



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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September 29, 2022

Docket Services  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building, Ground Floor  
Room W12-140  
Washington, DC 20590-0001

**RE: Docket Number: FMCSA-2022-0172**  
***Hours of Service of Drivers: Flat Top Transport; Application for Exemption***

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on a request from Flat Top Transport for temporary exemption from the hours-of-service requirements, docket number FMCSA-2022-0172.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

CVSA strongly opposes this exemption request, as it is entirely without merit. Exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process, and should be granted only when critically necessary. The Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations exist to ensure that those operating in the transportation industry are equipped to do so safely. The federal hours-of-service requirements exist to help prevent and manage driver fatigue. While it's true that we cannot regulate sleep, the hours-of-service rules set forth a framework that, if followed, allows for drivers to get the rest necessary to operate their vehicles safely.

In their request, Flat Top Transport requests "temporary exemption from hours of service for immediate and emergency delivery of dry bulk food grade products to locations that supply stores and distribution centers nationally." Specifically, the company is requesting a 3–4-month exemption from all hours-of-service requirements. Flat Top Transport argues the request is necessary due to supply chain issues. Granting this request would significantly extend the amount of time Flat Top Transport's drivers can operate, exposing them to higher risk for fatigue and negatively impacting safety. Despite this, the company does not address how this fatigue will be mitigated while operating under such an exemption, nor do they demonstrate how they will maintain an equivalent level of safety.

Furthermore, supply chain delays do not constitute an emergency situation that would necessitate temporary relief from hours-of-service regulations. Under extenuating emergency circumstances, emergency declarations are issued that waive the hours-of-service requirements for drivers responding to the emergency. Emergency declarations exist to allow for operation beyond the current hours-of-service framework when there is an emergency that requires an expedited response. Short of an emergency declaration, there is not a reasonable need for relaxation of the hours-of-service requirements to the level requested in this application.

As outlined above, CVSA strongly opposes the exemption request and encourages FMCSA to deny it. The Alliance works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put practical solutions in place.

If you have further questions or comments, please do not hesitate to contact me by phone at 202-998-1008 or by email at [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,



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Executive Director  
Commercial Vehicle Safety Alliance