result of our investigation will result in improved safety compliance.

Thank you for your interest in motor carrier and highway safety.

Sincerely,

Mark G. Oesterle
Division Administrator