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April 2, 2015

The Honorable Anthony R. Foxx  
Secretary of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Foxx:

Thank you for your continued support of a robust and responsible federal role in our nation's infrastructure system. I share your commitment to ensuring a surface transportation network that is both safe and conducive to economic growth.

To that end, I am writing to express my serious concern regarding the 34-hour restart study mandated by the Fiscal Year 2015 Consolidated Appropriations Act. It is surprising and troubling that the Department once again hired the Virginia Tech Transportation Institute (VTTI) to complete this study, as this is the same entity which conducted a highly criticized 2011 study on hours of service for commercial truck drivers.

While I fundamentally disagree with the Department awarding the study to VTTI, I respectfully recommend that you support four specific actions that would increase Congressional and stakeholder confidence in the final study product:

1. The Committee on Truck & Bus Safety of the National Academies Transportation Research Board (TRB) should work with staff of the relevant congressional committees to select the peer review team for the VTTI study. This would show further commitment on behalf of the Department that objective analysis will occur.
2. The Federal Motor Carrier Safety Administration (FMCSA) and the research team should ensure that the drivers selected for the study are truly representative of the industry. It is my understanding that current driver recruitment efforts are focusing on drivers who routinely work between 60-70 hours per week and who typically work at night. This is concerning because it indicates the researchers do not understand how the 34-hour restart is being used in practice. This small subset of truck drivers is not representative of drivers who use the restart provision and not representative of drivers who have been impacted by the July 2013 restart restrictions. Most drivers use the restart not to maximize weekly work hours but rather as a record keeping tool to make it easier to log hours and to ensure operational flexibility comes at the start of their work week. These drivers are significantly impacted by the restart restrictions. Not including a representative sample of these drivers is contrary to the statute requiring this study. More typical truck drivers must be included in the research.
3. FMCSA and the research team should limit their analysis to driver restarts that were either one or two nights in duration. Currently, the research will be comparing restarts that contained only one overnight period to those that were two nights or longer. This is consistent with the previous flawed restart field study that was criticized by stakeholders. If the research is indeed intended to study the relative benefits and drawbacks of the two rules, then restarts of more than two nights are not representative of the actual restart restrictions being studied.

4. In examining “safety critical events (crashes, near crashes and crash-relevant conflicts)” as required by the Fiscal Year 2015 Consolidated Appropriations Act, the study should specifically include comparative data on such events which occur during the morning rush hours of 5 a.m. - 9 a.m. between the two sets of drivers being studied. I have heard from constituents and industry stakeholders that the 2013 restart rule forces additional drivers onto the road during the morning rush when children are traveling to school, workers are commuting and there is generally a higher traffic level on our roads. The impact of more commercial drivers on our roads during this window of time must be honestly assessed in order for the study to be legitimate and reflective of the real-world application of the restart rules.

In working toward our shared goal of a safe transportation system that allows commerce to flourish without counterproductive regulatory obstacles, it is critically important that policymakers and industry stakeholders can trust the validity and objectivity of research conducted to analyze federal rules and regulations.

Thank you in advance for considering these requests; I look forward to your timely response. Please do not hesitate to contact me if I may be of assistance.

Sincerely,



RICHARD HANNA  
U.S. Representative

Cc: Mr. Calvin Scovell III, Inspector General  
U.S. Department of Transportation