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Docket Management Facility  
U. S. Department of Transportation  
Nassif Building, Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

**Comments of the National Solid Wastes Management Association on the September 1, 2004, advance notice of proposed rulemaking concerning Electronic On-Board Recorders (EOBRs) for Hours of Service Compliance**

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. According to the Environmental Research and Education Foundation study on the size of the solid waste industry, the private sector solid waste management industry operates approximately 111,000 trucks to collect garbage, recyclables and yard waste.

Why Solid Waste and Recycling Collection Trucks Should be Exempt from EOBR Requirements: Normal Route Distance and Working Hours

Solid waste collection routes are a classic example of a local business operation. Solid waste collection truck drivers do not drive beyond the 100 air-mile radius. As a result, time cards are used to show hours of service compliance for these drivers.

While on-route, residential collection trucks stop between 600 and 1000 times a day, depending on the size of the truck and the distance between houses. These collection routes are only a few miles in length. The trucks will also travel a few miles from the truck yard to the start of the route, and a few

miles from the end of the route to the disposal facility and then back to the truck yard. Actual miles driven vary by route. However, a residential collection truck does not go outside the 100 air-mile radius from the driver's work-reporting station. Commercial routes are equally unlikely to go beyond the 100 air-mile radius.

Another limitation on driving time is imposed by local governments. Cities and counties regulate solid waste collection, including the time when trash can be collected. In many cases, these ordinances only allow garbage trucks to collect residential trash during daytime, usually between 7 a.m. and 7 p.m., Monday to Friday. Additionally, collection typically cannot be performed or is suspended during times in which children are entering or leaving their schools. Commercial collection is often subject to similar time restrictions. For a number of reasons, including evening traffic conditions, residential and commercial routes are completed before these time periods are up. These operating restrictions further decrease the likelihood that solid waste collection truck drivers will exceed the current hours of service driving requirements.

#### Why Solid Waste and Recycling Collection Trucks Should Be Exempt from EOBR Requirements: Unique Working Environment and Its Impact on On-Board Computers

Solid waste collection trucks present unique operational considerations for on-board computers. The rugged driving and operational realities of these trucks, including adverse weather; off-road driving at landfills and construction sites; potholes and other road conditions; constant stopping (a residential truck will stop every 50 – 150 feet, depending on the distance between houses); and the repetitive use of mechanical equipment to lift and unload garbage, whether in bags, carts or detachable containers, challenge even the best of on-board recorders.

We are also concerned that EOBRs would be unable to distinguish between two different, but similar, operational realities when the truck is stopped. In one case, the driver remains at the wheel while a helper is collecting the garbage or recyclables. In the second, the driver gets out of the truck to collect the material. In both instances the truck is not moving, but the engine remains on. How would the EOBR record the driver's time in these two instances?

#### Why Solid Waste and Recycling Collection Trucks Should Be Exempt from EOBR Requirements: Excessive Cost for No Return

FMCSA estimates the EOBR requirement would cost \$500 for a new truck and up to \$3000 for retrofits. With a fleet of 111,000 trucks, the private sector solid waste industry would expect to pay up to \$333,000,000 to retrofit its fleet. Public sector haulers, with a fleet of about 25,000 trucks, would be expected to

pay up to \$75,000,000. This is a staggering expense for an industry that does not cause hours of service problems!

#### NSWMA Recommendation

NSWMA strongly urges FMCSA not to propose the use of EOBRs for trucks operating within a 100 air-mile radius of the normal work reporting location. If FMCSA is considering the use of EOBRs for these trucks, we urge the agency to exempt solid waste collection trucks. Because of operational realities, the drivers of these trucks do not violate the current hours of service requirements. Time cards are an effective and cost-efficient way to show compliance with the hours requirements.

At this time we reserve comment on the viability of EOBRs for long haul transportation of solid waste and recyclables, which is distinctly different from the collection operations addressed in these comments.

If you have any questions about these comments, please do not hesitate to contact Chaz Miller, Director of State Programs, 202-364-3742.

Sincerely,

Bruce J. Parker  
President and CEO