

BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

RULES DOCKET NO. _____

PETITION FOR RULEMAKING
TO COMPEL ELECTRONIC GOVERNED SPEED NOT TO EXCEED SIXTY-EIGHT
MILES PER HOUR ON CLASS SEVEN AND EIGHT COMMERCIAL MOTOR
VEHICLES

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Attorneys for Petitioners

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

SCHNEIDER NATIONAL, INC.,)
ROAD SAFE AMERICA,)
C.R. ENGLAND, INC.,)
H.O. WOLDING, INC.,)
ATS INTERMODAL, LLC,) **RULES DOCKET NO.** _____
DART TRANSIT COMPANY,)
J. B. HUNT TRANSPORT, INC.,)
U.S. XPRESS, INC.,)
COVENANT TRANSPORT, INC.)
and)
JET EXPRESS, INC.)
Petitioners.)

**PETITION FOR RULEMAKING
TO COMPEL ELECTRONIC GOVERNED SPEED NOT TO EXCEED SIXTY-EIGHT
MILES PER HOUR ON CLASS SEVEN AND EIGHT COMMERCIAL MOTOR
VEHICLES**

I. Interests of the Petitioners

Petitioners consist of motor carriers and a highway safety public interest organization. All petitioners share a common interest in promoting highway safety for transportation subject to the jurisdiction of the Federal Motor Carrier Safety Administration.

All of the motor carrier Petitioners are registered with the Federal Motor Carrier Safety Administration¹ as for-hire interstate carriers and are currently operating as such in the United States of America. The contact information for each motor carrier is as follows:

Don Osterberg, Vice President of Safety and Training
Schneider National, Inc.
Executive Leadership
3101 South Packerland Drive
Green Bay, WI 54313
(800) 846-3067

Andrew Anthony Gianoukos
ATS Intermodal, LLC
2465 Air Park Road
Charleston, SC 29406
(843) 308-6555

Nelson Hayes, Esq.
C. R. England, Inc.
Post Office Box 27728
Salt Lake City, UT 84127-0728
(801) 974-3349

Cathy Kirsling
H.O. Wolding, Inc.
Post Office Box 217
Amherst, WI 54406-0217
(800) 945-9090

Gary Volkman, Vice President of Safety and Compliance
Dart Transit Company
Post Office Box 64110
St. Paul, MN 55164-0110
(651) 683-1467

Greer Woodruff
J.B. Hunt Transport, Inc.
Post Office Box 598
Lowell, AR 72745
(479) 419-3250

¹ Petitioner Schneider National, Inc. is not a motor carrier, but is the parent corporation to registered motor carriers Schneider National Carriers, Inc. and Schneider National Bulk Carriers, Inc.

Jim Golden
Covenant Transport, Inc.
400 Birmingham Highway
Chattanooga, TN 37419
(423) 821-1212

Pat Quinn
U.S. Xpress, Inc.
4080 Jenkins Road
Chattanooga, TN 37419
(423) 510-3308

Jeffrey F. Davis, Vice President of Safety and Human Resources
Jet Express, Inc.
4518 Webster Street
Dayton, OH 45414
(937) 274-7033

Petitioner Road Safe America is a public interest, non-profit organization created for the express purpose of improving road safety by reducing collisions between tractor-trailers and passenger vehicles. Road Safe America's contact information is as follows:

Stephen C. Owings, Sr.
P. O. Box 191502
Atlanta, GA 31119-1502
(404) 846-3067

Although not a petitioner, the American Trucking Association supports the safety goals associated with the petition, subject to certain limitations identified in the attached letter dated August 30, 2006 from Bill Graves, President and Chief Executive Officer. (See Exhibit "A").

II. Specific Rulemaking Sought

Petitioners urge the Federal Motor Carrier Safety Administration to amend the following sections of the Federal Motor Carrier Safety Regulations:

Add the following provision to Subpart B of 49 C.F.R. § 393:

393.54 Electronic Engine Speed Governors

(a) Every class 7 and 8 commercial motor vehicle manufactured after the year 1990 shall be equipped with electronic engine speed governor,

(b) The electronic speed governor referred to in this Section shall be set at not more than 68 miles per hour,

(c) No modifications or adjustments shall be made to the electronic speed governor, or any parameters influencing the governed speed settings for the purpose of circumventing its effective operation in accordance with this Section, and

(d) No class 7 or 8 commercial motor vehicle shall be operated in violation of this Section.

Add the following item to the parts and accessories subject to daily driver inspection reports listed in 49 C.F.R. 396.11:

--68 mph electronic engine speed governor setting for class 7 and 8 trucks (only if truck was driven up to the governed speed),

Add the following item to the inspection, repair and maintenance section under 49 C.F.R. § 396.3:

(a)(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in Part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, **electronic speed governors, frame and frame assemblies, suspension systems, axels and attaching parts, wheels and rims, and steering systems.**

(b)(5) A record showing speed governor setting on all commercial motor vehicles required to be equipped with electronic speed governors as specified in Part 393 of this subchapter.

Add to Appendix G to Subchapter B – Minimum Periodic Inspection Standards:

14. Electronic Engine Speed Governors

Every class 7 and 8 tractor manufactured after the year 1990 shall be equipped with an electronic engine speed governor that shall be set at not more than 68 miles per hour.

Petitioners respectfully request that this petition be considered and duly enacted.

DENNIS, CORRY, PORTER & SMITH, L.L.P.

By: _____
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Exhibit “A”