MC-96-28

FEDERAL HIGHWAY ADMINISTRATION

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LEGS/REGS. DIV.

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To Whom It May Concern:

I am a veteran of 19 years as an over the road driver currently operating as an owner-operator in the tanker industry. I would like to say that my fellow drivers and I appreciate the effort being made to update the hours of service rules.

Let me begin by saying that anyone who works in or has been around the trucking industry knows the current rules are not being followed 100% and if they were, the vast majority of owner-operators would go broke within 6 months. And as for the company drivers. If they do not work for one of the major union companies, then they would have to settle for living in poverty!!

Let me first address the new rule being considered that would allow us to re-start the clock after 24 consecutive hours off. It seems to me that any time a study is done, the driving sector that is studied the most are the ones with scheduled runs. Although I agree this rule would be a major change in the right direction, for those of us who run irregular routes, it really serves no more purpose in the fight for safe operations than the current 70 hour rule. Think about it. What purpose does it serve to make me sit around a truck stop for 24 hours where there is not any place to truly sit back and relax. Once you have received a sufficient amount of sleep, you will be just as safe that day as you will be the next.

It is amazing the amount of money being spent by the government to learn what we already knew. That is one of the major causes of accidents is fatigue, but they don't seem to know what causes it. Well, let's take a look at that from a driver's perspective.

First is driver inexperience:

Although you may be able to teach a person how to operate a commercial vehicle safely, he or she has to learn how to take advantage of their free time by getting the rest they need instead of playing games and staying up all hours watching TV. And for the most part most newer drivers regardless of age or sex are intimidated by their dispatchers. There are many times when you actually have hours to operate that you are too tired to operate safely. There are many times when a dispatcher has you waiting all day for a load to become available and then expecting you to drive all night to deliver on time not realizing that you have not slept all day. A new driver and even some older drivers are afraid of losing their job if they say no. And without question they will be taken off the load if they can't deliver on time which translates into lost revenue.

Second is a drivers own personal greed:

Only higher rates can even begin to address that issue which I don't see that happening anytime soon unless the government becomes so concerned for safety that they again regulate the industry.

Third is the industries use of slave labor and the government allowing it:

Most common carriers do not pay any thing for time spent sitting at the customers dock unless actual physical labor is taking place and in some cases even that is supposedly figured into the rate. As you know time spent working is suppose to be added to total drive time. Personally I cannot afford to give away up to 20 hours a week that I am not being compensated for. Fortunately in the tanker industry, we are compensated for delay hours, but even here we are required to give 2 hours at both the shipper and

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receiver. So, consider someone in the dry van industry sitting at a dock for 8 hours getting loaded. In that 8 hours he has not made any money at all. Therefore, instead of showing 8 hours on the on duty not driving line, he shows it in the sleeper berth and drives all night. And truthfully there is not much of an option. He has to make a living.

In the tanker industry I averaged about $1.04 per speedometer mile. Therefore I can afford to give a few hours even though it is not right that I should have to. But, considering most companies are paying $.80 per mile which translates to appr. $.75 per speedometer mile. These guys cannot afford to operate legally and still turn a profit. If they operated 100% legal, they would either have to let their families starve or quit maintaining their equipment which is another safety issue altogether.

Quite frankly, I do not have a whole lot of faith in Washington being able to change the hours of service rules in a way that it both serves the industries needs and the public's safety. In fact I work with one of the nations oldest and largest carriers and in most cases the high ranking officials don't fully understand what it takes to operate a truck within the law profitably. Therefore; it is hard for me to believe that someone that has never driven a truck or even worked within the transportation industry is going to do anything other than create more red tape.

After more than 18 years and well over 1.5 million accident free miles, I think that I and the majority of my fellow drivers know when it is time to take a break. There are days when I can drive 800 miles and not be tired. Then, there are days I need a nap after a couple hours of driving.

If the Dept. of Transportation is truly concerned for safety where fatigue is definitely a problem, then legislation should be brought out to compensate drivers and companies for all time spent with a load instead of just miles and drivers should be allowed to operate within their body's limits without recourse from carriers and law enforcement.

Personally, I would love the opportunity to work with Washington or anyone else to help make our industry both safer and more profitable.

Sincerely,

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