

Docket Clerk
FHWA # MC-96-28
D.O.T.
Washington, D.C.

FEDERAL
ADMINISTRATION

97 FEB 10 8:27

QA-21522

FHWA-97-2350-55

LEGS./REGS. DIV.

Ladies and Gentlemen,

I'm responding to the article in Trucker News Magazine regarding Hours Rules Change. I believe that you are looking for a cure for the problem rather than addressing the cause. I believe there are three primary causes for the problem and that is; Shippers, Dispatchers and Receivers.

Let's start with the shippers who generally want the load delivered yesterday. This leads to the dispatcher putting pressure on drivers to make unrealistic deadlines. I believe *shippers should be required to use time and date stamps on the manifest when the load is ready to roll*. In addition, the drivers and shippers should be required to sign a declaration of time accrued during loading. This time should be noted on line four of the drivers log book.

Now for dispatchers who often make bonuses for extra production. Dispatchers should be accountable for their ETA's. If a driver is given an unrealistic ETA by a dispatcher, the driver should be able to report this to the Safety Dept. and immediate action should be taken to deal with the dispatcher and the ETA should be recalculated. *The time and date stamp and declaration of accrued time could be used to recalculate a realistic ETA*. I believe accurate and legal logging is needed to help ensure safety for everyone traveling the highways. If drivers are adequately compensated for all time spent working, they would not need to log illegally to earn a living.

The final culprit failing in duty and contributing to the driver fatigue issue is the receiver. Receivers can play a big part in the fatigue of a driver by not honoring appointments and making drivers wait to unload. To help prevent this *the manifest should be time and date stamped as soon as the driver arrives at the delivery point*. I believe if a driver is required to wait more than two hours the receiver should pay waiting time for the truck and driver. The driver should be paid waiting time for the first two hours by the trucking company without question, and all time spent in the unloading process should be logged on line four of the driver's log book.

I realize and am sure you will too that my approach to the driver fatigue issue could ruffle a few feather in the "higher echelon" but I believe that these three areas of the trucking industry are the primary contributing factor to the driver fatigue issue. I welcome any questions or comments you may have about my ideas.

Sincerely,

Pat Collins
32 years accident free - OTR Driver

4246 Piedra Pl
Boulder, CO 80301

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3.11.1997

MC-96-28

My name is Rick Pearson and I have been a truck driver for nine **years,both** long haul and local-regional runs. I am very concerned about **safety** and the laws governing hours of service regulations. The safety of the drivers and the amount of hours they drive each week go hand in hand. When you are overly fatigued of course the safety of the driver and other drivers on the road are at risk. Most of the drivers are putting in an average of twelve hour work days, provided no mechanical problems arise or there is ideal driving conditions.

I believe that changing the hours of service so that after 24 hours you start over on your work week will only enable a company to work a driver more than they already do. These changes are the wishes of greedy men. I think a forty hour forced dispatch week with twenty optional hours to the driver would **satisfy** most. This would enable the drivers who wish to work sixty hours to do so and those drivers who feel forty hours is adequate to work that without the risk of being reprimanded.

Biologically, a person sometimes has the energy to work a sixty hour work week, other times a person for one reason or another gets run down. When you are run down and are forced to work an enormous amount of hours than that becomes a safety issue. I for one would like to work to live and not live to work. This is not saying that I am not a hard worker or that I don't like a big paycheck at the end of the pay period, but make it a option to the driver. This will improve work morale and I think attract quality truck-drivers for future employment.

Why is it that we are expected to work an unbelievable amount of hours when the general public work force works a forty hour work week with any extra hours being overtime pay? Not only that but they usually get two days off in a row not 24 hours. Imagine sitting at your desk for 12 hours a day six days a week. That is what we will be forced to do if these changes come to be.

I can think of one **occassion** in particular that I experienced as a truck driver. I went to work early one morning, and put in a full day, I got home about four in the afternoon. **After** diier a little t.v and family time, we all went to bed about ten that night. Three hours later I am being dispatched out. All totally legal as I had eight hours off. Now in order to get rested for the following shift, I would have had to come home and go right to bed. **Relistic?** I don't think so. Maybe I am speaking **from** the point of view of a family man but I can not see how a person working a sixty hour work week has much of a chance to balance home and family with work and have a good quality life.

