



October 21, 2019

Administrator Raymond P. Martinez
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: Comments on FMCSA-2018-0248 (Proposed Rules Relating to Hours of Service)

Dear Administrator Martinez:

The Specialized Carriers & Rigging Association (“SC&RA”) is an international trade association of more than 1,360 member companies representing over 200,000 employees. The Association’s members are involved in crane and rigging operations, machinery moving and erecting, and specialized transportation, each of which involves transportation regulated by the Federal Motor Carrier Safety Administration (“FMCSA”). SC&RA represents both national and multinational companies operating in every congressional district in the United States.

SC&RA appreciates the opportunity to comment on the proposed rules relating to hours-of-service (HOS) for which the Agency is considering changes (Docket No. FMCSA-2018-0248):

- Expanding the current 100 air-mile “short-haul” exemption from 12 hours on-duty to 14 hours on-duty, in order to be consistent with the rules for long-haul truck drivers;
- Extending the air-mile radius from 100 to 150 miles for the short-haul exception;
- Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions;
- Revising the current mandatory 30-minute break for truck drivers after 8-hours of continuous driving; and
- Reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper-berth compartment.

On behalf of members of the SC&RA, we would like to express our support for modifications to each of the above five specific aspects of the hours-of-service (HOS) that the Agency is considering changing.

The specialized transportation and crane and rigging industry is committed to a high level of safety. Based on the positive safety performance of SC&RA membership and corresponding insurance data, we believe modifications made to allow for additional flexibility in specific aspects of HOS regulations will continue to result in safer roads and workplaces.



Issues 1-2: Short-haul operations. *(Expanding the current 100 air-mile “short-haul” exemption from 12 hours on duty to 14 hours on-duty, in order to be consistent with the rules for long-haul truck drivers and extending the air-mile radius from 100 to 150 miles for the short-haul exception)*

SC&RA COMMENTS:

SC&RA strongly urges FMCSA to expand the current 100 air-mile “short-haul” exemption from 12 hours on-duty to 14 hours on-duty and from 100 to 150 miles.

Most of the construction industry works on a 10-hour day throughout the United States while much of the all-terrain hydraulic crane work is within 150 miles of the yard that it works out of. Extending the on-duty time would allow an operator to make it back to the yard with the crane before their hours of service has expired.

The rule, as it stands now, is creating problems with operators getting the crane back to the yard in a timely manner causing the crane to be left at the jobsite, parked on an unsecured lot or parked along the roadside. Many companies have to juggle drivers back-and-forth to stay in compliance with a 12- hour rule, working a ten-hour workday and then trying to get the crane back to be fueled, serviced and ready for the next day.

The problems with the current rule are especially acute in the specialized transportation segments. In some cities, local authorities impose a curfew on the movement of overdimensional loads. If a job finishes and the operator is trying to make it back to the yard, he or she may be required to wait outside the city limits, on duty, until the curfew expires. Only after the curfew expires will he be allowed to continue driving the crane back to the yard. Often times the curfew requires the crane to be left at a truck stop or some other location unattended, overnight, on the outskirts of a major city, which sets up for vandalism, tampering or other activities that may cause the crane to be improperly prepared for the next day.

In addition, many of the trucks that travel with cranes have ELDs. When a driver reports to work, he logs in and is “on duty.” The driver may prep the loads - let’s say 30 minutes - before driving. If it takes the driver 2 hours to get to a job site especially in larger metropolitan cities, all within 150 miles - then the driver is 2.5 (2 hours driving and 30 minutes for prep) hours into the day before he’s even set foot on the job site. In the crane industry, operators are on the job site and not working for periods of time due to breaks. It is easy to see that the driver/operator is not fatigued, but the driver/operator could feasibly exceed 12 hours on-duty, although he or she would only have actually driven for 4 hours total once he or she makes the return trip. Drivers are often union in major metropolitan areas, so our members don’t have the option to have the driver deadhead back, go off duty, and then tag in another driver for four hours (two there, two back).

