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Docket No FMCSA-2004-19608

### **Comments of the National Solid Wastes Management Association in regard to the January 24, 2005 “reproposal” of hours of service regulations**

The National Solid Wastes Management Association (NSWMA) is a trade association representing private sector waste service companies operating in all fifty states. NSWMA members collect refuse, recyclables and compost from businesses and residences throughout the United States. Private sector solid waste management companies operate approximately 111,000 trucks to collect garbage, recyclables and yard waste. Virtually all of these trucks operate locally.

NSWMA strongly supports the retention of the current hours of service regulations. These new regulations mark an improvement over the previous hours of service requirements. Moreover, companies throughout America have spent millions of dollars training employees in these new requirements. Precipitously changing them would mean that these resources would be wasted and would add uncertainty in how to stay in compliance with hours of service requirements. The 34-hour reset provision in the new rules is particularly helpful at allowing flexibility in work schedules while ensuring that drivers get sufficient rest before starting a new cycle. A poll of our member companies has shown that safety and operational managers find the new rules to be easier to understand and comply with than the old rules.

NSWMA also supports the language on pages 3350-51 of the notice of this proposed rulemaking that addresses the short-haul exemption. FMCSA is correct that fatigue is less of a problem for short-haul than for long-haul drivers; that short-haul drivers typically work daytime hours, work regular schedules, sleep at home and are “significantly less likely to be working 13 or more hours or to have irregular circadian patterns than long-haul drivers”. As a result we strongly support FMCSA’s conclusion that the 14-hour limit for most drivers, with a 16-hour limit for short-haul drivers once a

week, is materially better from a safety standpoint than the earlier hours-of-service rule.

If you have any questions about these comments or about the impact of the hours of service rules on the solid waste and recycling industry please do not hesitate to contact me at 202-244-4700.

Sincerely

Bruce J. Parker  
President and CEO  
National Solid Wastes Management Association