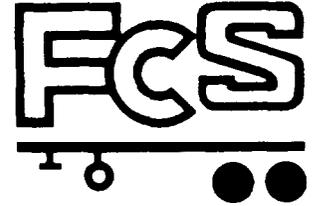


FCS INDUSTRIES, INC.

9850 Pelham Road
Taylor, Mi. 48180-3852
Phone (313) 295-0505
Fax (313) 295-0870

FEDERAL HIGHWAY
ADMINISTRATION
DEC
96 ~~NOV~~ 1 All: 57



LEGS./REGS. DIV.

November 16, 1996

Docket Clerk
Attn. FHWA Docket No. MC-96-28
Federal Highway Administration
U.S. Department of Transportation
Room 4232
400 Seventh Street Southwest
Washington D.C. 20590

QA - 21391
FHWA - 97 - 2350-5

Re: Advanced Notice Of Proposed Rule Making

I am very much opposed to any Hours of Service change such as the May 22, 1978 proposal, which is again appearing in the Federal Register. The mere age of this proposed Hours of Service change makes the proposal antiquated. In the period between the original proposal date and today, motor carrier transportation has changed drastically. We are presently transporting goods under contracts that are commonly referred to as "just in time" freight. In regard to "just in time" this 1978 proposal would do more to harm the motor carrier industry than help it.

Motor carriers are, by and large, experiencing a shortage of drivers. With a more restrictive rule, such as proposed more drivers will leave the industry.

As an instructor it is difficult enough to teach 395.3 at present when a driver believes that the 15 hour rule means that he/she can't work after 15 hours. In today's world a driver realistically doesn't earn a lot of money, especially with expenses on the road. To be more restrictive of the drivers time places that job category in jeopardy.

Many motor carriers, including ours, would be restricted in their operations with this proposal.

Our fleet transports predominantly automotive parts for the "Big Three" automakers. The automakers livelihood depends on company's such as ours to supply them in a timely fashion. It is difficult enough to do this in the present, considering not only the driver shortage, but the time consideration of freight delivered to our customers. By restricting the motor carriers, we would be also restricting our customers, who are operating in a world wide economy. With the so called "Just In Time" movement of goods these rules proposals would be disastrous.

There is a more feasible way to revise the Hours of Service Act, specifically 395.3. It could become simplicity itself. My recommendation for revision of the Maximum Driving Hours rule (395.3) would be:

1. Leave in place the present 395.3(a)(1)
2. Revise 395.3(a)(2) to state the same as 395.3(a) with this exception:
(a) Remove the last word from the present 395.3(a) (drive) and replace this word with the word "work"

DOCKET MC-96-28-5
PAGE 1 OF 2

PAGE 2

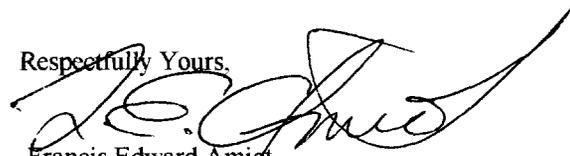
3. Remove the present 395.3(b)(1)
4. Leave in place the present 395.3(b)(2) with the exception of changing the word “drive” to “work” at (b).
5. Add a new section to 395.3 which would state:
A driver who has had 24 consecutive hours off duty after reaching the limit of(b) shall have his/her hours start at 0 upon returning to duty.

In this manner it would be easy to eliminate 395.3(b)(1) thereby eliminating repetitious and outdated rules as the President mandated. It allows all motor carriers to use the present day 70 hour rule without harming their business, the safety of the commercial driver, or the safety of the driving public. It would also allow drivers the chance to earn a better salary with the potential of reducing the driver shortage.

With the increased comfort and safety of today’s vehicles this proposal makes good sense. It is much easier for the driver to understand. It makes this rule much easier with which to comply. It helps to keep drivers in the industry, thereby keeping the industry strong. It serves the customers to a greater degree. And most importantly, it does not detract from the safety of the commercial vehicle driver, or, the general driving public. In fact, it could actually create a safer environment.

I respectfully submit this rules change proposal for your consideration. If all factors are considered I’m sure you will see that this rule makes good sense.

Respectfully Yours,



Francis Edward Amiet
Asst. Safety Director/Rules Compliance

DOCKET MC-96-28-5
PAGE 2 OF 2