



# Hours of Service

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Western States Transportation Alliance  
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# History

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- For over 60 years, the U.S. trucking industry has been operating under a set of safety rules that govern rest periods, work shifts, and driving hours for commercial truck drivers (Hours of Service / HOS). These rules were originally developed by the precursor to the Federal Motor Carrier Safety Administration (FMCSA).
- The current HOS were re-written in 2004, based on an exhaustive review of available research on the science on driver alertness and working hours, and strike the crucial balance between safety and economic vitality.
- After multiple law suits, in late 2010, FMCSA once again submitted a proposal to change the HOS.



# Why Change the Rules?

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- Confusing justifications
- Rules are working
- Since the current HOS rules first went into effect in 2004:
  - Truck related fatalities and injuries are at their lowest levels in recorded history
  - Truck related fatalities have dropped 33%
  - Truck related injuries have dropped 39%



# Proposed Changes

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- A reduction in driving time from 11 hours to 10 hours per shift.
- Extending the current 34 hour restart period to include two periods from midnight to 6 am. (effectively increasing restart to 48 hours)
- Limiting use of the restarts to once every 7 calendar days.
- Mandatory rest breaks once every 7 hours.
- Limiting drivers to 13 hours of on-duty time in each 14 hour shift.



# Likely Impacts

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- A reduction in driver pay due to less wage-earning time each day;
- The need for additional, inexperienced, potentially unsafe drivers;
- Increased freight costs causing a devastating impact on a fragile US economy;
- More drivers stranded at overcrowded rest areas
- An increase in day time truck traffic and congestion



# Cost / Benefit of Changes

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- Industry Claims
  - Cost to industry - \$2.2 billion annually
  - FMCSA overstated benefits / understated costs / inflated accident figures
- FMCSA Claims
  - Net benefit of \$380 million annually in safety and driver health
- Assorted Studies
  - Benefits range from -\$410 million to \$1.1 billion
  - Experts / authors



# Reaction to Proposal

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- Almost Universal Dislike
  - Industry
  - Law Enforcement
  - Shippers
  - Trade Groups
  - Drivers
  - 20,000 plus comments



# Basis for Negative Reaction

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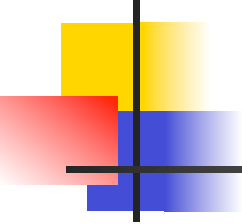
- Changes seem to be based on politics rather than science.
- Experts have refuted claims of benefits, costs and science
  - CDC – contradicts the health benefits
  - Study authors – use of their data to make policies / conclusions
  - FMCSA contradicts its own data



# What Next – and When?

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- FMCSA will miss July 26, 2010 deadline imposed by court agreement.
- Final rule to Office of Secretary of Transportation
- OMB Review
  - Expedited?
  - 5 months?
  - 90 days?
- Fall Publication
- Effective Date
  - 6 months to 1 year
- Litigation likely

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- “Even with the continued growth in commercial vehicle traffic, the most recent data available show that our Nation's highways experienced their lowest number of fatalities (4,525 in 2008) from crashes involving large trucks and buses since fatal crash data collection began in 1975.”
  - *Source: From FMCSA's Statement Before The U.S. Senate Subcommittee On Surface Transportation And Merchant Marine Infrastructure, Safety, And Security, April 28, 2010*