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Safety Advocates Ask Court to Overturn Bush 'Midnight Regulation'

Teamsters, Safety Advocates Petition Court to Review Hours-of-Service Rule

WASHINGTON, D.C. – The Teamsters, Public Citizen, Advocates for Highway and Auto Safety, and the Truck Safety Coalition asked an appeals court today to review a dangerous Bush-era regulation that increased the amount of time truck drivers can spend behind the wheel.

The groups also sent a letter to Transportation Secretary Ray LaHood asking him to begin work on a new regulation that would reduce truck crashes caused by fatigue.

“We have taken this action with the conviction, based on research and scientific data, that longer driving and working hours are unsafe and promote driver fatigue,” the letter said.

The rule, which took effect in 2003, was twice thrown out by the court. It allows truck drivers to drive for 11 hours, one more hour than they were allowed before the 2003 rule. It allows them to drive as many as 77 hours in seven days or 88 hours in eight days, over 25 percent more than previously.

The D.C. Circuit Court’s 2004 decision focused on the Federal Motor Carrier Safety Administration’s (FMCSA) failure to address the serious health impact of its rule on the regulated drivers.

FMCSA’s latest version of rule, which followed after the court threw out an identical 2005 rule, was issued on Nov. 13, just weeks before President Obama took office. The rule went into effect on Jan. 19, 2009.

“The last administration completely disregarded the health and safety of truck drivers,” said Teamsters General President Jim Hoffa. “I’m confident President Obama will do better.”

“Twice now, the court has found wanting the agency’s justifications for this unsafe and unhealthy rule,” said Bonnie Robin-Vergeer, the Public Citizen attorney who represents the four petitioning groups. “Insisting on the same flawed rule over and over is no substitute for complying with Congress’ mandates.”

“It is illogical and unacceptable that the prior administration’s solution to truck driver fatigue was longer working and driving hours,” said Jackie Gillan, vice president for Advocates for Highway and Auto Safety. “Public health and safety is at stake and there needs to be a new rule.”

Added Joan Claybrook, president of Citizens for Reliable and Safe Highways, a member of the Truck Safety Coalition. “The Bush administration’s rule put industry profits in the driver’s seat and public safety in the back seat. This needs to be reversed now.”

To read the petition, go to <http://www.citizen.org/documents/PetitionforReview1.pdf> .
To read the letter, go to <http://www.citizen.org/documents/LahoodHOSLetter.pdf>.

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Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, please visit www.citizen.org.