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SAFETY GROUPS AND DRIVERS GO TO COURT OVER NEW TRUCK DRIVER HOURS OF SERVICE RULE

NEW RULE ON TRUCK DRIVER HOURS OF SERVICE FAILS TO ADDRESS DRIVER FATIGUE

WASHINGTON, D.C. (February 24, 2012) — The federal rule for truck driver hours of service (HOS) still fails to make needed improvements to protect the public from tired truckers and should be subjected to judicial review according to Advocates for Highway and Auto Safety, Public Citizen, the Truck Safety Coalition, and two truck drivers who today filed a lawsuit challenging the new rule.

“Given the FMCSA’s mission to prevent truck-related deaths and injuries, it is appalling that the agency issued yet another rule that fails to adequately address truck driver fatigue and puts the public’s safety at risk,” said Henry Jasny, Vice President and General Counsel, Advocates for Highway and Auto Safety.

In the lawsuit, filed with the U.S. Court of Appeals for the District of Columbia Circuit, the parties seek judicial review of the final HOS rule issued on December 16, 2011, by the Federal Motor Carrier Safety Administration (FMCSA). The agency final rule failed to reduce the 11-hour limit on consecutive driving hours to 10 hours, despite the agency’s statement in the proposed rule that “the 10-hour rule is currently FMCSA’s currently preferred option” because it would be most effective in reducing driver fatigue. Although the agency had no data to support its adoption of the longer 11-hour limit in 2004, the agency decided to stand by that mistake even though it comes at the cost of numerous additional fatigue-related crashes.

The new final rule also fails to eliminate the 34-hour restart provision that encourages cumulative fatigue and allows drivers to exceed weekly driving and work limits. The restart provision, first instituted in 2004 without any supporting data or research, reduces the off-duty time drivers are allowed from 48 or more hours to just 34 hours off-duty after driving up to 70 hours and working more than 80 hours over eight days. Changes included in the December 2011 final rule do not prevent the most fatigued drivers, those who work on a schedule of 70 hours of driving in eight-days, from continually using the short and unacceptable 34-hour restart every week, or being required to do so by their trucking company.

Driver surveys sponsored by the agency show that under the current HOS rule, two-thirds of truck drivers (65 percent) acknowledge that they drive while tired, and nearly half (48 percent) admit to falling asleep behind the wheel in the previous year.

Adding to the problem of driver fatigue, the new FMCSA rule includes a loophole that allows truck drivers to sit in the cab of their truck during their 10-hour off-duty rest period instead of sleeping. This will only lead to increased rates of driver fatigue among long-haul drivers who do not have sleeper berths in their trucks.

In 2004, and again in 2007, the Court of Appeals unanimously ruled in favor of safety organizations that challenged the HOS rule. In the first case, the Court found the agency’s decisions to allow truckers to drive for more hours, both consecutively and weekly, was at odds with the agency’s research and findings of fact that show

increases in driving hours results both in higher levels of driver fatigue in each 11-hour shift and in higher levels of cumulative fatigue every week.

“Despite the fact that truck crash fatalities increased by nearly nine percent in 2010, and more than 100,000 people were injured, at a cost to society of nearly \$42 billion, the FMCSA Administrator has chosen to imperil public safety by keeping unsafe and illegal driving limits for truck drivers,” according to Joan Claybrook, Chair of the Board of Citizens for Reliable and Safe Highways (CRASH) which is part of the Truck Safety Coalition.

“Unfortunately, industry pressure trumped public safety,” said Daphne Izer, founder of Parents Against Tired Truckers (P.A.T.T.) part of the Truck Safety Coalition. “The research is clear and compelling. However, FMCSA’s decision to keep the longer, more dangerous 11 hours of driving time rather than returning to the 10-hour limit will put the public and truck drivers at risk.”

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