

April 18, 2016

The Honorable Thad Cochran, Chair, Committee on Appropriations
The Honorable Barbara Mikulski, Ranking Member, Committee on Appropriations
The Honorable Susan Collins, Chair, Subcommittee on Transportation,
Housing and Urban Development
The Honorable Jack Reed, Ranking Member, Subcommittee on Transportation,
Housing and Urban Development
United States Senate
Washington, D.C. 20510

Dear Chairman Cochran, Ranking Member Mikulski, Chairman Collins and Ranking Member Reed:

As you begin consideration of the Fiscal Year (FY) 2017 Transportation, Housing and Urban Development (THUD) funding legislation, we strongly urge you to oppose any special interest anti-truck safety riders including changes to the truck driver hours of service (HOS) rules that would jeopardize the safety of truck drivers and the motoring public. The last two appropriations bills included special interest riders opposed by safety groups, law enforcement, truck drivers, truck crash victims and the Office of Management and Budget (OMB) that suspended two important safety provisions in the HOS rule. The rider also directed the U.S. Department of Transportation (DOT) to conduct a study. However, in last year's bill, at the request of trucking interests, language was included that moved the goal post by imposing unnecessary requirements and unattainable results that essentially make it impossible for the safety provisions to be reinstated. These political maneuvers evade the regulatory process, disregard the congressional committee of jurisdiction and ignore federal agency and public input. Simply put, they are a political give-away to certain segments of the trucking industry. This repeal of important truck safety rules is especially appalling considering that highway deaths are on a rapid rise according to early estimates for 2015. We urge you to stop this destructive pattern of indulging special interest demands by tucking truck safety repeals and rollbacks into must-pass legislation to the detriment of public safety.

Driver fatigue is a well-known and well-documented problem. In fact, the National Transportation Safety Board (NTSB) has included reducing fatigue on its 2016 Most Wanted List of critical changes needed to decrease crashes and save lives. Recent NTSB investigations, including the June 2014 crash that killed James McNair and seriously injured Tracy Morgan as well as a January 2014 crash in which an Illinois State Toll Highway Authority worker was killed and an Illinois State Police trooper was seriously injured, cited fatigue as the "probable cause". The public completely understands the grave risk of fatigued truck drivers. According to a 2014 survey conducted by Lake Research Partners, the public overwhelmingly opposes, by 80%, any action by Congress to increase the number of hours a semi-truck driver is allowed to work in a week.

This attack on truck driver HOS rules is just the latest in the insatiable attempts of certain trucking interests to advance their economic agenda regardless of the human cost to public safety. During consideration of the FAST Act (Pub. L. 114-94), the wish list of segments of the trucking industry included interstate teen bus and truck drivers, longer double trailer trucks the size of an 8-story office building, heavier trucks up to 91,000 lbs., hiding from public view the safety scores of both motor carriers of freight and passengers (motorcoaches), overriding state laws on rest breaks, and thawing the freeze on longer combination vehicles, among others. The intent of trucking interests to gut safety protections is clear. A March 7th article from *Politico* reported on the latest industry grab attempt, "far from simply inserting a directive about which set of rules to use, several sources with knowledge of the negotiations said ATA is pushing for a fix that would ensure the rule that went into effect in 2013 remains overturned..."

The HOS reforms adopted in July of 2013, but suspended in the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and extended in the Consolidated Appropriations Act, 2016 (Pub. L. 114-113), included minor but important safety modifications to the HOS rule implemented in 2004. The 2004 rule was overturned in two unanimous back-to-back court decisions because it allowed excessive hours of working and driving despite a lack of supporting data to justify the dramatic increase in work hours. The proposal of segments of the trucking industry once again reverts to the 2004 HOS rule allowing truck drivers to

work and drive up to 94 hours in 8 days. These working and driving hours are extreme, dangerous and unprecedented in any other regulated transportation mode.

The improvements made by DOT in 2013 required truck drivers with the most grueling schedules to take two consecutive nights off during the 34-hour restart and to use the 34-hour restart only once a week. These reforms were adopted because truck drivers were using the restart to work significantly more hours and truckers acknowledged that they were driving while fatigued. A poll of truck drivers showed that 65% reported being drowsy while driving and 48% admitted to having fallen asleep while driving in the previous year (2010 HOS NPRM, 75 Fed. Reg. 82170, 82177). In fact, the American Academy of Sleep Medicine recently warned that drowsy driving can have the same consequences as driving while under the influence of drugs and alcohol.

Dramatic statements have been made which claim that going back to the pre-2004 HOS regulations, per the law enacted just four months ago in the Consolidated Appropriations Act, 2016 (Pub. L. 114-113), will “unleash chaos.” Yet, it is important to remember that for 60 years, until 2004, the industry conducted business under those rules. While we recognize that the pre-2004 rules were not perfect, they did not promote greater driver fatigue to the same degree as the current rule which suspends both the two consecutive nights of rest as well as the once a week use of the 34-hour restart.

It is time to stop allowing industry exclusive access to determine and draft their own safety rules in authorizing and spending bills that keep the public out. Congress stands at a critical juncture, to either choose the safety of their constituents or bow to the relentless pursuit by trucking interests to put personal profit before public safety. We urge you to reject this special interest overreach to rewrite safety laws which push truck drivers beyond their limits and endanger all of us.

Sincerely,

Jacqueline Gillan, President
Advocates for Highway and Auto Safety

Joan Claybrook, Chair
Citizens for Reliable and Safe Highways and
Former Administrator, National Highway
Traffic Safety Administration

Daphne Izer, Founder
Parents Against Tired Truckers
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