



Parents Against Tired Truckers and Citizens for Reliable and Safe Highways

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## **New Truck Driver Hours of Service Rule Issued – Dangerous 11 Hour Limit Retained**

Arlington, VA (December 22, 2011): The Obama Administration issued a new final rule on the number of hours commercial motor vehicle (CMV) drivers are permitted to work. The rule retained one of the most unsafe provisions of the former rule, the 11-hour work day limit for truck drivers. Nonetheless U.S. Department of Transportation Secretary Ray LaHood purported the new rule improved safety, highlighting a reduction in the maximum number of hours per week from 82 to 70. However, this change, by DOT's own admission, will only affect a "small percentage of truckload drivers" – a "subset of long-haul truckload drivers". Other small safety improvements were made with the 34-hour restart provision being limited to once-per-week use (safety advocates maintain that it should be eliminated) and a requirement for overnight sleep for drivers.

Ed Slattery whose wife was killed last year in a crash caused by an overly fatigued truck driver which also seriously injured their sons responded to the rule, "Under the past hours of service rule, 65% of drivers reported being drowsy while driving and 48% admit to having fallen asleep while driving in the previous year. This rule will not come near addressing the widespread problem of fatigue in the trucking industry. A 70-hour work week still exceeds most Americans' schedules by 30 hours per week, or 1,560 per year, and most Americans do not control an 80,000 lb. vehicle and have the fate of others near them in their control."

"DOT just revealed that truck crash fatalities increased in 2010 by 8.7%, with 3,675 people being killed. We know that fatigued driving is a major cause of truck crash fatalities. In fact in the new rule, DOT states, 'Working long daily and weekly hours on a continuing basis is associated with chronic fatigue, a high risk of crashes, and a number of serious chronic health conditions in drivers.' We continue to be baffled by the contrast in approaches for trucking and airline industries. Just yesterday DOT announced a sweeping reform of pilot scheduling to ensure pilots have a longer opportunity for rest, including limits of 8 or 9 hours flight time. Last year there were 2 commercial airline fatalities, yet improvements to aviation hours of service were made a priority based on fatigue-related studies," stated John Lannen, Executive Director of the Truck Safety Coalition (TSC).

Agency actions to revise the former HOS rule are the result of a legal agreement between the U.S. Department of Transportation (DOT) and safety and labor groups while a lawsuit is held in abeyance. The groups have challenged the current HOS rule three times in the U.S. Court of Appeals for the District of Columbia. In 2004, the Court unanimously vacated the Bush Administration HOS rule on the grounds that the government did not adequately consider the effects of longer driving hours on individual truck driver health and safety. In 2007, the court once more unanimously overturned the rule. After issuing the same rule again, as a "midnight" rule in late 2008, FMCSA was sued for a third time which led to the legal settlement. The Truck Safety Coalition is confident the Court will once again conclude that the 11-hour limit is illegal.

Daphne Izer, co-founder of Parents Against Tired Truckers (P.A.T.T.) stated, "This rule has been a long time coming and I am beyond disappointed that once again industry profits were put before the safety of the motoring public and truck drivers. I don't know what it is going to take for the government to get real about protecting us on our roads." Daphne's son Jeff and three other teenagers were killed by an overly tired trucker in 1993.

Ron Wood, whose mother, sister and three young nephews were killed by a fatigued truck driver, said, "It is the mandate of the Federal Motor Carrier Safety Administration to ensure that 'the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators'. Driving for 11 consecutive hours has been shown to result in the highest levels of crash risk for truck drivers. I would say FMCSA failed that mandate today by keeping the 11-hour rule, and they failed the American public."

For more information about the rule, <http://www.fmcsa.dot.gov/rules-regulations/topics/hos-final/hos-final-rule.aspx>