

May 12, 2015

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Nita M. Lowey  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Rogers and Ranking Member Lowey:

As you consider the fiscal year 2016 Transportation, Housing and Urban Development (THUD) Appropriations bill, **the undersigned organizations, representing a broad range of industries in our economy, urge you to support Section 132 and oppose any effort to strike this language from the bill.**

Last year, Congress recognized the unintended consequences of the July 2013 changes to the Federal Motor Carrier Safety Administration's (FMCSA) Hours of Service (HOS) regulations when it acted in the "Consolidated and Further Continuing Appropriations Act of 2015" to require FMCSA to study the issue. Since the rulemaking, limited FMCSA data has shown that the new restrictions on the use of the 34-hour restart provision (requiring a qualifying restart to include two consecutive off-duty periods between 1:00 A.M. and 5:00 A.M. and limiting its use to once per week) resulted in increased daytime truck traffic. Unfortunately, FMCSA never considered this increased risk exposure during the HOS rulemaking, as admitted by FMCSA's Administrator to the House Appropriations Committee in April 2014. This is especially alarming in light of past research,<sup>1</sup> which has documented that commercial motor vehicle accident rates are lowest during the nighttime and highest during the daytime, calling into question the safety benefits suggested in the rule. More recently, research conducted by the American Transportation Research Institute (ATRI) confirmed the rule's impact on daytime traffic, indicating that "empirical data is now available that demonstrates that a shift in on-duty hours occurred from less congested to more congested time periods [after the restart restrictions were enacted]."<sup>2</sup> Given the effect of the 34-hour restart restrictions on daytime truck traffic and the resulting safety implications, Congress suspended the restrictions and required FMCSA to conduct a robust field study to measure the true impacts of these restrictions.

Since enactment of the 2015 Appropriations bill, FMCSA has been working at a fast pace to complete the Congressionally-mandated study. However, we understand that FMCSA is being deliberately selective in choosing which qualified drivers participate in the study, potentially skewing the study's results. In addition, FMCSA has, in the past, relied on research showing trivial, inconsequential benefits to justify its rules. This is why the new language is necessary. It would ensure that FMCSA's study is representative of *all* drivers who use the restart provision and that it considers the full impact of putting more trucks onto the road during daytime traffic. Moreover, the

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<sup>1</sup> Federal Motor Carrier Safety Administration and National Highway Traffic Safety Administration. The Large Truck Crash Causation Study. 2006. <http://ai.fmcsa.dot.gov/LTCCS/default.asp>; and Hanoswki, R.J., Olson, R.L., Bocanegra, J. and Hickman, J.S. Analysis of Risk as a Function of Driving-Hour: Assessment of Driving-Hours 1 Through 11. Report No. FMCSA-RRR-08-002, January 2008.

<sup>2</sup> Murray, Dan and Short, Jeffery, *Quantifying Impacts from the 34-Hour Restart Provisions*, American Transportation Research Institute, Atlanta, GA., April 2015, Page 3.

provision would prevent insignificant results from being used to justify wide-reaching regulations. Once the results of the study are reported to Congress, the 2015 Appropriations bill stipulates that the 34-hour restart restrictions will once again be enforced, regardless of the study's conclusions. If the impending FMCSA report finds that the safety and driver health benefits relied upon to justify the HOS rulemaking did not materialize, reintroducing the 34-hour restart limitations would be illogical and contrary to highway safety.

FMCSA ought to be able to answer whether the new rules substantially improve driver health, and reduce fatigue, while promoting the safety of the trucking industry and the motoring public. Section 132 of the FY 2016 THUD Appropriations bill would ensure that, by requiring the study “demonstrate statistically significant improvement in all outcomes related to safety, operator fatigue, and driver health and longevity” before the 34-hour restart limitations can be reinstated. Absent this provision, Congress could unwittingly permit unjustified, overly restrictive regulations that are contrary to public safety. Therefore, **we ask for your support for Section 132 of the FY 2016 THUD Appropriations bill and urge you to oppose any effort to strike it from the bill.**

Thank you for your attention to this matter.

