



Contact: Beth Weaver 301-814-4088, beth_weaver@verizon.net

Safety Groups Say New Trucking Rule Still Puts Lives at Risk

Rule Improves Current Hours of Service Rule for Truck Drivers, But Does Not Go Far Enough To Ensure Public Safety

Washington, D.C. (December 23, 2010) — The Obama Administration today issued a new proposed rule for truck driver hours of service (HOS) that makes marginal improvements over the current HOS rule adopted by the Bush Administration. The current rule allows tired truckers to drive excessively long hours and is opposed by safety organizations, truck safety groups, labor unions, truck crash victims and survivors as well as many truckers who are forced to work sweatshop hours. The new proposed rule does not eliminate anti-safety provisions that allow truck drivers to drive and work long hours, get less rest and drive while fatigued.

The National Transportation Safety Board (NTSB) has found that fatigue is a factor in 30 to 40 percent of all truck crashes.

Twice in the past seven years, the federal Court of Appeals in Washington struck down the Bush rule in two separate unanimous decisions, expressing doubts about the legal validity and rational basis for DOT's explanations for extending the driving and working hours, while abbreviating off-duty rest time between weekly tours of duty.

The current HOS rule was one of the Bush Administration's "midnight" regulations issued in the waning hours before leaving office. After a third lawsuit was filed, the parties including Advocates for Highway and Auto Safety, Public Citizen, the Truck Safety Coalition, Citizens for Reliable and Safe Highways, Parents Against Tired Truckers and the International Brotherhood of Teamsters, agreed to give the U.S. Department of Transportation an opportunity to review and revise the rule. That agreement, however, preserved the right of the safety groups to return to Court and proceed with the lawsuit if the new proposal is substantially the same as the Bush Administration's rule.

While the proposed rule indicates the agency is contemplating the possibility of adopting a limit of 10 hours of consecutive driving, before resting, the current 11-hour rule is still under serious consideration. Research studies show that the risk of a crash increases dramatically after just eight straight hours of driving. The proposed rule also retains the 34-hour restart or so-called "weekend off" provision. This provision allows drivers to restart their weekly driving maximum limit of 60 hours after only a 34-hour rest period, permitting up to 77 hours of driving over seven days instead of the 60 hour maximum limit. However, the new version of the rule would require that truckers take the 34-hours over two nighttime sleep periods from midnight to 6 a.m., an improvement over the

current use of the rule, but which may still permit truckers to drive for up to 70 hours in seven days despite the required maximum limit of 60 driving hours. Safety groups support a 48 hour restart provision in order to give truck drivers adequate time off for rest and recovery from the grueling job of operating a truck as well as loading and unloading freight. The typical work week for most Americans is 40 hours with a full two days off for the weekend but the new proposal unfortunately perpetuates excessive working and driving hours for truckers.

Another integrally related safety requirement is the need to outfit all trucks with electronic on-board recorders (EOBRs) so that the HOS rules can be enforced. DOT has still not agreed to require EOBRs, a technology that is widely used throughout the world to monitor trucks and driver HOS, on all trucks. A proposed rule to increase the trucks that must have EOBRs is pending. Without adequate enforcement this rule, if adopted, will make filling out paper logbooks, often referred to as “comic books”, more complicated but not more truthful.

Advocates for Highway and Auto Safety

Public Citizen

Truck Safety Coalition, a partnership between The Citizens for Reliable and Safe Highways (CRASH) Foundation and Parents Against Tired Truckers (P.A.T.T)

###