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Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor Room 12-140
1200 New Jersey Avenue SE
Washington, DC 20590

By FAX: 202-493-2251

Re: Docket No. FMCSA 2010-0167
Proposed Rule – Electronic Logging Devices and Hours of Service; SNPRM

The Reusable Industrial Packaging Association (RIPA) is the U.S.-based trade association for businesses involved in the reconditioning, manufacturing, reuse and recycling of industrial containers such as steel drums, plastic drums, and intermediate bulk containers (IBCs). RIPA's membership accounts for the vast majority of the U.S. container reconditioning industry, as well as a substantial share of packaging manufacturing firms.

RIPA appreciates the opportunity to submit these comments in response to the FMCSA's Supplemental Notice of Proposed Rulemaking - "Electronic Logging Devices (ELDs) and Hours of Service" (79 Fed. Reg. 17656, March 28, 2014).

RIPA strongly recommends that FMCSA eliminate the 100-air mile radius as a criterion for "short haul drivers" who would be exempt in a final rule from the mandatory use of ELDs.

Existing regulations define a "short haul driver" as one that:

- Operates within a 100-air mile radius
- Returns each day to the work reporting location (within 12 hours)
- Is limited to 11 hours driving, and
- Has at least 10 hours off-duty between 12-hour shifts.

Drivers in the container reconditioning industry typically meet these hour restrictions and they typically return each day to their reporting location. However, it is easy and often necessary in this business to drive beyond a 100-mile radius. Industrial containers such as 55-gallon drums can be distributed and collected over a wide area, especially in relatively rural parts of the country. At today's highway speeds, 100 miles can be covered in 90 minutes, which is obviously only a small part of a normal workday.

RIPA believes hourly and daily schedules are more important than miles traveled when regulating for Hours of Service. A 100-mile radius does not seem determinative of a driver's condition to drive. Also, the 100-mile limit is arbitrary and will have different impacts in different settings: urban, suburban and rural. It also could have disproportionate impacts on small businesses, something the agency should take into consideration.

It should be noted, however, that if the mileage limit is removed, employers of short-haul drivers are nevertheless required to record each day a driver's:

- Time of start duty
- Time released
- Number of hours on duty

These ongoing requirements would operate well to regulate for hours of service.

RIPA believes that lifting the 100-air mile radius for an ELD exemption will allow many deserving drivers to avoid costly requirements that do not produce any commensurate benefit. Drivers in the reconditioning industry generally do not experience overly long hours of service.

RIPA appreciates the opportunity to submit comments on this matter. Please contact RIPA for any additional information.

Respectfully submitted,



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