

DOT# 74432



Wisconsin Division Office
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Phone: 608-662-2010 FAX: 608-829-7540

September 4, 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,

For 
Mark G. Oesterle
Division Administrator

Safety Violation Report

Federal Motor Carrier Safety Administration

Report Information

Complaint ID: 100036394

Date of Report: 9/2/2009

Input By: Nadine Madison

Recorded By: Public

Filer Information

b3, b7D

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": No

Violated Regulation:

Terminated for Refusing to Commit a Violation

- Driver was terminated for refusing to commit a violation related to Hours of Service.
- I delivered a load in b3, b7D AZ 08/28/09 @ 0930 and shutdown @ the Pilot in b3, b7D AZ by 1000 when my 14 hr ran out. Marten dispatch gave me my next trip to pick up in b3, b7D AZ 66 miles away. The trip did not have any appointment times scheduled yet. At 1125 they sent me a message with an appointment to pickup at 1200. Since I was on my 10hr break I told them I would go pickup the load after I completed my 10hr break. At that time I went to b3, b7D to pick up the load. When I got there the customer was closed. I waited until 0600 when they opened to get loaded. When I finally got to b3, b7D CA terminal to drop trailer and go home for hometime (already 2 days late) would not confirm I was authorized to split from the trip, drop trailer and go home for 4 days. This morning personel called me to inform me that I was given service failures for late pickup and not delivering the load myself. I don't think it was right for them to give me a service failure when I was shutdown in compliance with DOT HOS and I gave thwm advance warning that I would be out of hours. Marten Transport Ltd operates like a rouge company but will write up a driver that shutdown

in compliance of DOT HOS. I recommend disiplinary action against Marten and my dispatcher; Chris OConnell. I reccmend that DOT pay closer attention to Marten Transport Ltd as they frequently expect drivers to fulfill customer service requests but not necessarily comply with DOT HOS.

- Driver was terminated for refusing to commit a violation related to Falsification of Log Books.

Additional Information:

"9/2/09 Emailed the complainant to contact the CA State DOT-NM."
Additionally Marten Transport does not take any responsibility for shippers overloading trailers leaving the driver solely responsibility for over weight conditions on state DOT weigh station scales;

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