For safety sake and good work morale and **ethics,we** need to throw out the new proposal of **hours-of-service** regulations and make effective something we can all live with. Forty hour forced dispatch with twenty hours optional.

Sincerely,



Rick Pearson
235 Red Fox Road
Lolo, MT 59847

FEDERAL
ADMINISTRATION

97 FEB 10 P3:55

LEGS./REGS. DIV.

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2/10/97

DOCKET CLERK

ATTN: FHWA DOCKET # MC-96-28

FEDERAL HIGHWAY ADMINISTRATION

DEPARTMENT OF TRANSPORTATION RM 4222

400 7th St. S.W. WASHINGTON DC 20590

LEGS./REGS. DIV.

97 FEB 20 08:44

FEDERAL
ADMINISTRATION

AS AN O.T.R. TRUCK DRIVER IT SEEMS TO ME THE 70 HR LIMIT RULE IMPOSES AN EARNINGS LIMITATION WHILE CONTRIBUTING NOTHING TO SAFETY. I AM NEVER SAFER WHEN I'M FORCED TO WAIT UNTIL MIDNIGHT TO PICK UP REGULATORY HOURS. IN FACT SOME TIMES I'M LESS SAFE BECAUSE I'VE WASTED DAYLIGHT DRIVING CONDITIONS.

THE 70 HR LIMIT IS COMPLICATED, COUNTER-PRODUCTIVE AND ODIOUS TO DRIVERS AND TRUCKING COMPANIES. IT WILL ALWAYS BE DIFFICULT TO ENFORCE BECAUSE IT GIVES DRIVERS (AND TRUCKING COMPANIES) A FINANCIAL INCENTIVE TO FALSIFY THEIR LOGS. IF THE F.H.W.A. WANTS SIMPLE AND EASILY ENFORCEABLE REGULATIONS THE 70 HR. LIMIT HAS TO GO. JUST DROP IT AND DON'T REPLACE IT WITH ANYTHING!

Charles Jonathan Ely
1 PETRO PL. # 190
GIRARD, OH 44420-3123

C. Jonathan Ely
1 Petro Pl. Unit 190
Girard, OH 44420-3123

DOCKET MC-96-28-120
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ADMINISTRATION

2-11-97

97 FEB 20 A8:44

DUNNELLON, FL

LEGS./REGS. DIV.

Dear Docket Clerk.

I would like to express my views on changing the hours of service on truckers log books.

I AM AGAINST CHANGING ANYTHING ON A LOG BOOK. THE REASONS ARE.

1- 70 Hours is almost 2 times the hours that most pros work now. 40 hour week.

2- I have been driving a truck for 41 years now coast to coast, accident free, because I strictly drive by the log book.

3- 75% of the drivers today are under qualified to drive a truck.

4- More hours, more tired drivers as a trucking Co, or shipper will expect twice the amount of work for the same price.

I speak from 41 years of experience, if you want to do anything change trucking from pay driving miles to hourly wages, ~~then~~

Thank you for your time and trouble.

DOCKET MC-96-28-121

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HAWKINS

Sincerely

Jergil Hawkins
8750 SW 148th Ave
DUNNELLON, FL 34432

February 3, 1997

Fred Oeder Trucking
6404 Zoar Rd.
Morrow, OH 45152
1(513)899-3064

97 FEB 11 P 2: 05

LEGS./REGS. DIV

FEDERAL HIGHWAY
ADMINISTRATION

Docket Clerk
Attn: FHWA Docket #MC-96-28
Federal Highway Administration
Department of Transportation
400 7th St. SW, Room 4232
Washington, DC 20590

We are writing in regards to the current hours of service regulation. This company is a local dump truck service, our work is mainly seasonal and weather dictated. Under current law our drivers and brokers can only drive 10 hours and be in service only 12 hours total. While this restriction is hard on a company who has a mechanic to work on the trucks, the brokers and smaller companies do not have mechanics to fix flats and broken air lines, for example, they have to fix them themselves somewhere in the 12 hours or log the day. This is unreasonable, even simple maintenance becomes a problem under this law. Some drivers in smaller companies are required to do routine maintenance on the trucks.

