

June 2, 2015

Dear Representative:

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,¹ 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]."² 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 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.

¹ 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.

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

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 require that the study “demonstrate statistically significant improvement in all outcomes related to safety, operator fatigue, and driver health and longevity” before reinstating the 34-hour restart limitations. 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 this provision from the bill.**

Thank you for your consideration and 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 Sheep Industry 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 Cattlemen's Beef Association
National Corn Growers Association
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
Western Growers
Western Hardwood Association
Western Pallet Association
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: The Honorable John A. Boehner, Speaker of the United States House of Representatives