On average, crane operators spend only 2-4 hours of on-duty time each trip driving the cranes to and from job sites. This is because the primary function of the operator is to operate the crane at the customer’s site and not perform driving services. Crane operators participate in extensive training in connection with the crane operations pursuant to recent OSHA requirements, and by the American National Standards Institute, and must satisfy various certification requirements.



Without the 2-hour extension, operators are required to abandon the crane upon exhausting their HOS and are required to return to the vehicle the following day, as the crane-related services frequently cause the operator to meet the HOS limitation. Alternatively, specialized transportation companies spend significant time and run additional trips on the roads to ensure that a driver returns to his work location before the expiration of 12 hours on duty. Putting overdimensional loads on the roads more often for unnecessary trips does not advance safety.

The 12 hour on-duty limit is inflexible and keeps drivers from doing their jobs efficiently, because once the timer starts, it cannot stop running. What's more, the current HOS rules also fail to consider the various non-uniformity of permit rules going from one local jurisdiction to another jurisdiction, be it local or state.

Issue 3: Adverse driving conditions. *(Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions)*

SC&RA COMMENTS:

SC&RA strongly urges FMCSA to extend the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions.

Again, the current 14-hour on-duty limitation presents unique challenges for overdimensional freight. An average overdimensional load may measure approximately 15-16 feet wide and high and in excess of 100 feet in length. Thousands more loads, annually, measure well in excess of 20 feet wide and high and nearly 200 feet or longer in length. Each driver has the additional burden of finding a place large enough to accommodate and park his or her load until passage is permitted. Several parking shortage studies have been conducted, including the Commercial Motor Vehicle Parking Shortage, released in May 2012. This study and others referenced within the report acknowledge the existing parking shortage, and further provide evidence that locating adequate parking space for such over-dimensional loads is extremely challenging.

Most importantly, the parking concerns raise safety issues. Occasionally, the safest and singular option for drivers is to park such loads on the shoulders of interstates, highways and ramps. This decision requires the driver to protect and alert the motoring public by employing traffic control measures such as setting up safety cones, etc. In some cases, the overdimensional load is so large, and/or the road shoulder width is so limited, the tractor trailer(s) combination cannot be completely parked off the roadway and therefore takes up an entire lane of the road. Safety issues are compounded in inclement weather conditions. Drivers may be driving down the road at a high speed, when they quickly realize an overdimensional load is parked on the shoulder and/or partly on the roadway, and immediately need to change lanes to avoid a collision with the overdimensional parked load.

Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions would allow the driver to plan, and re-locate the load to a safer place. The extension, then, would advance safety by eliminating dangerous conditions caused by the current limitation.

Issue 4: 30-minute break. *(Revising the current mandatory 30-minute break for truck drivers after 8-hours of continuous driving)*



SC&RA COMMENTS:

SC&RA strongly urges FMCSA to eliminate the 30-minute rest break for reasons similar to those laid out in the SC&RA's original request for exemption from the 30-minute rest break dated October 17, 2014. This request for exemption was granted and has since been extended. Because the FMCSA has found that the exemption is warranted, SC&RA expects to request extension of the exemption. The changes the Agency has proposed in the latest NPRM move in a positive direction but do not resolve the issues that led SC&RA to originally request its exemption or eliminate the benefits that supported the Agency's granting of the exemption.

Issue 5: Split-sleeper berth. *(Reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper-berth compartment)*

SC&RA COMMENTS:

SC&RA strongly urges FMCSA to reinstate the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper-berth compartment. However, rather than limit the modification to a minimum of 7/2 or 2/7 split (total must be 10 hours but a minimum of 2 off duty and 7 sleeper berth), with at least seven consecutive hours being in the sleeper berth, the Agency should allow splits that reduce the consecutive hours in the sleeper berth to 5 or 6.

