

BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

DOCKET NO. FMCSA-2018-0248
HOURS OF SERVICE OF DRIVERS

COMMENTS OF THE
NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION, INC.
IN RESPONSE TO ADVANCE NOTICE OF PROPOSED RULEMAKING

PAUL G. LEVINE
Executive Director
National Motor Freight Traffic Association, Inc.,
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e-mail: paul.levine@nmfta.org

Due and Dated October 10, 2018

NMFTA is a nonprofit membership organization headquartered at 1001 North Fairfax Street, Suite 600, Alexandria, VA 22314. Its membership is comprised of approximately 500 motor carriers operating in interstate, intrastate and foreign commerce, primarily specializing in the movement of less-than-truckload quantities of freight (LTL). NMFTA's mission is to promote, advance and improve the welfare and interests of its members and the motor carrier industry in general. To this end, and pertinent here, NMFTA presents its members' position in relevant judicial, regulatory and legislative proceedings.

The issues which the Federal Motor Carrier Safety Administration (FMCSA) has under consideration in this Advanced Notice of Proposed Rulemaking are of critical importance to NMFTA's member motor carriers, regarding both safety and the utilization of their equipment to serve the shipping community while grappling with the growing driver shortage. In an effort to present FMCSA with probative information and data regarding short-haul operations, adverse driving conditions, the 30-minute break and split sleeper berth time, NMFTA is in the process of undertaking a comprehensive survey of member motor carriers which cannot be completed by the current October 10, 2018 due date for comments. However, the survey results relevant to the questions FMCSA has presented to be considered in reviewing the subject areas identified will be timely presented during the course of the agency's handling of these important matters.

Preliminary to the submission of the results of the survey, NMFTA would comment that greater detail is required to identify the diverse driving conditions encountered today on the Nation's highways which are adverse to driving and permit two additional hours of driving as currently provided under 49 CFR Section 395.1(b)(1). Moreover, consideration should be given to increasing the maximum of two additional hours based on the adverse conditions that are encountered.

Further, the mandatory 30-minute break required under 49 CFR Section 395.3(a)(3)(ii) should be reviewed, inasmuch as it would appear that the time to take any mandatory rest period should be left to the driver's discretion as the individual who is best able to determine when such break is needed.

As indicated, the foregoing matters will be will be addressed in NMFTA's member carrier survey, and the results will be presented to FMCSA to aid the determination of the matters under consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Paul G. Levine". The signature is written in a cursive style with a large, prominent 'P' and 'L'.

PAUL G. LEVINE
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