

The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

Re: Department of Transportation Hours of Service Regulations

Dear Mr. President:

This is to request your assistance in protecting the ability of utilities to meet critical infrastructure repair and maintenance needs without violating the Department of Transportation's new commercial motor vehicle driver hours of service rules scheduled to go into effect January 4, 2004. We ask that you stay the enforcement of the hours of service rules set out in 68 Federal Register 22456 (April 28, 2003) as applied to drivers of utility service vehicles until Congress has the opportunity to address this issue through legislation.

As you may know, on November 25 Congress passed the Omnibus Appropriations Bill (H.R. 2673) which includes a provision which prevents the Department of Transportation from using funds to implement or enforce the hours of service rules on utility service vehicle drivers. The appropriations fix will delay enforcement until September 30, 2004. You may also know that the Senate Commerce Committee passed their portion of the Highway Bill ("safety title"), which includes a utility exemption.

We are concerned, however, that the Appropriations Bill will not pass by January 4 and that the highway bill will be delayed beyond September 30. Thus, we ask that the Department of Transportation issue a notice suspending the application and enforcement of the hours of service rules for utility service vehicle drivers until Congress has passed and you have signed the Highway Bill.

This stay will allow utilities to continue providing the level of repair and maintenance service to power lines, gas mains and other utilities that the public has come to expect and demand. The recent storms and other power outages in the Eastern United States have reinforced the critical need for concerted and sustained efforts by utilities to restore power when outages occur. This is an important matter of public safety and national security, and we are concerned that the new hours of service rules will hinder efforts to keep the nation's utility infrastructure running smoothly.

Granting this delay in the effective date of the hours of service rules will allow Congress sufficient time to adequately address the need for an exception for utility service vehicle drivers while allowing the hours of service rules to go into effect for the rest of the commercial motor vehicle drivers as planned on January 4, 2004.

We appreciate your prompt consideration of this request.

Sincerely,