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September 22, 11998

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Docket No. FHWA 98-3706 - 47  
Docket Clerk U.S. DOT Dockets  
Room PL-401  
400 Seventh Street, S. W.  
Washington. DC 20590-0001  
Ref: Comments

DEPARTMENT OF TRANSPORTATION  
98 OCT -7 PM 3:27  
DOCKET SECTION

This letter is in reference to Docket No. FHWA 98-3706 regarding the hours of service rule. The **instant** proceeding is **inextricably** intertwined with regulations that govern the number of hours a driver may drive. Indeed it may **be** said that **a** supporting document rule is merely a ministerial adjunct to the more substantive hours of service proceeding.

The hours of service rules are the very foundation of the supporting document rule, which deals with the verification and reconciliation of drivers' hours of service **compliance**. Again as recognized by **FHWA**, the hours of service rules were first issued in the late **1930's**, and have been changed very little **since** then **TCA's** comments in FHWA's pending Hours of Service of Drivers proceeding, Docket No. MC-96-28 **describes** much of what is already known to FHWA about its hours of service rules: that they were premised on **outmoded** and incorrect notions as to what **causes** driver fatigue; that **compliance** with the **extant** hours of service regulations actually causes fatigue; that the Department of Transportation's own Driver Fatigue and Alertness Study validates the need for hours of service reform; and that drivers at FHWA-sponsored Driver Listening Sessions around the country in 1997 uniformly voiced the need for hours of service reform, because "one size" of hours of service regulations does not fit all drivers. In view of the collective plea from the motor carrier industry and its drivers for relief from the hours of service regulations: the well-grounded arguments that change needs to be based upon sound science; and FHWA's **own** recognition that the hours of service rules need to be changed it appears that FHWA has incorrectly reversed its regulatory priorities **by** proposing to first address the ministerial record keeping aspects of a substantive rule which itself is the subject of a pending advance notice of proposed rulemaking, public comments for which have already been received. The desirability of addressing the substantive hours of service rule first is particularly clear in view of FHWA's own concession that the two proceedings are likely to be incorporated. The current hours of service reflect depression-era thinking on the number of hours a driver may drive, while the instant proceeding contemplates adopting high-technology methods of reconciling rules that admittedly are out of touch with today's industry and regulatory needs.

The writer **respectfully** suggests that FHWA hold this proceeding in abeyance **until after** it resolves the hours of **service** proceeding after which the **manner** and means of addressing compliance with new hours of service rules can more properly and timely be addressed.

Sincerely,

Bill Wilson  
Vice President  
Risk Management