

March 3, 2011

Docket Management Facility
U.S. Department of Transportation - FMCSA
1200 New Jersey Avenue, SE.
West Building Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Comments to Notice of Proposed Rule Making Regarding Hours of Service (Docket No. FMCSA-2004-19608)

Dear Administrator Ferro:

On behalf of the undersigned groups, we urge you to maintain the current driver's hours of service rule in order to promote the productivity, safety and many environmental initiatives of the short haul and intermodal trucking sectors. We believe the proposed changes to the hours of service as outlined in the Notice of Proposed Rulemaking have many unintended safety and environmental consequences to the short haul industry and those business and consumers who rely on short haul trucking.

The regulatory impact analysis included in the proposed rule making states that the rule change in the hours of service will have little adverse impact to the short haul industry or those businesses relying on these services and therefore this segment of the industry is excluded from the cost-benefit analysis. However, it is our understanding that there are significant costs imposed to the short haul industry and the businesses and consumers that rely on these services.

By definition, the short haul industry moves freight short distances (150 miles or less) often within urban areas. The industry moves international cargo from ports to warehouses, shuttles cargo from railyards to its final destination, supplies retailers and grocery stores with consumer products and performs other delivery services. Many shippers are taking greater advantage of rail service to move cargo over longer distances. The short haul trucking industry is a vital component to this supply chain delivering freight short distances from railyards to its final destination. In fact, the average length of haul has diminished in part due to shippers relying on rail service for long haul. While demand for short haul trucking service increases, the industry functions differently from the long haul or over-the-road industry that moves freight long distances between cities.

The proposed change of the 34 hour restart provision requiring drivers to rest a minimum of two consecutive complete nights may do very little to promote driver safety in the short haul industry. We are unaware of driver fatigue among short haul operators as an indicator of poor driver safety. Short haul operators frequently drive through urban areas that include stop lights and traffic signals and perform other functions, such as restocking store shelves, while on duty. The nature of this type of work helps to greatly reduce driver fatigue that may be a factor in the long haul industry.

It is our understanding that the 34 hour restart provision will impose a large cost and burden to the industry. This provision will in fact seriously undermine business practices designed to mitigate urban congestion, promote safety and reduce emissions. Today, many short haul functions occur at night when trucks do not compete with commuters on urban roadways. Separating this traffic eases congestion, reduces idle emissions and increases safety while also providing the many business that rely on short haul services more predictable delivery schedules. The change to the 34 hour restart provision outlined in the proposed rule could require short haul operators to deploy more equipment and resources during peak commuter driving hours that may have an adverse impact on safety and emissions while also negatively impacting productivity for truckers and their customers. This may result in lost sales here in the U.S. and markets abroad and production delays for manufacturers receiving inputs.

Clearly, the short haul industry along with manufacturers, retailers and consumers that rely on these trucking services would be impacted by the proposed changes in the hours of service. We support those rules as currently written to reduce emissions and promote safety and productivity for short haul operators and the many businesses that partner with the industry.

Sincerely,

American Apparel and Footwear Association
American Bakers Association
American Frozen Food Institute
Clean Truck Coalition
Food Marketing Institute
Fox Trucking
Harbor Trucking Association
Intermodal Association of North America
Intermodal Conference-American Trucking Associations
National Retail Federation
Retail Industry Leaders Association
Snack Food Association
The Waterfront Coalition