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FMC-050615-003

1000 FedEx Drive
Moon Township, PA 15108

Telephone 412.269.1000



FMCSA-2006-24231-1

June 9, 2005

Mrs. Annette Sandberg
Federal Motor Carrier Safety Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
400 Seventh Street, SW
Washington, DC 20590

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DEPT OF TRANSPORTATION
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Dear Mrs. Sandberg,

Pursuant to the guidelines outlined in FMCSR Part 381.310, FedEx Ground Package System, Inc. respectfully request an exemption to the regulations depicted in FMCSR Part 395.2(3) related to driving time along with relevant Guidance outlined in the interpretation of FMCSR Part 395.8, Question 26 which states "a driver may not operate a laden CMV as a personal conveyance".

- 381.310(a) Written Exemption Request - A subsequent "hard copy" of the information contained in this email will be sent U.S. mail to the Federal Motor Carrier Safety Administrator, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.
- 381.310(b) Class of Persons Covered Under This Exemption - Commercial Motor Vehicle drivers operating step van type vehicles with a GVWR over 10,000 lbs but less than 26,000 lbs GVWR. These drivers operate within our FedEx Home Delivery (FHD) division and strictly deliver only to residences locally on a daily basis in close proximity to their normal work reporting location. Additionally, the drivers make no pick-ups and use their vehicles as a personal conveyance to their home after their last residential delivery and post-trip vehicle inspection. They are relieved of all duty from FHD after their post trip inspection and are free to pursue their own activities during the personal conveyance status to their homes each evening.
- 381.310(b)(1) George Bosko, TSM Manager, FedEx Ground Package System, Inc., 1000 FedEx Drive, Coraopolis, PA 15108, Phone- 412-262-6775.
- 381.310(b)(2) FedEx Ground Package System, Inc.
- 381.310(b)(3) 1000 FedEx Drive, Coraopolis, Pa. 15108
- 381.310(b)(4) U.S. DOT # 265752
- 381.310(c)(1) Reason For The Exemption is summarized as follows:

We currently would like to pursue an hours of service exemption in our Home Delivery operation which would allow our drivers to consider the time from the drivers' last delivery to their home (normal work reporting location) as off duty as the drivers are using the commercial motor vehicle (CMV) as a personal conveyance during that time. Additionally the drivers use the CMV as a personal conveyance from their home residence to their terminal daily before going on-duty and starting their day when the CMV is loaded and dispatch instructions are given.

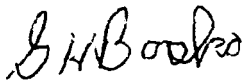
To provide clarity, I would like to point out that our Home Delivery division is unique to the industry as the local drivers deliver only to residences and make no pick-ups. After their last residential delivery, they are relieved of all duty from FedEx after performing a post trip vehicle inspection and are free to pursue their own activities and use the vehicle as a personal conveyance to their homes in the evening. However, there is a possibility that after completion of their day at the last stop, the CMV may contain a package or packages that could not be delivered due to reasons beyond the driver's control such as wrong delivery addresses, residential customer was not at home, etc.

With that said, we request that an exemption be granted to FedEx Home Delivery which would allow those drivers to go off duty after completion of their last delivery stop and post trip and consider the time traveling home using the CMV as a personal conveyance even though there may be undelivered packages in the vehicle which would be delivered the following day. This exemption would also apply the following morning for travel time from the driver's home to the terminal when using the vehicle as a personal conveyance. The timeframe for utilizing the exemption would be indefinite.

- 381.310(c)(2) The exemption request applies to FMCSR Part 395.2(3) related to driving time along with relevant Guidance outlined in the official Interpretations of FMCSR Part 395.8, Question 26 which states "a driver may not operate a laden commercial motor vehicle".
- 381.310(c)(3) The total number of drivers who will operate under this exemption - 4,126 drivers
- 381.310(c)(4) Safety Impact Assessment -- Operating under the personal conveyance exemption in our FHD division will not have a negative impact on hours of service management controls and compliance with the specific rules outlined in FMCSR 395.
- 381.310(c)(5,6) Compliance with the hours of service regulations is a top priority and an integral part of our safety program. Drivers' hours are micro-managed through technology innovations and daily management reports to maintain a high level of compliance with the 11/14 and 70 hours rules. Specifically, drivers use barcode scanners and are required to scan each package at each delivery during their route and that information is processed and hours of service control reports are electronically distributed to each senior manager on a daily basis for management of driver available hours. Accurate time records are maintained, but more importantly, the control reports give management an invaluable tool for driver control and potential falsification of hours. In summary, the scanners and the control reports are clearly light years ahead of the conventional methods of hours of service controls within the industry.

In closing, please advise if more information is needed to move this exception request forward to a positive result. My direct line is 412-262-6775.

Thank you,



George Bosko