



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



June 11, 2018

Dear Senator:

We are writing to urge you to oppose legislation which will endanger the safety and health of truck drivers and all motorists with whom they share the road, “The Transporting Livestock Across America Safely Act” (S.2938).

In 2012, as part of the bipartisan Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141), Congress required the Federal Motor Carrier Safety Administration (FMCSA) to issue a rule mandating that all commercial trucks, which are involved in interstate commerce and operated by a driver subject to the federal hours-of-service (HOS) regulations, install an electronic logging device (ELD) to verify that truck drivers comply with the HOS rules. The FMCSA conducted an extensive and comprehensive multi-year rulemaking process resulting in a well-researched and widely supported rule which required all interstate trucks to install an ELD by December 17, 2017.

Ever since that date, some segments of the trucking industry have been trying to avoid conformity. Their actions beg the question – why would trucking companies want to avoid installing a recording device to verify their compliance with the federal HOS law, unless the companies aren’t complying with the law?

S.2938 proposes a clear end around this critical safety regulation. Not only would the bill exempt thousands of truck drivers from using an ELD, but it would also arbitrarily increase the number of federal on-duty driving hours they can operate a vehicle. Moreover, the legislation would codify the increased hours into federal law without any scientific data to support it. For example, current federal regulations allow a truck driver to operate a vehicle a maximum of 11 hours. After 11 hours, the driver must take a 10 hour off-duty break. S.2938 would allow thousands of truck drivers to operate 80,000-pound tractor trailers for as many as 24 hours straight. While ostensibly these increases are for agricultural haulers, the proposed changes to the hours’ limits would compel many similarly situated local and regional haulers to request comparable exemptions. This would have the effect of nullifying to a very significant degree the HOS limits the FMCSA has established for much of the industry.

We acknowledge that livestock haulers are unique, in that they are delivering live cargo; however, they are not the only carriers who haul time sensitive commodities. Produce haulers, for example, use other legal means such as teams or relays to get their products to market safely and timely. Instead of exempting livestock haulers from this safety requirement, they should be encouraged to develop an answer to their logistics management issue. Regardless of commodities hauled, we should never sacrifice the safety of the general public sharing our highways or the truck drivers delivering them for the purpose of getting any product to market.

Further, S.2938 would not require the truck driver to record anything about the number of hours s/he has been working, if s/he stays within a 300-air mile distance from the freight pick-up location. Such a proposal would allow a trucking company to force truck drivers back and forth, from pickup to delivery, for hours on end, to the point of complete exhaustion, endangering not only the truck driver's health, but also the safety of the general public.

The undersigned two groups represent a broad cross-section of business and consumer safety advocacy. The Trucking Alliance is a national coalition of freight transportation carriers, logistics companies and businesses from the insurance and truck safety technology sectors. The Trucking Alliance's sole focus is to support policies to improve the safety of truck drivers and the motoring public. Collectively, our carriers employ 80,200 professionals throughout the United States.

Advocates for Highway and Auto Safety (Advocates) is a coalition of public health, safety, and consumer organizations, insurers and insurance agents that promotes safer vehicles, safer drivers and safer roads, through the adoption of federal and state laws, policies and regulations.

Large truck crashes are a significant and expensive public health issue in our country. In 2016, there were 4,317 fatalities in crashes involving large trucks, a 5.4 percent increase from 2015 and the highest number since 2007. In 2015, the most recent year when injury data is available, an estimated 116,000 people were injured in crashes involving large trucks. In 2015 alone the cost to society from crashes involving commercial motor vehicles was estimated to be \$118 billion. Forcing truck drivers to operate their tractor trailer rigs for 24 consecutive hours will do nothing to reverse these terrible figures.

We urge you to oppose S.2938. Thank you for your consideration.

Sincerely,



Catherine Chase
President
Advocates for Highway and Auto Safety



Lane Kidd
Managing Director
The Trucking Alliance