



RETAIL INDUSTRY LEADERS ASSOCIATION

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October 21, 2019

The Honorable Raymond P. Martinez
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: FMCSA Docket No. FMCSA-2018-0248; Notice of Proposed Rulemaking for Hours of Service for Drivers (84 Fed. Reg. 44190, August 22, 2019)

The Retail Industry Leaders Association (RILA) welcomes the opportunity to provide comments to the Federal Motor Carrier Safety Administration (FMCSA) on the agency's proposed rule on hours of service (HOS) requirements for trucking operations.

RILA is the trade association of the world's largest, most innovative and recognizable retail companies and brands. Our membership includes more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs and more than 100,000 stores, manufacturing facilities, and distribution centers domestically and abroad.

RILA members are among the largest users of the global supply chain and America's transportation system. Their ability to successfully move products from factories to distribution centers and ultimately to stores depends largely on efficient and predictable operations. Enhancing safety and reducing accidents should be a goal of all those involved in long-haul trucking. However, since the implementation of the current HOS in 2013, the rules and regulations have proven over-prescriptive and lack the flexibility to address the challenges of modern-day trucking. RILA members do want to ensure that their truck drivers and operators, as well as all those on the road, are safe and protected. However, overregulation and forcing drivers to complete a litany of administrative tasks do nothing to accomplish the shared goal of safe highways and roads for all users.

FMCSA's proposed rule on HOS represents a positive path forward to alleviate some of the difficulties that large-scale operations face while maintaining high-quality safety standards. Many of the changes are welcome, but overall, this modernization to current regulations will not make a decidedly large impact on RILA member operations. The effect will be felt by RILA members as they adjust to implement these new standards and protocols. Over the long-term, however, this proposed rule could be beneficial to RILA

members and vendor partner trucking operations. In the interim, the application of the proposed rules and the technological updates to electronic driver logs and related devices will be a priority for retailers. Despite these potential issues, RILA does appreciate the FMCSA's multi-year stakeholder outreach effort on HOS and is happy to engage with the agency during this process.

The proposed modifications in this rule could benefit RILA members, assist truck drivers and the industry overall. RILA member operations extend to every corner of the United States, whether a store is in an urban center or a rural area. Drivers encounter numerous different traffic and weather conditions during any given day of work. RILA supports the FMCSA's change that permits drivers to extend their day by two hours if the driver encounters adverse driving conditions. This will maximize driver efficiency and not force truck drivers to travel through bad weather or in heavy and possibly unsafe traffic conditions.

The FMCSA's HOS update also made a positive modification that allows drivers to maximize their required rest break period and extend their workday while preserving the necessary 10 consecutive hours of rest. Allowing drivers to take an off-duty break within their 14-hour day will maximize productivity. This is especially true during peak and busy seasons when retailers need consistent and reliable transportation of certain products.

This proposed rule also allows drivers to utilize the mandated 30-minute rest break to complete non-driving activities like filling out paperwork, refueling or waiting on shipments. Again, this change is welcome by RILA members as a mechanism to increase output. Many drivers who work or operate shipments for RILA members often will need to do essential job requirements prior to physically driving the truck, such as refueling or paperwork. Drivers may be able to take advantage of this proposed change and this could ultimately improve operations.

RILA also supports the agency's proposed changes to extend the short-haul exception from 12 hours and 100 air miles to 14 hours and 150 air miles. This will lead to an increase in productivity and the ability to increase the volume of shipments which will be advantageous to retailers, again, during peak seasons such as the holidays. Longer driving runs in-terms of time and miles, will also make it easier overall to comply with HOS rules.

Regarding the proposed rule permitting 7/3-hour split for drivers in the sleeper berth, a limited number of RILA members utilize the 8/2 split under current dispatch models. As such, it is difficult to see that a 7/3-hour split will be widely adopted amongst RILA's membership. This proposed rule put forth by FMCSA also requests feedback from stakeholders on a potential 6/4-hour split. While it could create more flexibility for drivers to manage their time to avoid rush hour or congested traffic situations, it is unclear at this time how many companies would apply the 6/4-hour split option.

RILA greatly welcomes this opportunity to provide input on FMCSA's proposed rule on updates to HOS requirements. As previously mentioned, while these changes are a significant improvement of current standards, it will not drastically alter how RILA members operate. The biggest challenge with any new



rule or regulation is how to effectively implement the update while not negatively impacting drivers and operations. Please direct questions or requests for further information to Joe Williamson, Director of Government Affairs, Retail Industry Leaders Association (RILA) at Joe.Williamson@rila.org or 202-869-0327.

Sincerely,



Jennifer M. Safavian
Executive Vice President, Government Affairs
Retail Industry Leaders Association

