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February 12, 2010

The Honorable Anne S. Ferro  
Administrator  
Federal Motor Carrier Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Suite W60-300  
Washington, DC 20590

Via Electronic Submission

**RE: Comments for the Record by the Retail Industry Leaders Association for Docket No. FMCSA – 2004 – 19608**

Dear Administrator Ferro:

On behalf of the Retail Industry Leaders Association (RILA), I am writing in regards to the Federal Motor Carrier Safety Administration's (FMCSA) efforts to revise the current hours-of-service rules adopted by the agency in 2008. RILA continues to support the current 11-hour daily driving limit and the 34-hour "restart" period, as they have been a proven success. The current rules not only continue to protect truck drivers, but also aid in making our nation's roads safer and keeping our economy sound.

By way of background, RILA is a trade association of the largest and most successful companies in the retail industry. RILA promotes consumer choice and economic freedom through public policy and industry operational excellence. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

RILA's membership is comprised of some of the largest users of the supply chain. These companies place a high premium on safety throughout their supply chains. Since the current hours-of-service rules became effective, the trucking industry's safety record has improved by significant means. According to figures cited by the U.S. Department of Transportation (DOT) in 2009, the trucking industry is now the safest it has been since the DOT began keeping crash statistics in 1975, with the number of truck-involved fatalities on U.S. highways decreasing by

19% since 2004. These safety improvements are being displayed over a time period when the number of miles driven by large trucks abundantly increased. With our national safety record improving under authority of the current rules, retaining the rules as they currently stand is vital.

RILA also supports a high emphasis on the wellbeing of the driver and believes that FMCSA should consider adding flexibility to the current sleeper berth provision. As the provision is currently written, drivers are encouraged all too often to continue driving when feeling tired. Improvements to the sleeper berth provision could improve safety and also promote overall driver health by encouraging shorter continuous driving intervals and a more ordinary sleep pattern.

The possibility of rescinding the current hours-of-service regulations to lower the number of continuous driving hours allowed would result in a dramatic decrease in capacity on our nation's infrastructure. Simply stated, the additional capacity needed to transport the same amount of products would place more trucks on the road, only adding to congestion on our highways and arterial roads. RILA members' depend on an efficient system to move the high volume of products throughout their supply chains; adding additional traffic woes only heightens the difficulty of delivering to the store in a just-in-time fashion.

Furthermore, adding to our nation's congestion woes will only lead to escalations in CO2 emissions and wasted fuel. In a time when RILA members are leading meaningful sustainability efforts throughout their supply chains, the possibility of less capacity resulting in idling trucks and more carbon emissions is deafening and defeating.

In conclusion, RILA and its members strongly urge FMCSA to retain the 11-hour daily driving limit and the 34-hour restart provisions as the agency moves forward in the rulemaking process. RILA looks forward to working with FMCSA to ensure that truck operations remain safe and viable.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Kolb". The signature is fluid and cursive, with a large initial "K" and a stylized "D" for the last name.

Kelly Kolb  
Vice President for Global Supply Chain Policy