



December 16, 2005

U. S. Department of Transportation
Dockets Management Facility, Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Federal Motor Carrier Safety Administration; Docket No. FMCSA-2005-22660
Hours of Service of Drivers: United States Postal Service Application for Exemption

The Commercial Vehicle Safety Alliance believes it would be inappropriate to grant the USPS its request to exempt a large portion of its contractors from the entire hours of service regulations. Not only has the USPS failed to demonstrate an equivalent level of safety, but they also have failed to meet the basic requirements of the exemption application.

Under 49 CFR 381.305(a), it states “*You may apply for an exemption if one or more FMCSR prevents you from implementing more efficient or effective operations that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.*” In the USPS’ exemption application, there is no mention (based on the new regulations) of the USPS exploring alternative operational changes and their resulting impacts on safety and efficiency. In its application, USPS stipulates that one of the contractual requirements is to adhere to basic DOT regulations. Certainly, their contractual arrangements are not so rigid as to be non-negotiable based on regulatory changes? This likely is especially the case for driver hours of service. Based on their application, it seems as if they have made no efforts to look into this issue further. Therefore, how can they make any argument to fulfill the basic requirements of the application -- achieving an equivalent level of safety?

Their application also fails to address most of the exemption application requirements in 49 CFR §381.310, including: 49 CFR §§381.310(b)(2),(3) and (4); and 381(c)(3),(4),(5) and (6). If the USPS cannot identify specifically which carriers and drivers the exemption would apply to, how do they expect to manage compliance? How then would enforcement be able to be accomplished effectively?

The entire industry has had to change and adjust to the new regulations, why should the USPS be any different? The motorcoach operators are under the “old” rules because the FMCSA did not have a significant amount of safety or other operational data under which to base any substantiated decisions. As a result, FMCSA conducted a study on these operators because they are a unique segment of the industry. The USPS cannot be compared with the motorcoach industry as they are totally different operational types.

We urge the FMCSA not to further erode the effectiveness of the new hours of service regulations by providing yet another segment of industry relief from the most fundamental regulations regarding commercial vehicle safety. The Large Truck Crash Causation Study results and other recent studies indicate that drivers are an area that needs more focus, therefore we need to enhance the compliance and enforcement regime for drivers, not minimize it.

Sincerely,

A handwritten signature in black ink that reads "Stephen F. Campbell".

Stephen F. Campbell
Executive Director