WERNER ENTERPRISES
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January 8, 2004

Docket Clerk
U.S. DOT Dockets,
Room PL-401
400 Seventh Street S.W.
Washington, D.C. 20590-0001

Docket No. FMCSA-2003-15818

Dear Clerk:

This correspondence is a comment to the Federal Register December 11, 2003, "Exemption to Allow Werner Enterprises, Inc. to Use Global Positioning System (GPS) Technology to Monitor and Record Drivers' Hours of Service, Docket No. FMCSA-2003-15818."

Werner Enterprises, Inc. is a large motor carrier based in Omaha, Nebraska that employees approximately 10,000 drivers and is one of the 5 largest truckload carriers in the United States. Werner Enterprises, Inc., is participating in a paperless log pilot program pursuant to Memorandum of Understanding (MOU) with the Federal Motor Carrier Safety Administration (FMCSA) dated March 26, 2002.

Since embarking on the paperless log project in 1996, Werner Enterprises, Inc. (Werner), has worked closely with FMCSA during the design, implementation and testing phases of the paperless log project. During that time Werner has been subject to various on-site reviews of the paperless log system, which have resulted in numerous, substantive changes in the design of the program, all with the specific goal of creating a superior logging system and using that system in the day-to-day operation of its fleet.

The result of more than seven years of concerted effort and hundreds of thousands of dollars on development costs is a truly efficient paperless log system, which in every detail exceeds the capabilities of a paper log system. While it is possible that a better system may one day be created, the Werner paperless log system is clearly the most accurate logging system in use today.

One of the primary goals of Werner throughout the entire process, and one which has been frequently and consistently expressed by Werner, is that ultimately, after various modifications have been completed, the program will become permanent. In other words the program would move from pilot program status, during which frequent reviews and inspections were undertaken, to the permanent program, in which the paperless log system becomes recognized as an effective substitute for a paper log system. Werner does not believe that the transition to a Project of Exemption that can be renewed every two years meets the expectation of the parties. Essentially, at this point, the paperless log system has been found to be effective and acceptable, there is no legitimate need for a renewal on a bi-annual basis.

An additional concept which has been important to Werner as an underlying tenet of this project, is that upon approval of the paperless log system, Werner would be treated the same as other carriers, without being subjected to burdens or restrictions, different than those imposed by law upon other carriers. The reporting requirements contained in the Notice under the headings "Quarterly Reports", "Reporting of Violation of Hours of Service Rules" and "FMCSA Access Safety Management Information System", place upon Werner restrictions imposed upon no other carrier.

Since the paperless logging system has now been determined by FMCSA to be acceptable as a substitute for a paper logging system, there is no longer a need for any type of regular reporting. Obviously, at the time of a compliance review, Werner would expect to be subjected to the same reporting and disclosure requirements as any other carrier. However, Werner should not, as a result of having developed a unique paperless logging system, be burdened with additional reporting or record keeping requirements, in addition to those imposed on other carriers.

The imposition of additional burdensome record keeping, reporting, and access requirements upon Werner, will have a chilling effect upon the willingness of other carriers to participate in similar pilot programs, or to work towards their own paperless log system. If Werner, after spending hundreds of thousands of dollars, and years in development, is now met with additional restrictions and requirements, the message to the industry will be inescapable.

Werner requests reconsideration and elimination of the requirements identified. Absent modification, Werner will have little choice but to revisit its commitment to this important program to avoid being placed at a competitive disadvantage.

Sincerely,

Richard S. Reiser