

July 15, 1996

QA-20592
FHWA-97-2299-13

LEGS./REGS. DIV.

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FEDERAL HIGHWAY
ADMINISTRATION

FHWA Docket No. MC-96-18
Federal Highway Administration
Office of the Chief Counsel
HCC-10, Room 4232
400 Seventh Street, S.W.
Washington, D.C. 20590

RE: FHWA Docket No. MC-96-18
Comments of Evergreen Trails, Inc. and
Westours Motorcoaches, Inc.

Dear Sir:

Westours Motorcoaches, Inc. and Evergreen Trails, Inc., two interstate motor passenger carriers holding operating authority issued by the Interstate Commerce Commission, respectfully submit these comments regarding the Request for Comments by FHWA (April 29, 1996 Federal Register) in connection with its modification of the Safety Rules of Practice.

Both carriers now hold "satisfactory" safety ratings from FHWA and have held such ratings for many years. The safety success of these carriers is the result of the dedication of resources and a management commitment that operations be conducted in a safe manner.

I understand, generally, that FHWA plans to update its Safety Rules of Practice, so as to recognize the overall safety performance of "safe" motor carriers and focus its enforcement efforts more on the carriers which may have problems in this area. This is a desirable approach.

Westours and Evergreen are committed to safety, and they will continue in their efforts to follow whatever rules are in place and to continue to seek out the latest information on safety to maintain their safe status.

The purpose of these comments is to focus on one possible result of the proposed changes, namely the effect of the proposed changes on the status of these carriers as authorized self-insured motor carriers. Both carriers were authorized by the Interstate Commerce Commission to self-insure for portions of their bodily

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injury and property damage required coverage. They remain authorized to self-insure under jurisdiction of FHWA.

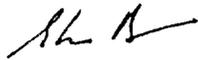
These carriers understand that under the proposed changes, FHWA plans to eliminate the "satisfactory" safety rating.

Under the current self-insurance regulations, at 49 C.F.R. §1043.5(a)(3), no application for self-insurance by a carrier with a "less than satisfactory rating" will be accepted, and any self-insurance authority granted "will automatically expire 30 days after a carrier receives a less than satisfactory rating from DOT." Westours and Evergreen fear that in changing the safety rating process, the "satisfactory" rating may be eliminated, and this could cause the unintended consequence of the elimination of their self-insurance authorization.

By submitting these comments, Westours and Evergreen urge FHWA to consider the self-insurance regulations, and to make certain that any changes in the safety rating system do not adversely impact motor carriers which have qualified to self-insure and which maintain a high level of safety compliance.

Thank you for your consideration of these comments.

Sincerely,



Gordon Barr
Vice President
Transportation Division

GFB/jce
15450

cc Jeremy Kahn - Attorney at Law
Peter J. Pantuso - President & CEO, American Bus Association

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