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**SAFETY GROUPS AND DRIVERS APPALLED BY
COURT DECISION ON TRUCK DRIVER HOURS OF SERVICE RULE**

TRUCK DRIVER HOURS OF SERVICE FAILS TO REDUCE DRIVER FATIGUE

WASHINGTON, D.C. (August 2, 2013) — The U.S. Court of Appeals for the District of Columbia Circuit issued a decision today on the lawsuit filed by Advocates for Highway and Auto Safety, Public Citizen, the Truck Safety Coalition, and two truck drivers challenging the federal rule for truck driver hours of service (HOS) that went into effect on July 1, 2013. Unfortunately the Court decided to uphold the rule and vacate the safety improvement of a 30-minute break for short-haul drivers. In the lawsuit, safety organizations contended the rule still failed to make needed improvements to protect the public from tired truckers as well as to protect truckers from being pushed beyond the limits of human endurance.

“Today the American public is less safe because this dangerous rule puts the economic profit of the trucking industry ahead of public safety. The statutory mission of the Federal Motor Carrier Safety Administration (FMCSA) is to make safety its highest priority but the bureaucracy has ignored this mandate. Even though record numbers of truck drivers admit to falling asleep behind the wheel, and being tired when driving long shifts, the FMCSA chose to keep in place the industry-supported features of the rule that allow truckers to drive up to 11 straight hours at a time, instead of 10 hours, and work and drive up to 80 hours or more each week,” said Henry Jasny, Vice President and General Counsel of 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 challenged the final HOS rule issued on December 16, 2011, by the 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 [] 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, it decided to stand by that mistake even though it comes at the cost of numerous additional fatigue-related crashes, deaths and injuries. In the decision handed down today, the Court noted that the “FMCSA won the day not on the strengths of its rulemaking prowess, but through an artless war of attrition [.]”

Every year on average, about 4,000 people are killed and 100,000 are injured in large truck crashes. The annual cost to society from crashes involving commercial motor vehicles is estimated to be over \$83 billion. The FMCSA found that about 13% of these crashes involve truck driver fatigue as a factor leading to the crash. 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.

The agency final rule also fails to eliminate the 34-hour restart provision that encourages cumulative fatigue and allows drivers to work exceedingly long hours and to drive in excess of their weekly driving 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. This is less than a day and a half off before allowing a truck driver to get behind the wheel again and drive excessively long hours. 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 forced to do so by their employer.

Adding to the problem of driver fatigue, the 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 in a bed or sleeper berth. This will 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 11-hour limit and the restart portions of 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.

"Upholding this rule will continue to make our trucks rolling sweatshops. Driving a truck is one of the most dangerous occupations in America. Truck drivers will continue to be pushed beyond their limits and will imperil not just their own lives but the safety of all of us sharing the roads with them," stated Joan Claybrook, Chair of the Board of Citizens for Reliable and Safe Highways (CRASH) which is part of the Truck Safety Coalition.

Daphne Izer, founder of Parents Against Tired Truckers (P.A.T.T.) part of the Truck Safety Coalition, stated, "I am deeply saddened by this decision which will lead to more deaths and injuries on the road. Ever since my son Jeff was killed by a trucker who fell asleep behind the wheel, I have been fighting to change this industry culture of ignoring the deadly consequences of fatigued driving and truck crash fatalities. Today was a tremendous setback for all of us, particularly family members, who have been advocating for safer working conditions for truck drivers and safer driving conditions for all motorists."

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