



Convenience
Distribution
ASSOCIATION

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October 10, 2018

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

Re: Docket No. FMCSA-2018-0248

Dear Sir or Madam:

The following comments have been prepared and submitted by the Convenience Distribution Association, CDA, which is the trade organization working on behalf of convenience products distributors in the United States. Its distributor members represent more than \$92 billion in U.S. convenience product sales, serving a wide variety of small retail formats. Associate members include leading convenience product manufacturers, brokers, retailers, suppliers and others allied to the industry.

We appreciate the opportunity to provide comments related to the Advance Notice of Proposed Rulemaking (ANPRM) on the short-haul Hours of Service limit. In December 2017, the Convenience Distribution Association, along with the International Foodservice Distributors Association, the National Association of Wholesaler-Distributors, and McLane Company, Inc. (a member of the Convenience Distribution Association) submitted comments to Docket No. DOT-OST-2017-0069 requesting regulatory reform to the HOS rule for drivers of commercial vehicles, specifically revisions to the 30 minute rest requirement for predominately non-driving, multi-delivery operations. CDA members employ drivers who spend a significant portion of their on-duty time loading, unloading and performing other non-driving activities in what is referred to as "multi-delivery operations." Each of our members has significant operations consisting primarily of multiple deliveries and other non-driving activities with no periods of long consecutive hours of driving.

Many members of the Convenience Distribution Association (CDA) are midsize companies delivering and stocking up to 100 to 400 convenience stores a day. A midsize distributor may have from 10 to 20 trucks which operate four to six days a week. While a driver may travel up to two hours to arrive at his customer route, he may make 15 or more deliveries which can take up to 20 to 30 minutes each to deliver product, take orders, stock stores, and deal directly with the customer before returning to his home base. Customers may not be more than a ten to twenty minute drive from each other. During each of these deliveries, the driver is not driving, but is directly servicing customers. Thus during a twelve hour day, the driver will be on his feet and out of his truck at least half of the time.

We urge that changes be considered to the Federal Motor Carrier Safety Regulations: 49 CFR 395.3(a)(3)(ii) so as to allow commercial motor carrier of property drivers whose on-duty work day consists of at least as much non-driving time as driving time to fulfill the break requirement through a 30-minute break from driving consisting of on-duty, non-driving time, e.g., time spent unloading the vehicle or waiting for the vehicle to be unloaded. The HOS rule modification proposed here for Multiple-Delivery Operations would apply only to commercial motor carrier of property drivers that meet each of the following criteria: (1) 50% or less of their logged time is "On-Duty, Driving" time and the non-driving on-duty time is primarily devoted to pick-ups, deliveries and like operations; (2) they return to their point of origin at the end of their trip; (3) their total work day does not exceed 14 hours (consistent with current HOS regulations); (4) drivers do not drive if more than 8 hours has passed since the driver engaged in 30 consecutive minutes of on-duty non-driving activity; and (5) they operate vehicles equipped with electronic logging devices compliant with FMCSA regulations or FMCSA-compliant automatic on-board recorders for the period allowed for the use of such devices by FMCSA regulations.

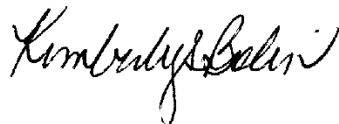
As detailed below, we offer three primary reasons for this modification to the existing rest break rule for Multiple-Delivery Operations:

The key characteristics of Multiple-Delivery Operations, including low mileage exposure, frequent stops, exercise while not driving, etc., obviate the need for a mandatory off-duty, 30-minute rest break rule.

1. Allowing these drivers to take an on-duty, 30-minute break will have significant safety benefits in the form of reduced driving mileage/exposure in addition to associated environmental and economic benefits.
2. The current rest break requirement was based on research relating to long-haul trucking operations. Long-haul trucking operations differ in many significant ways from multiple stop, Multiple-Delivery Operations where drivers spend at least half of their time engaged in non-driving activities.

For additional background and justification for our request, we respectfully resubmit our December 2017 comments to Docket No. DOT-OST-2017-0069, attached, in response to this recent ANPRM. Thank you for the opportunity to provide comments.

Sincerely,



Kimberly S. Bolin
President & CEO