

Advocacy Supports Application for Exemption from Hours of Service of Drivers Rule by Livestock and Related Drivers

On March 7, 2019, the U.S. Small Business Administration's Office of Advocacy (Advocacy) submitted comments to the Federal Motor Carrier Safety Administration (FMCSA) on FMCSA's *Request for Comments on Notice of Application for Exemption from Certain Provisions of Hours of Service of Drivers Rule by Livestock and Related Drivers*. [84 Fed. Reg. 2304 (February 6, 2019)]. The application was made on behalf of drivers who transport livestock, insects, and aquatic animals with special transportation needs. The applicants request approval of a sixteen-hour on-duty period during which these drivers would be permitted to drive up to fifteen hours and would only commence after ten consecutive hours off duty. Other aspects of the current Hours of Service of Drivers rules for these drivers would remain unchanged.

In furtherance of two recent Executive Orders (i.e., 13771 and 13777) on regulatory reform, and as part of its core mission to represent the views of small entities within the federal government, Advocacy has hosted a series of Regional Regulatory Reform Roundtables around the country to hear directly from small businesses about which regulations are most burdensome and should be prioritized for review and reform. Many trucking and transportation issues have been raised at these roundtables, including the need for greater flexibility under FMCSA's Hours of Service of Drivers regulations, particularly from industries that transport vulnerable items such as livestock, perishable agricultural and aquaculture products, explosives, fireworks, and hazardous materials and waste. Advocacy's comments are reflective of the issues raised in these roundtables and other discussions with small business.

- Carriers and drivers of these commodities – many or most of whom are small businesses – stated that it is not feasible to stop if they reach their Hours of Service ceiling because of the special nature of their loads.
- Carriers and drivers also stated that there are not enough safe and secure rest areas or other places to stop and that it is essential that their loads are properly delivered in an expeditious fashion.
- Advocacy recommended that FMCSA provide these and similarly situated drivers with maximum flexibility and approve this and similar applications if it will achieve an equivalent or greater level of safety and is consistent with the agency's statutory safety objectives.

A complete copy of Advocacy's letter to OSHA is available at: <http://www.sba.gov/advocacy>. For more information please contact Bruce Lundegren, Assistant Chief Counsel, at bruce.lundegren@sba.gov or (202) 205-6144.

