

# Leveraging power

**Chris Nelson** discusses how to make your voice heard by leveraging the power of advocacy.

**W**hen agencies like the Federal Motor Carrier Safety Administration (FMCSA) make changes to existing rules, or even when they propose new rules, they typically seek public comment so they can understand how the industry is reacting to certain aspects of a rule. Industry advocacy groups like the American Trucking Association (ATA) and the Specialized Carriers and Rigging Association (SC&RA) often act on behalf of industry members to bring attention to specific issues.

## A good example

A good example of this important advocacy work was on display recently, when after soliciting input from its members during the public comment period, SC&RA provided critical feedback to FMCSA Administrator Raymond P. Martinez on FMCSA-2018-0248, the proposed rules relating to four specific aspects of the hours-of-service (HOS) for which FMCSA is considering changes. Those specific areas include:

- 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 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 SC&RA members, and the industry at large, the Association expressed their support for modifications to each of these four specific aspects of the proposed rule. SC&RA indicated that they also support H.R. 5417, a bill to direct the Secretary of Transportation to issue or revise regulations enhancing flexibility in hours of service requirements.

SC&RA, which continues to emphasize that the specialized transportation and crane and rigging industry is committed to a high level of safety, wrote that “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.”

The four recommendations SC&RA made were as follows:

- 1 SHORT-HAUL OPERATIONS:** 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.
- 2 ADVERSE DRIVING CONDITIONS:** 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.
- 3 30-MINUTE BREAK:** 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.
- 4 SPLIT-SLEEPER BERTH:** 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.

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It’s also important to note that the near-99 percent implementation of electronic



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logging devices (ELDs) has brought faster focus to regulations such as HOS – specifically those regulations impacting select trucking sectors. Narrowing in on precise issues that are impacting all drivers, or even certain industry sectors, opens up the opportunity to potentially change rulings at a faster rate with recent data (such as the data that SC&RA has presented) that can be used to support these requests.

## Make your voice heard

Remaining educated on what changes are being proposed, as well as making your voice heard whenever possible, through individual action or through advocacy groups, are two of the most important things you can do to get ready for 2019.

As always, feel free to contact me, or any member of the risk management team at NBIS, to learn about HOS, advocacy, or safety. Call **877.860.RMSS** or visit us online at **www.nbis.com**.



## THE AUTHOR

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