



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

August 31, 2009

b3, b7D

This is in response to your call to our Federal Motor Carrier Hotline concerning the safety practices of Marten Transport LTD. After careful review we have decided not to conduct an investigation.

From the information that you have provided we are unable to determine that a violation of this agency's regulations is occurring. The information in your letter appears to describe a refusal to violate a safety rule. Investigation of these types of allegations falls within the jurisdiction of the Occupational Safety and Health Administration (OSHA).

Section 405 of the Surface Transportation Act (STAA) provides that no person may discriminate (penalize) against any employee with respect to the employee's compensation or terms of employment because the employee (or a person acting at the request of the employee) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulations, standard or order. **Section 405 of the STAA requires that complaints concerning alleged discriminatory action must be filed with the Occupational Safety and Health Administration (OSHA) within 180 days of the discriminatory action.**

Thank you for your interest in motor carrier safety.

Sincerely,

Mark G. Oesterle

For

Mark G. Oesterle
Division Administrator

Safety Violation Report

Federal Motor Carrier Safety Administration

Report Information

Complaint ID: 100036156

Date of Report: 8/24/2009

Input By: Susie Fairley

Recorded By: Public

Filer Information

b3, b7D

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.
- trip #4644222 on 8/20/09 Pickup: b3, b7D CA on 8/21/09 at 13:30
Deliver: b3, b7D CA on 8/22/09 at 07:00

Additional Information:

It takes 2 hours to load the truck. Minus a 10 hour break would leave me 5.5 hours to drive 343 miles. Without the 10 hour break, I would exceed my 14 hour rule. I got written up for rejecting the load. I called safety, they told me to go over on my 14 hour rule. Dispatch: Jason Ball (Wilsonville, OR Terminal) I forget the name of the guy in safety, but he's the only one assigned to Jason.

[Feedback](#) | [Privacy Policy](#) | [FirstGov.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#)
[Web Policies and Important Links](#) | [Site Map](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
 1200 New Jersey Avenue SE., Washington, DC 20590 • 1-800-832-5860; TTY • 1-800-877-8339

Gessler, Mark (FMCSA)

From: Gessler, Mark (FMCSA)
Sent: Monday, August 31, 2009 7:44 AM
To: 'dotweb@cots.com'
Subject: Hotline Complaint 100036156

Reference Hotline Complaint 100036156, Marten Transport LTD, USDOT 74432.

Complainant alleges refusal to violate a safety rule. No specific violation.

Complainant referred to OSHA.

Complaint closed.

Gessler, Mark (FMCSA)

From: Oesterle, Mark (FMCSA)
Sent: Tuesday, August 25, 2009 8:45 AM
To: Gessler, Mark (FMCSA)
Subject: FW: Attached Image

Attachments: 1906_001.tif



1906_001.tif (39
KB)

He's complaint states that he was written up for rejecting a load. The way I read it, he does not allege HOS violations.

Mark G. Oesterle
Division Administrator
Federal Motor Carrier Safety Administration
1 Point Place, Suite 101
Madison, WI 53719
Office 608-662-2010
Fax 608-829-7540

-----Original Message-----

From: MCWIOFF (FMCSA)
Sent: Tuesday, August 25, 2009 8:05 AM
To: Oesterle, Mark (FMCSA)
Subject: FW: Attached Image

-----Original Message-----

From: fmcsa-wi-copier@fmcsa.dot.gov [mailto:fmcsa-wi-copier@fmcsa.dot.gov]
Sent: Monday, August 24, 2009 7:14 PM
To: MCWIOFF (FMCSA)
Subject: Attached Image

FROM=
TO=
DATE=08/24/2009
TIME=19:12:45
TIMEZONE=-06:00
FCODE=