

Hours of Service and Electronic Logging Devices

NWRA POSITION

Waste and recycling commercial motor vehicle (CMV) drivers and companies should not be required to use electronic logging devices (ELDs) or maintain daily electronic records of duty status to record hours of service (HOS) due to significant operational differences between the waste and recycling industry and long-haul, over-the-road, and regional operations.

BACKGROUND

The private sector waste and recycling industry has a CMV fleet of more than 100,000 waste, recycling, and compost collection trucks and an even greater number of CMV drivers. These drivers normally work a five-day work week, their daily work schedules are set in advance, and they are eligible to obtain a 34-hour restart each week. Since drivers live locally, their daily work schedules are managed directly by local supervisors.

Waste and recycling companies operate local route service trucks with drivers starting and ending their days at the same location, rarely traveling beyond a forty-mile radius. Drivers and companies use time and attendance processes to record their drivers' HOS and maintain compliance with federal and state regulations.

A driver is exempt under the short-haul operation exemption when “[t]he driver returns to the work reporting location and is released from work within 12-consecutive hours.” Many waste and recycling CMV drivers in the industry exceed the 12-hour limitation more than eight times in any consecutive 30-day period due in large part to external factors such as holiday week schedules, commercial and municipal collection restrictions, and severe weather events.

Depending on the line of business and the size of the company, drivers may be rotated among trucks as vehicles become available or they may operate several trucks per week. In some cases, drivers may use more than one truck in a single day. Since the ELD requirement applies to the individual driver and not to the vehicle, companies would have to purchase mobile ELDs for each driver exceeding the eight days in a 30-day period limitation and extra ELDs for drivers about to exceed the exemption or risk not working the driver until he or she is back in compliance.

The financial impact to the industry is estimated at \$116.7 million over two years. This, however, does not include erroneous fines levied on drivers and carriers for appearing to exceed the 11-hour daily driving limit before reaching their 12th consecutive hour on-duty due to ELDs not being able to accurately record all the on-duty, but non-driving

tasks these drivers perform each day from entering and exiting their trucks to operating automated controls.

The waste and recycling industry recognizes and agrees with the need for ELDs for drivers and carriers in long-haul, over-the-road, and regional operations as well as for carriers with unsatisfactory safety ratings. However, waste and recycling CMV drivers and companies have virtually no record of HOS violations nor is there a history of Compliance, Safety, Accountability (CSA) Intervention Consequences for HOS non-compliance. For these reasons, the Federal Motor Carrier Safety Administration should not require the waste and recycling industry to invest in ELDs.

TALKING POINTS

- The requirement to use ELDs that cannot calculate the multiple stop rule or non-driving time would result in inaccurate data on the actual time spent driving and will provide inaccurate historical data.
- NWRA recommends allowing waste and recycling industry CMV drivers and companies to continue to comply with HOS regulations as was required and enforced prior to the 2017 ELD mandate.
- ELDs will have an adverse effect on distracted driving which have been shown in these situations to be more demanding than typical interactions with in-vehicle information systems.