



April 18, 2017

Mr. Tom Yager
Chief, FMCSA Driver and Carrier Operations Division
Office of the Carrier, Drive and Vehicle Standards
Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: FMCSA-2016-0428
Hours of Service of Drivers: TRALA Application for Exemption

Dear Sir / Madam:

On behalf of the American Pyrotechnics Association (APA), I am writing in support of the application for exemption published in the March 22, 2017, Federal Register by the Truck Rental and Leasing Association, Inc. (TRALA), regarding the electronic logging device (ELD) requirement for recording drivers hours-of-service (HOS) which becomes effective on December 18, 2017.

The APA supports the intent of FMCSA's Final Rule mandating the use of Electronic Logging Devices (ELDs) for CMV drivers that are currently subject to maintain paper RODs. While the Rule provides some limited exceptions to the ELD mandate, it did not provide adequate relief for small, unique industries, such as ours. The fireworks industry relies upon intermittent casual drivers periodically throughout the year and particularly during the busy Independence Day season when the industry relies on short-term rental trucks. The industry will face extreme challenges in compliance as well as significant economic hardship under the current ELD mandate unless some additional limited relief is granted as outlined in the TRALA application for exemption.

The ELD rule, like many of the FMCSA regulations, is designed for long haul, full-time truck drivers. The vast majority of our members operate CMVs over short distances to and from jobsites. Most of our members own one (1) to perhaps three (3) vehicles and will be able to secure ELDs for those owned vehicles. However, the fireworks industry is unique in that it rents or leases approximately 90% of its vehicles throughout the year for less than 30 days at a time. The mix of vehicles rented includes pick-up trucks, cargo vans, city vans and straight trucks less than 26,000 GVW. Because the industry relies so heavily upon short-term rental trucks to transport and deliver 98% of the 15,000 Independence Day fireworks displays nationwide as well as periodically throughout the year, mandating ELDs is extremely problematic for these seasonal rented trucks. Because of the uniqueness of the fireworks business model, and the reliance of industry to utilize short-term rental trucks, compliance with the ELD mandate is most problematic due to the following:

- Most of our industry drivers are intermittent / casual drivers and will only drive from 1 to 6 times per year.

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- A single rental vehicle will have many different drivers which operate the same vehicle; some required to have CDL's for Hazardous Materials (HM) as well as some non-required CDL drivers with no placardable HM. These drivers would each need their own ELD subscription which starts at a year-long, even if the driver only needed the truck for a two week period, which severely impacts small business.
- The vehicles will be moved many times (not on public highways) but at plant dispatch and storage facilities and at display sites during set-up, and often by multiple drivers who are also members of the pyrotechnics crew.
- The vehicles will also be used for very short runs back and forth to hotels, restaurants and supply stores as needed.
- Our short-term rental truck suppliers, due to current telematics systems not being compatible across all platforms cannot assure us that an ELD of our choice will be compatible with their vehicles.

Due to the unique operations of the fireworks industry throughout the year, the investment in driver training, ELD equipment and related support programs which will only be used for a very short time by most drivers is not feasible. We believe that the Agency should provide limited relief to address the industry's compliance challenges. Accordingly, we fully support TRALA's application for a five-year enforcement exemption for short-term (30 days or less) commercial rentals to continue to operate with paper logs.

APA members have an exemplary transportation record which is documented and acknowledged by the Agency in the continual authorization of our Hours of Service (HOS) waiver for the peak Fourth of July holiday season. We do not believe our continued reliance on paper RODs for short-term commercial rental vehicles will adversely impact that safety record. Moreover, we believe a short-term rental exemption will assist roadside inspectors, as the continued use of paper logs would alleviate any confusion in the inspection process since a law enforcement official would immediately recognize a short-term rental vehicle when handed the rental agreement. That consistency will help speed up the process and create less confusion.

The APA appreciates the opportunity to comment on this critical exemption for short-term rentals which significantly impacts our members. We urge the FMCSA to act favorably and provide the relief requested in TRALA's application and we stand ready to assist the Agency in any way that we can.

Respectfully submitted,



Julie L. Heckman
Executive Director