The old-style split sleeper berth rule allowed a driver to split up the sleeper berth in two segments and one of them being at least two hours long. A driver could do segments of 2 hours and 8 hours to get 10 hours, or he could do a 3 hour and a 7 hour, or a 5 hour and a 5 hour, or whatever a driver needed to use. Being able to do that would allow drivers to use their time (driving, resting, on duty not driving) to their best advantage. The driver could use his or her time effectively and get some rest when needed. Once again, these issues are acute for drivers of overdimensional loads. For example, many drivers face curfew zones around major metropolitan areas, requiring movement during only certain hours. This, in turn, often prevents drivers from taking sleeper berth at for long stretches but allows shorter sleeper berth time when waiting for curfews to expire. While these drivers wait in staging areas while waiting to transition between day time and night time moves, short sleeper berth periods are readily available.

Moreover, when drivers are required to work with nighttime state, county or city requirements, the Split Sleeper Berth rule change would allow drivers to get to safe havens/parking for additional required HOS rest. By way of illustration, the attached Records of Duty Service (RODS) show an actual example of a driver having to wait in the sleeper berth in a staging area for the George Washington Bridge into New York City to be shut down so an overdimensional load can be escorted into the city. In example one, the driver may not get a full eight hours rest before the shutdown occurs and, thus, would be over hours of service under current regulations. The second example shows that a split sleeper berth would allow the driver to make the crossing legally, get to the customer's location, then go into the sleeper berth for the night and be in compliance again in the morning.

Allowing split sleeper berth times of 6/4 or 5/5 would not adversely impact safety but, rather, would allow drivers flexibility to get rest in increments that are most conducive to their work. The Split Sleeper Berth modification is in part based upon the studies that FMCSA has already done on sleep. These studies show that allowing a 6/4 or



5/5 split achieves the same safety goals as the proposed 7/3 split while allowing drivers increased flexibility. Available data shows that allowing employees to space their rest periods adequate rest while supporting the flexibility needed to allow drivers, including drivers of overdimensional loads, to account for traffic conditions, local overdimensional regulations, and parking shortages. Indeed, recent studies conclude that "Divided sleep [as little as five hours] is as good as consolidated sleep," and "With respect to total sleep time and sleepiness, the findings of the present study suggest that split sleep is preferable to consolidated daytime sleep." Sleep, Circadian Rhythms, and Performance Applying Sleep Science to Operational Practice, Washington State Univ. Gregory Belenky, M.D., Hans Van Dongen, Ph.D. In short, available data shows that the current sleeper berth rule and proposed split sleeper berth rule in the NPRM impose additional regulation on truck drivers with no added safety benefit.

See Also: U.S. Department of Transportation Federal Motor Carrier Safety Administration. (2007). The Large Truck Crash Causation Study. (Publication No. FMCSA-RRA-07-017). (Table 2). Washington, D.C. Retrieved May 21, 2008, from: <http://www.fmcsa.dot.gov/safety/research-and-analysis/large-truck-crash-causation-study-analysis-brief>. Verpraet, R., Epidemiologisch onderzoek naar de slaap- en rijgewoontes bij Vlaamse beroepschauffeurs [Epidemiological study on sleeping and driving habits of Flemish truck drivers], Ghent University, 2007. Retrieved June 24, 2008, from: <http://www.eurofound.europa.eu/observatories/eurwork/articles/other/high-incidence-oftruck-drivers-falling-asleep-at-the-wheel>. Horne, J.A., and Reyner, L.A. (1996). Counteracting driver sleepiness: Effects of napping, caffeine, and placebo. *Psychophysiology*. Volume 3 Issue 33, pp. 306-309. American Transportation Research Institute: TECHNICAL MEMORANDUM: HOURS-OF-SERVICE FLEXIBILITY, August, 2018.

The SC&RA appreciates your attention to this matter and consideration of our requests. For more information please feel free to contact me at 703-698-0291-or (stodd@scranet.org).