We are asking you to reconsider the hours of service regulation. As in the case of a farmer at harvest season, we have to go while the weather is warm and sunny. Asphalt can not be laid in the winter due to cold temperatures, and can not be laid in the rain. All construction projects get behind schedule and asphalt companies just get trucks that work against regulations to replace us so they do not get fined for not completing their job on time. Dump trucking within a 50 air mile radius should have exemptions on driving times. We haul 7-10 loads a day. There is often a 10-15 min. delay at the plant and a 5-10 min. delay at the site. It takes between 30 to 45 mins from the time of the load to arrival at the job site. Between loads the drivers often get out and walk around thier trucks and talk to the other drivers. Some of our jobs are exempt (township, county, etc. roads) jobs and some are not. Some days we work both in 1 day. We can provide documentation for this if required.

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February 5, 1997

Fred Deder Trucking
6404 Zoar Rd.
Morrow, OH 45152
1(513)899-3064

Large, non trucking companies often work thier employees 12 or more hours. These employees also have to get on the roadways to drive to and from home.

In closing, for peak times in this industry so weather dictated, we request that you reconsider wisely and quickly the hours of service regulation.

Sincerely



Fred Deder

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FEDERAL
ADMINISTRATION

February 14, 1997

From: Bryan Sharp, P2: 05
Company Driver for Contract Freighters Inc. Joplin, MO
3 1/2 years REG. EXP. / REGS. PRV. experience.

I believe drivers should be regulated not by the hours, but instead by the total miles.

I think 800 miles per 24 hours
4000 miles per week might be
a more logical and efficient guideline.

The current system requires the driver to spend too much time and energy on maintaining a legal log book instead of concentrating on doing the job safely.

Using a standardized guide such as Rand McNally Mileage Guide, everyone from drivers to company officials to regulators would all be on the same page.

Mr. Bryan Sharp
PO Box 40199
Redford MI 48240

Thank you,

Bryan L Sharp

Bryan Sharp

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FEDERAL MOTOR
ADMINISTRATION

February 16, 1997

97 FEB 25 P12:25

To Whom It May Concern,

LEGS./REGS DIV.

I am writing to comment on the hours of service for truck drivers. When the hour of service regulations were adopted, they were necessary, useful, and wanted by the truck drivers of the time. Now they are out dated, berdon- som, and ignored.

Back then a 500 mile trip was a two day adventure. Trucks rode poorly and had few accessories. Now we do that same trip in half a day. Today's truck manufactures are striving for the best riding and most comfortable trucks possible.

I do not want the rules changed so I can drive more. The rules need to be changed so I'm not required to stop in the middle of the day to sleep because my ten hours of driving is up, then have to drive all night to get to my destination.

Just about everything we do around these trucks except driving is considered on duty while not driving. If we stop for fuel, eat or have to wait to load or unload that is on duty time. If the shipper tells us that the load won't be ready for three hours and we get in the sleeper to wait it is still considered an duty time, because we are waiting to load. We should be able to log it as sleep birth. Only the actual loading and unloading should be logged on duty.

After talking to some of the other drivers I work with, we have come up with three things we would like to see changed. First is to allow us to log off duty for a lot of the things we now have to log on duty. Second is to restart the 70 hours in 8 days rule after a 24 hour brake. The third and most important, allow more driving time and flexibility in our total hours.

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The hours of service regulation are long over due for change. If meaningful changes are not done our log books will continue to be known as the liers books.

Sincerely,



J.C. Ewing

Ewing
19485 Plateau Dr.
Cottonwood CA, 96022

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FEDERAL HIGHWAY
ADMINISTRATION

MAR 3
97 FEB 1 A 8: 25

February 8, 1997

Docket Clerk Rm. 4232
Attention FHWA
Docket # MC-96-28

LEGS./REGS. DIV.

In reference to the proposed rule making concerning changes in Hours of Service (HOS) regulations as it applies to motor carrier drivers, I have compiled several observations which are listed below. I will follow a list I have seen published in several trade magazines considering the points of interest. I believe that the way the HOS regulations stand right now is adequate for the industry, and that only slight changes be made, even though the industry has changed dramatically since these regulations were enacted, the human element has not.

