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GOP senator criticized for attempt to reverse truck driver rules

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By Keith Laing - 06/03/14 01:35 PM EDT

Greg Nash

Sen. Susan Collins (R-Maine) is being criticized for attempting to make changes to federal work scheduling rules for truck drivers through the appropriations process.

Collins, favored for reelection, is considering introducing an amendment to a funding bill for the departments of Transportation and Housing Development that would roll back requirements that truck drivers be given time off the job between 1 to 5 a.m. on consecutive nights as part of a 34-hour gap that is required before they start a new workweek.

The DOT rules, known as "restart" requirements, have been in place since July 2013. They also require that truck drivers work no more than 11 hours in a day and 168 hours in a week and be allowed to take at least one 30-minute break during the first eight hours of their shift.

Collins' proposed amendment would delay portions of the restart rule for one year and force the agency to restudy their impact on the trucking industry.

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Supporters of the DOT's truck driver scheduling rules, including a Maine resident whose son was killed in an accident with a truck, are accusing Collins of conducting an end-run around the federal government's lengthy rulemaking process.

"I have whiplash—one month ago I was in the White House celebrating vital improvements to reduce truck driver fatigue, and now my own senator is using her power as Ranking Member on the THUD Appropriations Subcommittee to undo a rule which will result in more overly tired truckers on our roads," Daphne Izer, who is the founder of the

group Parents Against Tired Truckers (PATT), said in a statement ahead of a Senate hearing on the transportation and housing bill that took place on Tuesday.

"Twenty-five years of research and deliberations over the HOS rule—gone with the swish of her pen," Izer continued.

Izer was honored last month by the White House as a "Transportation Champion of Change" for her advocacy for the more stringent truck driver scheduling rules. She founded the PATT group in 1994 after her son was killed in an accident involving a truck driver who fell asleep being the wheel.

Collins' proposed amendment to revise the truck driver scheduling rules is likely to be attached to a \$54.5 billion bill that would fund the Transportation Department and the Department of Housing and Urban Development in fiscal 2015 that is scheduled to be marked up by the Senate Appropriations Committee on Thursday.

The measure was **approved** by the Appropriations Committee's Transportation and Housing Subcommittee on Tuesday, without any amendment addressing the trucker scheduling rules.

A spokesman for Collins said Izer's group was "misrepresenting" the proposed amendment before the Maine senator even has a chance to file any additions to the transportation and housing funding legislation.

"It is unfortunate that some groups, before Sen. Collins's amendment has even been drafted, are already misrepresenting her intentions regarding the new hours of service rules governing truck drivers," Collins spokesman Kevin Kelley said in a statement provided to The Hill.

"For example, there is nothing in Sen. Collins's proposal that would affect the mandatory half hour rest break, contrary to the erroneous assertions of one organization, nor would her amendment increase the number of hours that a truck driver can be behind the wheel each day," Kelley continued. "The fact is, neither truck drivers nor their customers nor Sen. Collins ever want to see an accident caused by driver fatigue — or by anything else — and it is unfair and inaccurate to imply otherwise."

Kelley said Collins is not planning to file anything that would totally eliminate the 34-hour restart gap for truck drivers.

"What has become clear during the past 11 months is that new federal rules have presented some unintended consequences that may not be in the best interest of public safety, truck drivers, and the businesses and consumers who depend on their services," he said.

"In particular, there is increasing concern that the regulations affecting overnight driving are actually resulting in more trucks being on the road during congested, daytime hours, raising important issues that deserve more study," Kelley continued. "These issues prompted the Federal Highway Administration to announce a federally funded grant program to examine how truck deliveries during times when there is less traffic on the roads can improve air quality and create more livable cities."

Opponents of the new scheduling rules have agreed the DOT's regulations have had unintended consequences for the trucking industry.

"The purpose of this letter is to communicate our support for both the proposed Commercial Motor Vehicle Driver Restart Study and a one-year suspension of two unjustified restrictions on the use of the hours of service restart provision by professional drivers," a group of trucking and business organizations said in a letter to Appropriations Chairwoman Sen. Barbara Mikulski (D-Md.) and the top ranking Republican on the panel, Sen. Richard Shelby (R-Ala.).

"These two new restrictions have placed economic hardships on thousands upon thousands of employers, as well as reducing drivers' wages throughout the motor carrier industry," the groups wrote.

The letter was signed by groups such as the American Trucking Association, Alliance for Safe, Efficient

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and Competitive Truck Transportation and Auto Haulers Association of America.

The Federal Motor Carrier Safety Administration has projected that the truck driver scheduling rules will prevent about 1,400 crashes each year.