Sincerely,

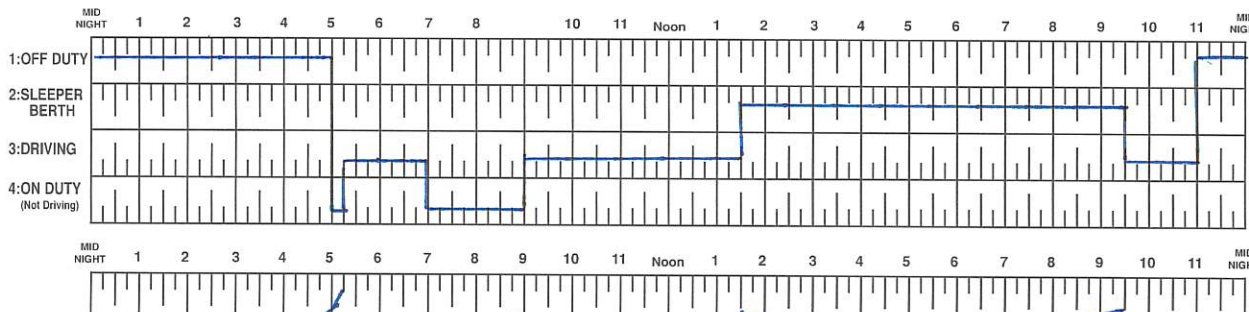
A handwritten signature in black ink that reads "Steven Todd". The signature is written in a cursive style with a large, stylized "S" and "T".

Steven Todd, Vice President
Specialized Carriers & Rigging Association

WILL BE SCANNED
PLEASE PRINT CLEARLY
WITHIN THE BOXES

DRIVER'S DAILY LOG (One calendar day - 24 hours)
ONE TRIP, ONE ENVELOPE EVERY TIME™

DATE (MONTH/DAY/YEAR) _____ DRIVER MILES _____ TRACTOR NUMBER _____ DRIVER CODE _____
 COMPANY _____ DRIVER NAME _____ CO-DRIVER NAME _____
 MAIN ADDRESS _____ TRIP # _____ TRAILER # - SHOW ALL UNITS _____



TOTALS

6 0 0
8 0 0
7 7 5
2 2 5
2 4

REMARKS

CARLISLE PA. PRE-TRIP
BALTIMORE MD LOA'D
FORT LEE NJ WANT TO CROSS GW BRIDGE
HOLTSVILLE NY PARK AT CUSTOMER LOCATION

Yesterday _____
 Total Hours _____
 70 Hours Less Total Hours Equals Hours Available Today _____
 Hours Worked Today _____
 NUMBER OF OFF-DUTY DAYS STARTING TODAY _____

Hours Worked Last 7 Days
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 If Hours Worked Today Exceeds Hours Available, You Are In Violation. Your Reason Must Appear in "Remarks"

DRIVER SIGNATURE _____

CHECK IF ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER DEFECTS - IF NO DEFECTS CHECK BOX AT RIGHT

DRIVER'S DAILY VEHICLE INSPECTION REPORT

Show when and where each change of duty status occurred. Use time standard of home terminal.

POST TRIP	ITEM	POST TRIP	ITEM
<input type="checkbox"/>	SERVICE BRAKE INCLUDING TRAILER BRAKE CONNECTION	<input type="checkbox"/>	HORN - WINDSHIELD WIPERS - SEAT BELT
<input type="checkbox"/>	PARKING (HAND) BRAKE	<input type="checkbox"/>	REAR VISION MIRRORS - OTHER GLASS
<input type="checkbox"/>	STEERING MECHANISM	<input type="checkbox"/>	COUPLING DEVICES
<input type="checkbox"/>	LIGHTING DEVICES AND REFLECTORS	<input type="checkbox"/>	TRAILER AND LOAD
<input type="checkbox"/>	TIRES - WHEELS AND RIMS	<input type="checkbox"/>	EMERGENCY EQUIPMENT

(COMPLETE AT END OF EACH WORK DAY)

I HAVE EXAMINED THE VEHICLES INDICATED ABOVE INCLUDING THE PARTS AND ACCESSORIES NOTED TO THE LEFT Vehicle condition satisfactory

DEFECTS: _____

I CERTIFY I HAVE REVIEWED THE PREVIOUS D.V.I.R.