In this discussion I have a new definition of what is called an owner-operator. An owner operator is a "motor carrier person that actually has their name on the title, without having the company he/she drives for having a lien against the motor vehicle they are operating". Thus the owner-operator cannot transfer it to another person that is hired out to drive the motor vehicle. The lien part is so the company cannot dictate to the owner operator to "take that load and get it there no matter what".

Concerning Conventional Hours of Service

The Driving Time (10 hour rule), Total on-Duty Time (15 hour rule), should not be changed. This is more than enough time for a driver to be operating a motor vehicle in continuous manner. Considering the Cumulative on-duty time (60 and 70 hour rules), this regulation should also stand. The exemption that is allowed is a 24 hour restart provision should be limited to owner-operators. This should only include drivers of motor carriers whose name is on the title of the truck. This is to protect company drivers from abuses from shippers and carriers from sending them out to get a load, having to set at a truckstop for 24 hours without layover, motel, or per-diem expenses and knowing they can restart the clock whenever the company driver runs "out of hours".

Most employees of firms in the US work less than 60 hours a week and still make a comfortable living. Why would Congress, this panel, or anyone else want to make it legal to work more than 60 hours in a

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week just to make a decent living? If this panel wants to allow drivers to work more than 60 a week, only allow owner-operators to do it, or make employers of company drivers required to pay overtime after 8 continuous driving hours. This would level the playing field because owner-operators are always competing against company drivers to receive decent paying loads. It would prohibit shippers and carriers to low-ball rates against each other because they would have to pay drivers accordingly to receive their goods on time. This would result in safer road conditions because company and/or leased drivers would not be driving exhausted to satisfy their employers.

Motor carrier drivers are not being realistic if they think that their income will increase with an increase in hours. The carrier will just adjust their rates to pay less for more work. In the short run, their income will increase because they will run more miles. But in the long run, the pay will diminish because increases in the cents per mile pay will stay the same, not keeping up with current cost of living standards, let alone those in the future. Time spent traveling in a CMV from the work reporting/releasing location to the drivers residence should be considered on-duty. This time the driver should be punched in if a company driver, or in the driver is an owner-operator, should be paid for miles traveled. This is to protect the drivers from abuses, and forcing them to work for free. Drivers would not feel obligated to drive when they are tired because they would be getting paid for all of their services, not just revenue producing ones for their employer.

The split-sleep provisions should be left as they stand for the same reasons, sleeper berth is necessary for adequate rest for the driver. Company drivers will be taken advantage of, and will expose them and the public to risk if allowed to "sleep over the wheel" while waiting to unload or receive another shipment and having it count as a rest period.

Another definition that could be used is the one for small motor carriers. Small motor carriers should be listed as "those carriers which have five or fewer employees". This is to prohibit carriers to break up into several 30-40 member fleets to get around certain regulations that are presently enacted by the government. The owner operator provision would not apply to these drivers unless their name was on the title of the truck they were operating.

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Concerning Exemptions

There should be no exemptions for short-haul versus long haul carriers. Short haul should be defined as "those trips in which the destination is no more than 100 miles from its point of origin". Long haul would be anything with a one way route longer than 100 miles. This will allow most farmers to haul their products to market and still not undercut competition with small railroads and other small motor carriers in hauling agriculture products from markets to regional distribution centers. There should not be exemptions for weight of the vehicle, anything over 26,000 pounds should be covered by the hours of service regulation.

The only exemptions should be as in the driver/owner of the motor carrier should be allowed to make his/her own determinations of when it is safe to proceed to another destination. This is to protect themselves from being released from hauling goods for a shipper that wanted them to violate the law in order to ship goods without having the proper rest time. Owner-operators hauling agriculture products should be the only drivers allowed (besides in a national, regional, or local emergency) to restart the clock in a 24 hour period.

I seriously hope you will consider these suggestions to make the roads safer for everyone involved. If you have any questions, write me at the following address.

Sincerely,



Michael J. Wichman
P.O. Box 99
Beaver Crossing NE 683 13

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