

June 10, 2019

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

Re: FMCSA-2019-0048 California Meal and Rest Break Rules; Petition for Determination of Preemption

Dear Administrator Martinez:

The American Bus Association has petitioned the Federal Motor Carrier Safety Administration (FMCSA) to preempt California's longstanding meal and rest break laws as applied to passenger-carrying commercial motor vehicles. We strongly urge you to reject this petition.

This petition was filed less than three weeks after FMCSA's quiet approval of the trucking industry's highly-controversial petition to preempt California's meal and rest law as applied to commercial truckers. FMCSA's actions occurred just four days before Christmas, timed obviously to avoid public scrutiny of a highly-unpopular ruling that will worsen worker fatigue. Now, in perhaps an even more despicable move, the American Bus Association is moving to release passenger-carrying vehicle drivers from the same type of state-based employment laws.

If approved, this petition would eliminate an important employment protection for one class of workers in one state. The California meal and rest law, enacted almost two decades ago, 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. California exercised its traditional power when enacting the meal and rest provision in the California labor code. This petition is an egregious attack on states' rights, and the laws of one state in particular. In addition, there is no adequate explanation for specifically singling out California law in this petition. Twenty other states have similar meal and rest break provisions, yet this petition requests a preemption determination for California's law only.

We strongly urge you to reject this petition because of the unjustified attack on one class of workers, and the complete undermining of a California employment protection.

Please contact Joanne Doroshow at the Center for Justice & Democracy for more information. joanned@centerjd.org. Thank you for your consideration.

Sincerely,

Alliance for Justice
California Employment Lawyers Association
Center for Justice & Democracy
Consumer Action

Consumer Attorneys of California
Consumers for Auto Reliability and Safety
CRLA Foundation
Earthjustice
Essential Information
Impact Fund
Legal Aid at Work
NAACP
National Association of Consumer Advocates
National Consumers League
National Employment Lawyers Association
Public Citizen
Public Justice
Public Justice Center
RootsAction.org
SMART - Transportation Division
Texas Watch
Transport Workers Union
Working Partnerships USA