SIGNATURE OF DRIVER REVIEWING REPAIRS _____

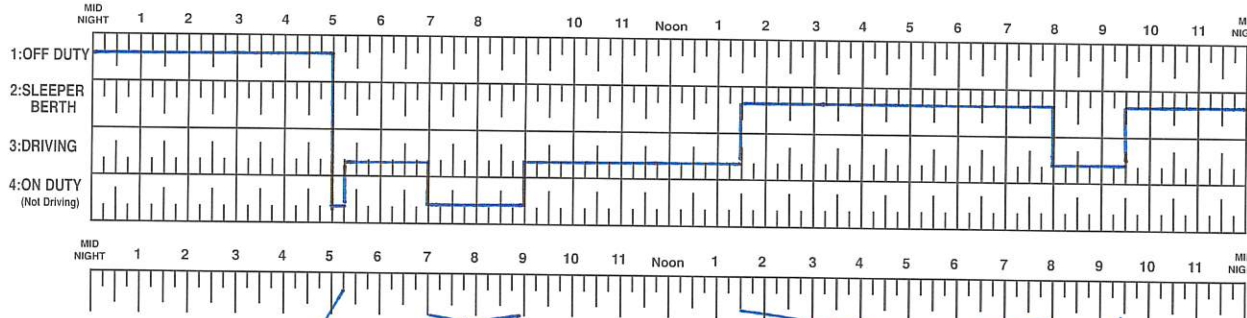
SIGNATURE OF MECHANIC MAKING REPAIRS _____

SIGNATURE OF DRIVER MAKING REPORT _____

WILL BE SCANNED
PLEASE PRINT CLEARLY
WITHIN THE BOXES

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 COMPANY _____ DRIVER NAME _____ CO-DRIVER NAME _____
 MAIN ADDRESS _____ TRIP # _____ TRAILER # - SHOW ALL UNITS _____



TOTALS
 5 0 0
 9 0 0
 7 7 5
 2 2 5

REMARKS

CARLSLE PA
PRE TRIP

BALTIMORE MD
LOAD

FORT LEE NJ
WAIT TO CROSS LOW BRIDGE

HELVILLE NY

Total MUST add up to 24 Hours.
 .25 = 1/4 hr
 .5 = 1/2 hr
 .75 = 3/4 hr

NUMBER OF OFF-DUTY DAYS STARTING TODAY

Hours Worked Last 7 Days
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 Yesterday
 Total Hours _____
 70 Hours Less Total Hours Equals Hours Available Today _____
 Hours Worked Today _____
 If Hours Worked Today Exceeds Hours Available, You Are In Violation. Your Reason Must Appear in "Remarks"

DRIVER SIGNATURE _____

CHECK IF ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER DEFECTS - IF NO DEFECTS CHECK BOX AT RIGHT

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Show when and where each change of duty status occurred. Use time standard of home terminal.

POST TRIP	ITEM	POST TRIP	ITEM
	SERVICE BRAKE INCLUDING TRAILER BRAKE CONNECTION		HORN - WINDSHIELD WIPERS - SEAT BELT
	PARKING (HAND) BRAKE		REAR VISION MIRRORS - OTHER GLASS
	STEERING MECHANISM		COUPLING DEVICES
	LIGHTING DEVICES AND REFLECTORS		TRAILER AND LOAD
	TIRES - WHEELS AND RIMS		EMERGENCY EQUIPMENT

(COMPLETE AT END OF EACH WORK DAY)

I HAVE EXAMINED THE VEHICLES INDICATED ABOVE INCLUDING THE PARTS AND ACCESSORIES NOTED TO THE LEFT Vehicle condition satisfactory

DEFECTS: _____

I CERTIFY I HAVE REVIEWED THE PREVIOUS D.V.I.R.

SIGNATURE OF DRIVER REVIEWING REPAIRS _____

SIGNATURE OF MECHANIC MAKING REPAIRS _____

SIGNATURE OF DRIVER MAKING REPORT _____