

June 2, 2014

The Honorable Barbara Mikulski
Chair, Committee on Appropriations
The Honorable Patty Murray
Chair, Subcommittee on Transportation, Housing
and Urban Development, and Related Agencies
U.S. Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Ranking Member, Committee on Appropriations
The Honorable Susan Collins
Ranking Member, Subcommittee on Transportation,
Housing and Urban Development, and Related Agencies
U.S. Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski, Ranking Member Shelby, Chairman Murray and Ranking Member Collins:

The purpose of this letter is to inform you that leading members of the public health and safety community, the trucking industry, and labor jointly support the proposed Commercial Motor Vehicle (CMV) Driver Restart Study in the FY 2015 Transportation, Housing and Urban Development (THUD) Appropriations Bill.

The current truck driver hours-of-service (HOS) rule is a complex regulation based on more than 25 years of scientific and medical research. The research used in developing the current HOS rule relied on the views of thousands of public comments to the regulatory docket by trucking companies, shippers, truck drivers, safety groups, research organizations and truck crash victims. Critical features of the current HOS rule, such as the 34-hour restart provisions, should not be defunded, revised or replaced without a comprehensive, scientific, peer-viewed study of its effectiveness and the potential impacts of any changes.

The current rule allows truckers to take a short rest period of 34 hours off-duty before beginning a new work week, which can include up to 60 or 70 hours of driving. Because such truncated rest periods between driving weeks can lead to chronic driver fatigue, the rule limits drivers to one such short restart every 7 days (or 168 hours). Essentially, this allows drivers to use the short 34-hour restart every other week instead of each and every week.

The current 34-hour restart provision is a reasonable measure to provide truck drivers with a traditional weekend off from work, on alternate weeks, and to address chronic, cumulative driver fatigue and other serious health conditions. This 34-hour restart provision should not be arbitrarily repealed in the Senate THUD Appropriations bill.

The proposed CMV Driver Restart Study will direct DOT to conduct a peer-reviewed study of truck driver fatigue with specific deadlines based on objective data produced by electronic logging devices (ELDs) that will be installed in 2015, pursuant to a congressional mandate in the Moving Ahead for Progress in the 21st Century (MAP-21) Act (Pub. L. 112-141) and a final rule that the Federal Motor Carrier Safety Administration (FMCSA) will issue by January 31, 2015, under the timeframe proposed CMV Driver Restart Study.

These newly compliant ELDs will accurately reflect actual driving and on-duty times of truck drivers. Paper logbooks, currently used by many truck drivers and companies, and in previous HOS studies, are unreliable and research shows are easily falsified. ELDs will produce technologically objective data so that everyone will finally be able to determine what the HOS rules should be to ensure that truck drivers are not fatigued when operating commercial motor vehicles on our nation's highways.

Stripping federal funds from state law enforcement agencies to enforce HOS rules could have dangerous and deadly consequences to highway safety, and create uncertainty and confusion to all stakeholders involved in truck freight transportation – truck drivers, law enforcement, trucking companies and especially the motoring public that shares the road with large trucks and their drivers.

Everyone pays the price when a large truck crash occurs, regardless of fault, and we all have a safety stake in the issue. We urge you to reject any change in the HOS rule without an objective, scientific evaluation of the safety consequences as proposed in the CMV Driver Restart Study.

Sincerely,

Jacqueline Gillan, President
Advocates for Highway and Auto Safety

Lane Kidd, Managing Director
The Trucking Alliance

Fred McLuckie, Legislative Director
International Brotherhood of Teamsters

Daphne Izer, Founder
Parents Against Tired Truckers

Andrew McGuire, Executive Director
Trauma Foundation

Jack Gillis, Director of Public Affairs
Consumer Federation of America

Jennifer Tierney, Board Member
Citizens for Reliable and Safe Highways

John Lannen, Executive Director
Truck Safety Coalition

Steve Owings, Co-Founder
Road Safe America

cc: Members of the Senate Committee on Appropriations