

June 3, 2014

The Honorable Barbara Mikulski  
Chair, Committee on Appropriations  
The Honorable Patty Murray  
Chair, Subcommittee on Transportation, Housing  
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, Chairwoman Murray and Ranking Member Collins:

The purpose of this letter is to communicate our support for both the proposed Commercial Motor Vehicle Driver Restart Study and a one-year suspension of two unjustified restrictions on the use of the hours of service restart provision by professional drivers. Together, the undersigned organizations represent hundreds of thousands of businesses, including for-hire motor carriers, private carriers, professional drivers, manufacturers, retail businesses, shippers and consignees who have been suffering as a result of the new restart restrictions. These two new restrictions have placed economic hardships on thousands upon thousands of employers, as well as reducing drivers' wages throughout the motor carrier industry.

In developing the new restart rules and subsequently thereafter, FMCSA claimed that only a small percentage of drivers would be impacted, those routinely working excessive hours. However, several motor carriers and a major domestic automobile manufacturer recently met with FMCSA on this matter and demonstrated, using real data from electronic logging devices, that the restrictions are having unintended impacts on many drivers, including those working very reasonable hours. In addition, and more importantly, these motor carriers have not experienced any corresponding safety or driver health benefits. FMCSA's top leadership acknowledged the problems, characterized them as unintended consequences, but then refused to provide the affected industries with any opportunity for industry-wide meaningful relief.

The proposed CMV Driver Restart Study is a clear acknowledgement by all who support it that the new restart restrictions lack the research basis, data and analysis necessary to justify them. In short, the real-world impacts are far greater than anticipated when the rules were written. Further, in its rulemaking FMCSA acknowledged that the modest, proposed safety benefits of the new rules would come nowhere close to offsetting the economic costs (which are now known to be significantly understated by FMCSA), so the agency relied on a novel theory that driver health would improve and that greater driver longevity (monetized) would offset the cost impacts. FMCSA has not yet produced any data demonstrating that the health benefits will be realized, nor has it even offered a plan to collect such data.

FMCSA's recently completed restart study, mandated by MAP-21, showed that the new restart restrictions are causing drivers to spend more time operating during daytime hours. Of course, these are the hours when more passenger vehicles are on the road and when crash risk is at its highest. FMCSA leadership recently acknowledged that it did not consider, during the rulemaking process, the safety consequences of forcing more truck traffic into more congested daytime hours.

Properly researched and justified efforts to improve commercial motor vehicle safety garner widespread support in the industry. However, the existing, unjustified rules are causing harm not just to trucking companies and drivers, but many, many others in the supply chain. While it is reasonable and appropriate to conduct good research to better understand, from a scientific standpoint, the safety and economic impacts of the new restart restrictions, requiring motor carriers, drivers and their supply chain partners to continue to live and work under unsupported rules is not. Nor is it reasonable to continue to have these restart rules force more truck traffic on the roadways during daytime hours, increasing congestion and crash risk. For these reasons, the undersigned organizations fully support a one-year suspension of the new restart restrictions while the proposed CMV Driver Restart Study is conducted.

In closing, we would be remiss if we did not communicate the motor carrier industry's safety performance while operating under the former 34-hour restart rule from 2004 through 2012 (latest data available). The number of truck-involved fatalities dropped by 21 percent between 2004\* through 2012, and the number of truck-involved injuries dropped by 20 percent over the same timeframe. The only publicly available fatigue-related data from the Trucks Involved in Fatal Accidents database (now discontinued due to lack of US DOT funding) showed a very low percentage of fatal crashes involved fatigue—less than 2%, with the latest year (2009) coming in at 1.4%.\*\*

The undersigned organizations urge you to reject any attempts to leave the existing restart restrictions rules in place during the study period.

Sincerely,

Agricultural & Food Transporters Conference  
Air and Expedited Motor Carrier Association (AEMCA)  
Alliance for Safe, Efficient and Competitive Truck Transportation (ASECTT)  
American Apparel and Footwear Association  
American Bakers Association  
American Beverage Association  
American Chemistry Council  
American Moving & Storage Association  
American Trucking Associations  
Associated Equipment Distributors  
Auto Haulers Association of America (AHAA)  
Automobile Carriers Conference of ATA  
C&S Wholesale Grocers  
Commercial Vehicle Training Association  
Concrete Reinforcing Steel Institute  
FedEx  
Food Marketing Institute  
Forest Resources Association  
Institute of Makers of Explosives  
Intermodal Motor Carriers Conference  
International Foodservice Distributors Association  
International Warehouse Logistics Association

National Association of Chemical Distributors  
National Association of Small Trucking Companies (NASTC)  
National Association of Wholesaler-Distributors  
National Chicken Council  
National Federation of Independent Business  
National Grocers Association  
National Lumber and Building Material Dealers Association  
National Private Truck Council  
National Propane Gas Association (NPGA)  
National Ready Mixed Concrete Association  
National Retail Federation  
National Shippers Strategic Transportation Council  
National Tank Truck Carriers  
National Waste & Recycling Association  
Owner-Operator Independent Drivers Association (OOIDA)  
Retail Industry Leaders Association  
Snack Food Association  
Steel Manufacturers Association  
The National Industrial Transportation League  
Transportation Expeditors Association of North America (TEANA)  
Truckload Carriers Association  
U.S. Poultry & Egg Association  
UPS  
Alabama Trucking Association  
Alaska Trucking Association  
Arizona Trucking Association  
Arkansas Trucking Association  
California Trucking Association  
Colorado Motor Carriers Association  
Motor Transport Association of Connecticut  
Delaware Motor Transport Association  
Florida Trucking Association  
Georgia Motor Trucking Association  
Hawaii Transportation Association  
Idaho Trucking Association  
Illinois Trucking Association  
Indiana Motor Truck Association  
Iowa Motor Truck Association  
Kansas Motor Carriers Association  
Kentucky Motor Transport Association  
Louisiana Motor Transport Association  
Maine Motor Transport Association  
Maryland Motor Truck Association  
Massachusetts Motor Transport Association  
Michigan Trucking Association  
Minnesota Trucking Association  
Mississippi Trucking Association  
Missouri Trucking Association  
Motor Carriers of Montana

Nebraska Trucking Association  
Nevada Trucking Association  
New Hampshire Motor Transport Association  
New Jersey Motor Truck Association  
New Mexico Trucking Association  
New York State Motor Truck Association  
North Carolina Trucking Association  
North Dakota Motor Carriers Association  
Ohio Trucking Association  
Oklahoma Trucking Association  
Oregon Trucking Associations  
Pennsylvania Motor Truck Association  
Rhode Island Trucking Association  
South Carolina Trucking Association  
South Dakota Trucking Association  
Tennessee Trucking Association  
Texas Trucking Association  
Utah Trucking Association  
Vermont Truck & Bus Association  
Virginia Trucking Association  
Washington Trucking Associations  
West Virginia Trucking Association  
Wisconsin Motor Carriers Association  
Wyoming Trucking Association

*\*The first year operating under the former 34-hour restart rule.*

*\*\*Fatigue is generally recognized as being underreported to a degree. However, the only database that tracked it until 2009 did not show an increase in fatigue-related crashes.*