



February 20, 2018

Via regulations.gov

Ms. Cathy F. Gautreaux
Deputy Administrator
Federal Motor Carrier Safety Administration
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Docket FMCSA–2017–0108: Hours of Service of Drivers of Commercial Motor Vehicles: Proposed Regulatory Guidance Concerning the Use of a Commercial Vehicle for Personal Conveyance

Dear Ms. Gautreaux,

Thank you for the opportunity to comment on the proposed revisions to the regulatory guidance concerning driving a commercial motor vehicle (CMV) for personal use while off-duty.¹ The American Trucking Associations (ATA) is the largest trade group representing the trucking industry.² Directly and through its affiliated organizations, ATA encompasses over 34,000 motor carriers and suppliers of every type and class of operation in the United States, Canada, and Mexico. ATA is vitally interested in matters affecting the nation’s truck drivers, including hours-of-service regulations and guidance.

ATA appreciates FMCSA’s interest in updating the regulatory guidance on personal conveyance for improved clarity and additional flexibility in recognition of the types of situations that drivers face in their daily operations. In this update, FMCSA has proposed to modify the guidance that states that, “A driver may not operate a laden CMV as personal conveyance.”³ The proposed guidance will eliminate this requirement. ATA concurs with this change, as there are circumstances under which laden vehicles might be used for personal conveyance – such as CMVs containing tools of the trade, materials for securing loads or equipment for vocational use. This also could apply to instances when the driver is prevented from delivering a shipment and needs to travel for personal use such as to dining or lodging.

In focusing the guidance on the reason the driver is operating the vehicle while off duty rather than whether or not the vehicle is laden, FMCSA provides some examples of appropriate use of a CMV for personal conveyance, and examples of uses of a CMV that would not qualify as personal conveyance. While this is helpful to providing clarity to the guidance and in discouraging misapplication of personal conveyance to exceed hours-of service, ATA notes

¹ 82 Fed. Reg. 60269 (December 19, 2017)

² ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry.

³ 49 CFR 395.8 (Question 26)

that there are many business models and use cases in the industry and that there could be unintended consequences of the examples given. We encourage FMCSA to carefully consider any comments submitted regarding these examples before finalizing the guidance to provide sufficient flexibility and clarity while maintaining safety.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Michael Cammisa". The signature is written in a cursive style with a long, sweeping underline.

Michael Cammisa
Vice President
Safety Policy, Connectivity & Technology