

Thomas William Marion, III - Comment

This is a Comment on the **Federal Motor Carrier Safety Administration (FMCSA) Notice: [Agency Information Collection Activities; Proposals, Submissions, and Approvals: Lease and Interchange of Vehicles](#)**

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The elimination of these written requirements for leasing agreements is a direct, unequivocal attack on the requirements of freight intermediaries contained in MAP-21. It will make the enforcement of these provisions impossible. By muddying the waters of leasing agreements, which this proposal will absolutely do, the sum is a defiance of the will of Congress contained in MAP-21 related to requiring bonding/surety instruments by all transportation intermediaries.

This proposal will result in freight carriers continuing to act as brokers, a violation of regulation that FMCSA continually refuses to investigate.

Freight brokers are prohibited by regulation from taking freight into their possession. Despite this fact, through case law brokers have been found vicariously liable for the actions of freight carriers while under contract by a broker.

The elimination of the leasing and interchanging documentation regulations will create further confusion in determining what constitutes a safe interstate carrier.

Lastly, by removing the leasing and interchange documentation regulation America's roads will be more dangerous. Without documentation requirements for leasing and interchange, carriers and their leased partners have no formal agreement required. This can lead to a renaming of the relationship after the fact. Carriers who

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lease equipment and driver services can then claim, after an incident, that they only contracted with the carrier, but did not lease. The chain of liability can easily be fabricated, leaving potential victims with a diffuse collection of entities to pursue potential civil matters. If carriers have this ability to defer liability through sheer confusion, hiring quality will decrease.

This proposal would defy the will of Congress, hurt small business in both carriers and intermediaries, make liability allocation further confusing and make America's roads more dangerous by virtue of a reduction of hiring quality.