

November 8, 2019

Administrator Ray Martinez
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: FMCSA-2019-0128-0001 Petition for Determination of Preemption: Washington
Meal and Rest Break Rules for Commercial Motor Vehicle Drivers

Dear Administrator Martinez:

The Washington Trucking Associations, Inc. (WTA) has petitioned for a ruling to preempt Washington State's longstanding employment law as it pertains to meal and rest break rules for drivers of commercial motor vehicles. We strongly urge you to reject this petition.

WTA argues that since the Federal Motor Carrier Safety Administration (FMCSA) approved (illegally, in our view) the trucking industry's highly-controversial petition last year to preempt California's similar employment law, there is no reason to deny WTA's petition. This is incorrect. In neither case does FMCSA have authority to preempt state employment laws.

The Washington meal and rest law was specifically designed to reduce worker fatigue and to protect workers and the general public from workplace accidents, injuries, and deaths. The law applies to almost all workers generally and was not intended to directly regulate motor carriers.

States have long had the power to regulate the employment relationship and to protect worker health and safety. Washington exercised its traditional power when enacting the meal and rest provision in its administrative code. The WTA petition, which asks for an FMCSA ruling covering one class of workers in one state, is an egregious attack on one state's employment law and states' rights generally.

We strongly urge you to reject this petition. Please contact Joanne Doroshov at the Center for Justice & Democracy for more information: joanned@centerjd.org. Thank you for your consideration.

Very sincerely,

Advocates for Highway and Auto Safety
AFL-CIO
AFT Washington, AFL-CIO
Alliance for Justice
Amalgamated Transit Union
Brotherhood of Locomotive Engineers & Trainmen - Washington State Legislative Board
Center for Auto Safety
Center for Justice & Democracy
Consumer Action

Consumer Federation of America
Earthjustice
International Association of Machinists and Aerospace Workers District 751
International Association of Machinists and Aerospace Workers/Woodworkers
District Lodge W24
National Association of Consumer Advocates
National Consumers League
National Employment Lawyers Association (NELA)
Network for Environmental & Economic Responsibility of United Church of Christ
Public Citizen
Public Justice
SEIU 925
SMART Transportation Division/United Transportation Union
Texas Watch
Transport Workers Union of America
Transportation Trades Department, AFL-CIO
U.S. PIRG
UFCW 21
Washington Education Association
Washington State Council of County and City Employees
Washington State Labor Council, AFL-CIO
WashPIRG