The agency has also defended the process that was used to develop the rules.

"One of the largest naturalistic field studies to measure fatigue among commercial motor vehicle drivers provided further scientific evidence that the 34-hour restart provision in the current hours-of-service rule for truck drivers is more effective at combating fatigue than the prior version," the motor carrier safety agency said in a fact sheet.

"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," the agency said.

-This story was originally posted at 1:35 p.m. and it was last updated with new information at 7:12 p.m.

TAGS: Department of Transportation, Department of Housing and Urban Development, Truck Driver Hours-of-Scheduling Rules, THUD bill

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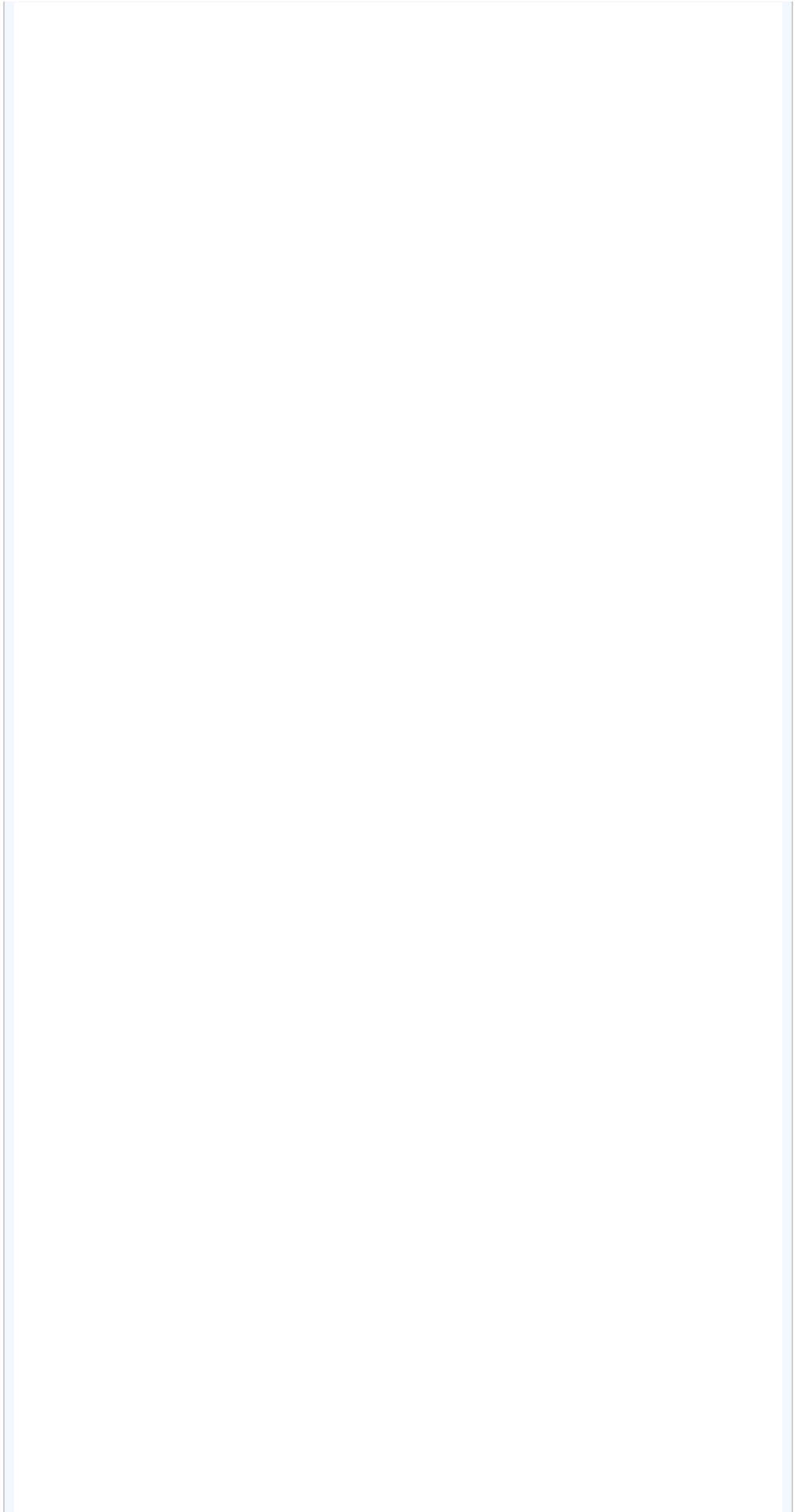
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