



# Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

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January 29, 2018

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
West Building, Ground Floor  
Room W12-140  
Washington, DC 20590

RE: Docket Comments: Docket Number FMCSA-2017-0361  
*Hours of Service of Drivers: Application for Exemption; American Disposal Services, Inc.*

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the American Disposal Services' (ADS) application for an exemption from both the requirement that motor carriers use paper logs and/or equip their vehicles with electronic logging devices (ELDs).

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout the United States, Canada and Mexico by providing guidance and education to enforcement, industry and policy makers.

CVSA strongly opposes both exemption requests. First and foremost, exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. The Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations exist to ensure that those operating in the transportation industry are equipped to do so safely.

CVSA does not believe that ADS's arguments in support of the exemption requests have merit. In the application, ADS argue that ELDs are not designed to accommodate for the 'multiple stop rule', defined in 49 C.F.R. § 395.2. However, this scenario is addressed under the requirement that ELDs allow drivers to annotate their hours. Time spent under the 'multiple stop rule' will be logged as 'on duty driving' and the driver can simply add notes indicating so. ELDs do not automatically document violations. Instead, they identify potential violations for an inspector to review. While the ELD might give an inspector a notification that a potential violation exists, if the driver has properly annotated their activities in the ELD, the inspector will be able to verify that no violation exists.

Furthermore, nothing in the exemption request justifies an exemption from the requirement that ADS's drivers maintain paper logs. That request is simply not addressed in the exemption application at all. CVSA encourages the Federal Motor Carrier Safety Administration to deny both requests.

Every new exemption is an opportunity for confusion and inconsistency in enforcement, which undermines the foundation of the federal commercial motor vehicle enforcement program—uniformity. For these reasons, exemptions should be awarded only when there is a proven, *critical* need. Exemptions should be the exception, not the rule.

The federal hours-of-service requirements exist to help prevent and manage driver fatigue. While it's true that we cannot regulate sleep, the hours-of-service rules set forth a framework that, if followed, allows for drivers to get the rest necessary to operate their vehicles safely. Unfortunately, hours-of-service violations continue to be some of the most frequently found violations by enforcement officials, who conduct roadside safety inspections. What this tells us is that too many drivers and motor carriers either don't understand the hours-of-service rules or are intentionally violating them – and, as a result, undermining safety. Deployment of ELDs will help address both of these issues.

For those drivers and motor carriers who don't understand the intricacies of the hours-of-service requirements and for those who make the occasional mistake when using their paper log, ELDs will remove the guess work and the risk of human error. This will result in better compliance and fewer violations. For those who are using their log books to find 'wiggle room' in the current hours-of-service regulations, ELDs will make it easier for inspectors to identify violations and take unsafe, noncompliant carriers and drivers off the roadways. The devices will also save time for both inspectors and drivers, leading to more efficiency.

49 C.F.R. § 381.310, which allows for exemptions from federal regulations, clearly states that the applicant must demonstrate how the exemption would “achieve a level a safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.” The exemption application from ADS does nothing to justify their requests or demonstrate how an equivalent level of safety can be maintained. Therefore, the exemptions should not be granted.

Moreover, granting yet another regulatory exception only serves to inhibit law enforcement and industry's understanding of the rules. Every exception and change to regulations requires additional training for inspectors, resulting in the potential for a higher level of confusion surrounding the applicability of the regulations. More confusion will ultimately lead to less enforcement on our highways.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at [collinm@cvsa.org](mailto:collinm@cvsa.org).

Respectfully,



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