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June 8, 2000

The Honorable Richard C. Shelby
Chair, Senate Appropriations
Subcommittee on Transportation
133 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Shelby:

We are writing to express our opposition to any provision in the FY 2001 U.S. Department of Transportation (DOT) Appropriations bill which would prevent or prohibit a regulatory proceeding reforming commercial vehicle operator hours of service rules. This rulemaking action was mandated by Section 408 of the Interstate Commerce Commission Termination Act of 1995 (enacted by the Senate on December 21, 1995) which established specific requirements, including a timetable, for agency action on hours of service. This statutory directive was enacted because of congressional concern for enhancing the health and safety of the operators of large trucks and buses and the motoring public.

Truck driver fatigue is a serious and significant problem in the motor carrier industry. Research by the National Transportation Safety Board and the National Highway Traffic Safety Administration shows that fatigue is a factor in 30 to 40 percent of all fatal truck crashes. Surveys of truck drivers indicate that they are frequently falling asleep at the wheel and enforcement of hours of service rules is hampered by paper log books that have become known as comic books. A national motor carrier safety conference sponsored by the U.S. DOT in 1995 and attended by more than 400 participants identified "fatigue" as the top concern of industry, drivers, labor, and health and safety experts. In short, the current rule is not working and in fact, is contributing to the problem of fatigue.

The newly created Federal Motor Carrier Safety Administration has recently issued a notice of proposed rulemaking to reform the hours of service rule governing truck and bus drivers in recognition of the threat fatigue poses for commercial drivers and American families sharing the road with trucks and buses. There is no question that this rule is controversial and has been met with criticism and concern from stakeholders involved in truck safety. However, the public debate and discussion are just beginning and the reform of hours of service is 30 years overdue.

While the NPRM may not be the proposal the safety community and others would have written, some elements of the proposal are forward-looking and intended to improve motor carrier safety. It is important to allow everyone the opportunity to place their views and arguments on the record for the purpose of amending this proposal to make it a better safety standard. This is not the time to stop or stymie the department's ability to proceed with this necessary regulatory proceeding. Congressional action tying the hands of the U.S. DOT to continue with this rulemaking procedure only serves to cut off public debate on a critical safety problem that is responsible for thousands of deaths and injuries each year on our highways. The challenge of opponents to various elements of the proposal, including safety advocates, is to argue for change

based on research and data and not seek congressional intervention to block action at this initial stage of the process. We would, however, support an extension of the comment period to accommodate concerns about identified technical errors and inconsistencies in the proposed rule.

We urge you to allow the process to move forward so that its merits and defects can be evaluated in an open public forum.

Sincerely,

Joan Claybrook
President
Public Citizen

Jacqueline S. Gillan
Vice President
Advocates for Highway and Auto Safety

David Snyder
Assistant General Counsel
American Insurance Association

Andrew McGuire
Executive Director
Trauma Foundation