



Wisconsin Department of Transportation



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- RE: FHWA Docket No. FHWA-98-3414-e 9

This letter is in response to the Federal Highway Administration's (FHWA) request for comment regarding the use of the North American Out-of-Service Criteria (OOSC). The OOSC has been used as a guideline to aid first the FHWA staff and then, since the inception of the Motor Carrier Safety Assistance Program (MCSAP), to aid state enforcement staff. As a guideline to state enforcement staff, the OOSC has assisted inspection personnel, and more recently international inspection personnel, in making determinations as to when driver violations or equipment defects and/or violations are of such a serious nature that continued operation without correction would result in a crash. The enforcement action in that case would most generally be a written warning or a traffic citation, including a monetary fine or forfeiture, or some sort of penalty for a violation of safety regulations. The enforcement action should *not* be a result of the OOSC.

The Wisconsin Department of Transportation, Division of State Patrol opposes any proposal that would require OOSC to be a part of the Federal Motor Carrier Safety Regulation (FMCSR). The OOSC is a document that needs regular, and in many cases, immediate, modifications. The inclusion of the OOSC in the FMCSR would only complicate and delay modifications and cause the document to be of reduced value.

The Division of State Patrol recommends that the OOSC be referenced in the FMCSR to allow it to continue as a living document and to be used as an international document promoting international conformity.

Thank you for the opportunity to comment on this proposed rule making.

Sincerely,

William L. Singletary
Wisconsin State Patrol Administrator