

July 27, 2005

The Honorable Norman Mineta
Secretary of Transportation
Department of Transportation
400 7th Street, S.W.
Washington, DC 20590

Dear Mr. Secretary:

We are writing to express our shock at your efforts and those of the Federal Motor Carrier Safety Administration's (FMCSA) Administrator, Annette Sandberg, to sneak a last-minute codification of the Department's 2003 hours-of-service rule into the pending transportation bill, H.R. 3. In 2004, the U.S. Circuit Court of Appeals for the District of Columbia unanimously remanded this rule back to the agency because the agency had failed to consider a statutorily mandated factor - the impact of the rule on the health of drivers. The decision also disapproved of many of other aspects of the rule, which were unsupported by any scientific research.

Your proposed codification would indefinitely extend this invalidated rule, and would increase driving time by 20 percent and overall working time by 40 percent for truck drivers, who already work longer and have a higher risk of death and injury than any other workers in America. It would also gut the requirement now in the law that the FMCSA must consider health impacts on drivers when issuing an hours-of-service rule. You are attempting this in a behind-the-scenes maneuver without any public hearings and despite the fact that these measures were explicitly not included during consideration of both the House and Senate bills.

When the FMCSA was created in 1999, the new law specified that safety is the highest priority for the agency. Your actions are the opposite of this principle. While your proposal is dubbed a "compromise," it is in fact a secret attempt at an end-run around the decision of the court and the public process.

Large truck crashes already kill 5,000 and injure over 100,000 people each year. As you look at your legacy as Secretary of Transportation, we would hope that you would not want your contribution to be a dramatic decrease in the safety of truck drivers and those who share the road with them, or a gutting of basic health principles now enshrined in the law for these workers. We urge you to respect the safety of the driving public by withdrawing any attempt to cut short the public rulemaking process now concluding regarding the hours of service rule.

Sincerely,

Joan Claybrook
President, Public Citizen

Judith Lee Stone
President, Advocates for
Highway & Auto Safety

John Lannen
Executive Director
Citizens for Reliable and
Safe Highways (CRASH)

Daphne Izer
Founder and President
Parents Against Tired Truckers (PATT)

Andrew McGuire
Executive Director
Trauma Foundation