

Advocates for Highway and Auto Safety * Public Citizen * CRASH * P.A.T.T.

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Contact: Valerie Collins (202) 588-7742
Angela Bradbery (202) 588-7741

Trucker Hours-of-Service Rule Creates Hazard, Allows Drivers on Road for Too Many Hours, Safety Groups and Teamsters Tell Court

Groups Go to Court a Second Time Over Flawed Rule

WASHINGTON, D.C. – The federal government’s rule detailing how many hours truckers may drive before taking a break is flawed and should be changed to help reduce fatigue-related crashes, five organizations told a court today.

In a petition filed today in the U.S. Court of Appeals for the District of Columbia Circuit, the five groups asked the court to review the final hours-of-service rule issued August 25, 2005, by the Federal Motor Carrier Safety Administration (FMCSA). The two-page petition is the first step in legally challenging the rule. Three of the groups – Public Citizen, Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (PATT) – successfully sued the government over the rule in 2003 and this time are joined by Advocates for Highway and Auto Safety, which filed a critical *amicus* brief in the previous case, and the International Brotherhood of Teamsters.

Like the nearly identical rule issued by FMCSA in April 2003, which the court struck down in 2004, the 2005 rule dramatically increases both the number of hours that truckers may drive without a break and the number of hours truckers may drive per week. Before 2003, truckers were permitted to drive no more than 10 consecutive hours before taking a break. Now, truckers can drive for 11 hours straight. Before 2003, drivers were barred from driving after they had worked 60 hours in the previous seven days or 70 hours in the previous eight, depending on the company schedule. Under the new rule, truckers can now drive 77 hours in seven days or 88 hours in eight days – a more than 25 percent increase. On-duty hours during which truckers may drive have also climbed, so that a driver working 14-hour shifts under the new rules can now work as many as 84 hours in seven days or 98 hours in eight days – a 40 percent increase over the old limits.

Further, the 2005 rule, like the 2003 rule, fails to require electronic onboard recorders, which would provide reliable data on how many hours truckers drive and permit effective enforcement of the rule. Cheating on paper logbooks is rampant.

In the first lawsuit, the U.S. Court of Appeals for the District of Columbia Circuit said that FMCSA had failed to consider the effect of the new rules on the health of truck drivers as it was required to do under law. The court severely chastised the agency for permitting dramatic increases in driving time and for failing to make other important improvements to the rules that the agency initially proposed but later abandoned in the final regulation.

“More than 5,000 people are killed each year in large truck-related crashes and more than 110,000 are injured,” said Public Citizen President Joan Claybrook. “That FMCSA chose in both rules to expand driving hours is astounding given its statutory mandate to make safety its highest priority and Congress’s specific directive to the agency to reduce fatigue-related incidents. We fully expect the court to find once again that this rule violates the agency’s clear assignment to put safety first.”

“We refuse to wait any longer for the government to rule on our challenge. We are stepping up the fight against these regulations that put Teamster drivers at greater risk,” said Jim Hoffa, Teamsters general president.

In 2004, after the new rules were first adopted, the number of large trucks involved in fatal truck crashes climbed by 4 percent, from 4,669 to 4,862, with deaths mounting from 5,036 to 5,190, according to statistics compiled by the National Highway Traffic Safety Administration (NHTSA). In 2004, 761 truck occupants were killed, again up from 2003, according to NHTSA data. Trucking remains one of the nation’s most dangerous professions, according to the Bureau of Labor Statistics.

Despite the court’s harshly worded ruling, FMCSA issued a virtually identical rule in 2005. Public Citizen, PATT, CRASH, Advocates for Highway and Auto Safety, the Trauma Foundation, and the International Brotherhood of Teamsters jointly petitioned the agency last September to reconsider its rule. After waiting five months without an answer from FMCSA, the groups withdrew their petition for reconsideration and filed with the court. This case is being litigated by lawyers for Public Citizen.

“With the lives and safety of truck drivers and the driving public on the line, we could not afford to wait indefinitely for the agency to respond,” said Jackie Gillan, vice president of Advocates for Highway and Auto Safety.

A copy of the petition is available at <http://www.citizen.org/documents/PetitionforReview.pdf>. To see the court’s 2004 decision striking down the 2003 rule, go to <http://www.citizen.org/documents/031165a.pdf>.

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