



TRUCK DRIVER HOURS OF SERVICE

BACKGROUND

In 2000, the Federal Motor Carrier Safety Administration (FMCSA) proposed significant new restrictions on the number of hours drivers for commercial motor carriers may work, and the length of rest periods between work weeks during which they may not be disturbed. The trucking industry through the American Trucking Associations, and many trucking companies and drivers opposed the proposed rules, arguing that they imposed excessive restrictions on the ability of drivers to work and earn their livings, and were not necessary to promote highway safety.

NASSTRAC participated in the FMCSA proceedings in support of the trucking industry, after determining that safety was likely to improve with less restrictive rules that interfere less with efficient dispatch, driving and shipping practices. In 2003, FMCSA adopted improved Hours of Service (HOS) rules.

LITIGATION

Since 2003, several safety advocates, who supported the rules proposed in 2000, have challenged the 2003 rules in court, obtaining two remands to FMCSA for further analysis. NASSTRAC has continued to support the trucking industry by filing comments with the FMCSA, by intervening in court appeals in support of FMCSA decisions, and going on joint court briefs with ATA.

NASSTRAC's filings on this issue include Comments filed with FMCSA on December 15, 2000, on March 10, 2005 and on March 17, 2008 in the FMCSA's HOS rulemaking proceedings. In addition, NASSTRAC has been actively involved in appellate proceedings in the U.S. Court of Appeals for the D.C. Circuit, in which safety advocates have challenged FMCSA's rules. In addition to joining ATA's brief in Case No. 06-1078, NASSTRAC filed motions or replies to motions on three occasions, September 3, 2004, September 13, 2007, and January 7, 2008, in support of efforts to keep the existing HOS regulations in effect while FMCSA conducted further proceedings mandated on appeal.

Public Citizen and other advocacy groups are currently in the court of appeals for the third time, in Case No. 09-1094. NASSTRAC has again intervened in support of FMCSA and the current rules, and will again join ATA in filing a brief supporting those rules.

CONSIDERATIONS

Everyone supports highway safety, including shippers and carriers. However, if safety trumped all other considerations, the U.S. could impose 25 mph speed limits nationwide. Safety might improve but shipment times and commutes could double or triple, adversely affecting supply chains, the economy and the general quality of modern life. Simply stated, safety considerations must be balanced with other considerations.

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As it happens, most highway fatalities do not involve trucks, and most fatalities that do involve trucks are due to the fault of the driver of the car, not the driver of the truck. More fundamentally important is the fact that fatalities have fallen during the period since 2003, when the 2003 HOS rules have been in effect.

In addition, the HOS debate involves not just safety, but also other factors. Excessively restricted duty hours adversely affect drivers, by reducing their income, and by increasing the risk that their hours will run out and they will be stranded far from home, forced to rest in a motel or sleeper berth.

Excessively restricted hours of service also adversely affect trucking industry productivity, by reducing equipment utilization and the ability of truckers to maximize efficiency.

Shippers, including NASSTRAC members, are adversely affected when trucking industry productivity is reduced. Shippers are also affected directly when delivery schedules cannot be met, disrupting just-in-time supply chains. These adverse impacts on shippers adversely affect the economy and consumers of goods shipped by truck.

NASSTRAC POSITION

NASSTRAC will continue to support reasonable Hours of Service rules that appropriately balance the interest of all Americans in highway safety with the need of shippers, consumers and the economy for an efficient, productive trucking industry, and the need of drivers for adequate rest and incomes and schedules that do not exacerbate chronic shortages of professional drivers.

If it is shown that revisions in the current HOS rules will serve these goals better than current rules, NASSTRAC will support such revisions. Until then, there is a clear need for customers of the trucking industry to speak out on this and other operational and regulatory issues of importance to the efficient movement of goods.



NASSTRAC Inc. (the National Shipper's Strategic Transportation Council) provides education, advocacy, connections and solutions to transportation, logistics and supply chain management professionals who manage freight across all modes.

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