

**DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration
49 C.F.R. Part 395**

Hours of Service of Drivers: United States : Docket No. FMCSA-2005-22660
Postal Service Application for Exemption; :
Request for Comments

**COMMENTS OF
THE OHIO STATE HIGHWAY PATROL**

INTRODUCTION

These comments are submitted by the Ohio State Highway Patrol pursuant to the request for comment by the Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation as issued in this docket. The Highway Patrol, as Ohio's leader in highway safety, is a full participant in the Motor Carrier Safety Assistance Program and the Highway Patrol's Motor Carrier Enforcement Unit annually inspects over 60,000 commercial motor vehicles for compliance with the Federal Motor Carrier Safety Regulations. Thus, the Highway Patrol, on behalf of the Department of Public Safety and the citizens of the state of Ohio, has a vested interest in any rulemaking affecting the safety of commercial motor vehicle drivers operating on Ohio's roadways. The Ohio State Highway Patrol, as Ohio's leading advocate of highway safety and from the perspective of being Ohio's leading commercial roadside enforcement agency, submits these comments pursuant to the request for comments in the Federal Register, Volume 70, Number 220, dated November 16, 2005.

RESPONSE TO REQUEST FOR COMMENTS

The Ohio State Highway Patrol is strongly opposed to the granting of any hours of service exemption including the exemption requested by the United States Postal Service (USPS). The Federal Motor Carrier Safety Administration has worked diligently to create

workable and, the Highway Patrol believes, fair hours of service regulations. The granting of exemptions to the hours of service regulations, or for that matter any federal motor carrier safety regulation, is counterproductive to FMCSA's *primary mission to reduce crashes, injuries and fatalities involving large trucks and buses*.

The new hours of service regulations have forced the trucking industry, including shippers and consignees, to become more efficient in the use of drivers and equipment. Motor carriers have made the changes necessary to comply with the new regulations (i.e., become more efficient); shouldn't the USPS be held to the same standard?

In their August 11, 2004, letter to Administrator Sandberg, the USPS states that they will provide "information showing that the exemption is necessary, prudent, and will provide appropriate coverage consistent with the underlying safety goals of the regulations." The Highway Patrol was unable to find anything in the remainder of the letter that would support the opinion that the exemption is "necessary, prudent, and provides the appropriate coverage" to any highway user other than the USPS. The USPS indicates the exemption would only apply to their "short haul" contractors who, on average, drive approximately two hours per round trip. Considering just this piece of information raises the question of what the contractors are doing for the remaining 12 hours (13 if the exemption is granted). The Highway Patrol is sure this is not a complete picture of a contractor's daily routine and suggests the USPS provide more detailed information to support their claim that the exemption is necessary, prudent, and provides the appropriate coverage.

CONCLUSION

The Highway Patrol believes that by granting an exemption to the hours of service regulations, the FMCSA would be admitting the current hours of service regulations are

capricious and do little to help achieve the primary mission of reducing crashes, injuries and fatalities involving large trucks and buses. Exemptions also create too many variables, which creates confusion, for the law enforcement community who is burdened with the task of training enforcement officers in new regulations and keeping these officers proficient in all aspects commercial motor vehicle enforcement.

The Highway Patrol believes law enforcement, FMCSA, the trucking industry, and the general public would best be served by regulations that are easily understood and are applied equally to all segments of the trucking industry.

The Ohio State Highway Patrol submits these comments on behalf of the Ohio Department of Public Safety and all users of Ohio's roadways.

Respectfully Submitted,



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**ON BEHALF OF THE OHIO DEPARTMENT
OF PUBLIC SAFETY**

Dated this November 28, 2005, at Columbus, Ohio