Sincerely,

Agricultural & Food Transporters Conference  
Agricultural Retailers Association  
Agriculture Transportation Coalition  
Air & Expedited Motor Carriers Association  
American Apparel & Footwear Association  
American Bakers Association  
American Beverage Association  
American Chemistry Council  
American Farm Bureau Federation  
American Frozen Food Institute  
American Home Furnishings Alliance  
American Moving & Storage Association  
American Road & Transportation Builders Association  
American Trucking Associations  
Associated Equipment Distributors  
Associated General Contractors of America  
Auto Haulers Association of America  
Automobile Carriers Conference  
Bradford White Corporation  
C&S Wholesale Grocers  
Columbia River Customs Brokers & Forwarders Association  
Con-way Inc.  
Concrete Reinforcing Steel Institute  
Corn Refiners Association  
Customs Brokers & International Freight Forwarders of Washington State  
Customs Brokers and Forwarders Association of Northern California  
Fashion Accessories Shippers Association  
FedEx Corporation

Food Marketing Institute  
Forest Resources Association  
Institute of Makers of Explosives  
Intermodal Motor Carriers Conference  
International Foodservice Distributors Association  
International Warehouse Logistics Association  
Los Angeles Customs Brokers and Freight Forwarders Association  
National Association of Chemical Distributors  
National Association of Small Trucking Companies  
National Association of Wholesaler-Distributors  
National Federation of Independent Business  
National Grain and Feed Association  
National Grocers Association  
The National Industrial Transportation League  
National Lumber and Building Material Dealers Association  
National Private Truck Council  
National Propane Gas Association  
National Ready Mixed Concrete Association  
National Retail Federation  
National Shippers Strategic Transportation Council  
National Tank Truck Carriers  
National Waste & Recycling Association  
National Wooden Pallet & Container Association  
New England Fuel Institute  
North American Home Furnishings Association  
Old Dominion Freight Line, Inc.  
Owner-Operator Independent Drivers Association  
Pacific Coast Council of Customs Brokers and Freight Forwarders Association Inc.  
Pacific Northwest Asia Shippers Association  
Petroleum Marketers Association of America  
Retail Industry Leaders Association  
Ryder System, Inc.  
San Diego Customs Brokers Association  
Snack Food Association  
Steel Manufacturers Association  
The Expedite Association of North America  
Transportation Intermediaries Association  
Travel Goods Association  
Truck Renting and Leasing Association  
Truckload Carriers Association  
Uline  
UPS  
U.S. Chamber of Commerce  
U.S. Poultry & Egg Association  
Werner Enterprises  
Alabama Trucking Association  
Alaska Trucking Association  
Arizona Trucking Association

Arkansas Trucking Association  
California Trucking Association  
Colorado Motor Carriers Association  
Motor Transport Association of Connecticut  
Delaware Motor Transport Association  
Florida Trucking Association  
Georgia Motor Trucking Association  
Hawaii Transportation Association  
Idaho Trucking Association  
Illinois Trucking Association  
Indiana Motor Truck Association  
Iowa Motor Truck Association  
Kansas Motor Carriers Association  
Kentucky Motor Transport Association  
Louisiana Motor Transport Association  
Maine Motor Transport Association  
Maryland Motor Truck Association  
Massachusetts Motor Transportation Association  
Michigan Trucking Association  
Minnesota Trucking Association  
Mississippi Trucking Association  
Missouri Trucking Association  
Motor Carriers of Montana  
Nebraska Trucking Association  
Nevada Trucking Association  
New Hampshire Motor Transport Association  
New Jersey Motor Truck Association  
New Mexico Trucking Association  
New York State Motor Truck Association  
North Carolina Trucking Association  
North Dakota Motor Carriers Association  
Ohio Trucking Association  
Oklahoma Trucking Association  
Oregon Trucking Associations  
Pennsylvania Motor Truck Association  
Rhode Island Trucking Association  
South Carolina Trucking Association  
South Dakota Trucking Association  
Tennessee Trucking Association  
Texas Trucking Association  
Utah Trucking Association  
Vermont Truck & Bus Association  
Virginia Trucking Association  
Washington Trucking Associations  
West Virginia Trucking Association  
Wisconsin Motor Carriers Association  
Wyoming Trucking Association

cc: Members, Committee on Appropriations, United States House of Representatives