

Goodbye Weekends for Truck Drivers – Time to Hit the Road Again, Rested or Not

Reject Any Amendment to Suspend the 34-Hour Rest Period or “Restart”

- Truck driver fatigue is a serious and deadly problem affecting the health and safety of all truck drivers and motorists.
- Every year on average 4,000 people die in truck crashes and about 100,000 more are injured at a cost of at least \$87 billion, a large number of them due to driver fatigue.
- Truck driving is consistently listed in the top 10 most dangerous jobs.

Background: In 2013, safety reforms were implemented to address excessive driver fatigue resulting from the unrestricted use of the 34-hour “restart”. Data showed that drivers who used the “restart” on a regular basis could drive and work up to 82 hours every week. To address driver fatigue resulting from the fact that the 34-hour “restart” expanded the allowable hours of driving, the current HOS rule made two important improvements to the mandatory rest time for truck drivers who drive long hours every week. Those safety reforms limit when the “restart” can be taken and requires two periods of rest between 1 a.m. to 5 a.m. during the “restart.”

These safety reforms were based on extensive scientific research and still allow truck drivers to drive for 11 consecutive hours each shift and average 70 hours of driving and work each week. These safety reforms ensure that drivers who use up their driving hours quickly by taking the short 34-hour “restart” (not even a day and a half) will get the additional rest they need the following week. After a strenuous 70 hour (or longer) work week in one of the most dangerous professions in our country, it is not unreasonable, and it is certainly safer, to give a truck driver a weekend off for rest and recovery.

What is there to study if this provision is suspended?

Fiction: The Collins amendment is a reasonable change to the 34-hour “restart” or rest period.

Fact: The amendment suspending the current safety limits on the 34-hour rest period will dramatically increase the allowable driving hours of truck drivers from the current average of about 70 hours a week to more than 80 hours a week. This is equivalent to adding an additional work day to the work week of a truck driver. What is being portrayed as a small change to the rest period actually has a large impact on crash risk and will set back safety for everyone sharing the roads with large 80,000 lbs. trucks. The Collins amendment repeals the important safety reform measures that enable truck drivers who use their maximum permitted driving and work hours to get much-needed and much-deserved rest time.

Fiction: Repeal of the 34-hour rest period is a minor course correction.

Fact: Turning back the clock on HOS safety to the unrestricted 34-hour “restart” means shippers and supervisors can once again push drivers to work an average work week of up to 82 hours every week. This is double the normal work week of the average American worker and without any overtime pay or compensation. Truck drivers are exempt from the Fair Labor Standards Act and are paid by the mile.

Fiction: No studies support the health and safety benefits of the current 34-hour rest period.

Fact: In January, FMCSA concluded a large naturalistic field test, required by MAP-21, to evaluate the 34-hour rest period provision. The study showed “that having at least two nighttime periods from 1 a.m. until 5 a.m. in the restart break helps to mitigate fatigue as measured both objectively and subjectively. This constitutes evidence in support of the efficacy of the new restart rule” (FMCSA,

Report to Congress (2014)). These results are consistent with earlier, laboratory-based studies of the 34-hour rest period. Furthermore the FMCSA study confirmed the findings of literally hundreds of peer-reviewed studies on rest among night shift workers in numerous industries and the conclusion is the same and significant – the quality of night-time sleep is far superior to sleep obtained during day-time periods because the natural circadian cycle favors sleeping at night.

Fiction: The Collins amendment just resolves “unintended consequences” of the new HOS rule.

Fact: The 34-hour rest period safety reforms, repealed by the amendment, primarily affect long-haul drivers and night-time drivers who want to drive and work beyond the weekly maximum on-duty driving limits. Those are the drivers who are most prone to fatigue and are positively affected by the rest period reform of having two nights off duty to restore the effects of fatigue and allow truck drivers to get the rest they need. By repealing those reforms, the Collins amendment negates the benefits to the drivers and places all highway users at greater risk of involvement in a truck crash.

Fiction: The Collins amendment provides “temporary relief” to see if changes are justified.

Fact: The safety reforms in the HOS rule were based on years of scientific research and a recent field study. The amendment rolls back reasonable safety precautions against excessive work and driving hours that have been in effect for less than a year. By forcing a flip-flop and return of the previous 34-hour rest period rule, the amendment creates confusion in the industry and undermines enforcement.

Fiction: The 34-hour rest period puts trucks on the road at times when children are going to school.

Fact: The 34-hour rest period does not restrict a driver from driving at night. In fact, the current rule places no restrictions on when a truck driver must drive. Unless a driver is absolutely maxing out their driving time and trying to drive more than the 60 or 70 hours currently permitted, there is also no restriction on when they have to take a break. Moreover, the rule does not specify when that driver must go back on the road after the break.

Fiction: The current rule means more trucks are on the roads.

Fact: Changes to the requirements for rest periods do not have any effect on the amount of freight shipped. Repeal of the safety reforms will mean more tired truck drivers. As the federal court found in hearing the HOS lawsuit in 2004, the majority of the “benefit” of the unrestricted 34-hour rest period is made up of the “savings” to carriers from eliminating driving positions. Without the safety reforms in the 34-hour rest period, the industry moved the same amount of freight with fewer drivers by working them longer hours. These excessive work and driving hours are a major factor in the tremendous turnover of drivers in the trucking industry.

Fiction: Truck drivers who drive at night will not be able to asleep during the 1–5 a.m. rest periods required under the current HOS rule.

Fact: The Collins amendment can repeal a regulation but it cannot repeal the principles of human physiology. This assertion contradicts countless research studies and data. The human demand for sleep is driven by biology, specifically by our natural circadian rhythm. The human body physically follows a daily cycle which is linked with the body’s level of being awake and alert. While people can work against this natural phenomena, countless studies have shown that “symptoms much like jet lag are common in people who work nights or who perform shift work. Because these people's work schedules are at odds with powerful sleep-regulating cues like sunlight, they often become uncontrollably drowsy during work, and they may suffer insomnia or other problems when they try to sleep” during the day (National Institutes of Health, National Institute of Neurological Disorders and Stroke (2014)). Your biological clock makes you most alert during the daytime and most drowsy at night. Thus, even if you work the night shift, you will naturally feel sleepy when nighttime comes. The fact is the human body has been trained over hundreds of thousands of years to sleep at night and the body will readily fall back into that pattern willingly.