

January 19, 2011

The Honorable John Mica
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Nick J. Rahall II
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John J. Duncan
Chairman
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Peter A. DeFazio
Ranking Member
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica, Ranking Member Rahall, Chairman Duncan, and Ranking Member DeFazio:

The undersigned organizations, representing the trucking industry, the manufacturing and distribution sectors, the agricultural industry, and general business interests, are writing to request that you hold a hearing on the Federal Motor Carrier Safety Administration's (FMCSA's) newly proposed hours of service regulations.

The regulations proposed by FMCSA would further restrict the time truck drivers may drive and be on duty. If implemented, the regulations would have a substantial, negative impact on productivity and the economy. Trucking companies, and private carriers with fleets, would need to put additional trucks and drivers on the road to deliver the same amount of freight, adding to final product costs and increasing congestion on the nation's already clogged highways.

The current hours of service regulations have now been in place for 7 years. Over that period, manufacturers, distributors, and transportation companies have organized their delivery schedules and routes around the regulations. For example, some trucking companies have physically relocated a portion of their driver workforce to safely take advantage of the driving time limit allowed under the current rules. The significant changes proposed by FMCSA would seriously disrupt parts of the nation's supply chain and require the business community to incur costly adjustments to their transportation systems – adjustments to make their distribution systems *less* efficient.

FMCSA's proposal ignores the simple fact that the trucking industry's safety performance has improved at an unprecedented rate while operating under the current hours of service regulations since they became effective in 2004. Both the number and rate of fatal and injury accidents involving large trucks have declined by more than one-third, and are now at their lowest levels in recorded history. The remarkable reduction in the number of truck-involved fatal and injury crashes occurred even as truck mileage increased by almost 10 **billion** miles.

On two prior occasions, the Federal Motor Carrier Safety Administration (FMCSA) estimated that similar changes would cost the U.S. economy \$2.2 billion, inclusive of safety benefits. In the new proposed rule, however, FMCSA has changed its methodology for estimating both the benefits and costs of changes to the hours of service rule, effectively *decreasing* estimated annual costs by \$1.5 billion, and

increasing estimated annual benefits by \$1.1 billion in order to produce a positive benefit-cost ratio. Further, the agency's own analysis shows that the net benefits of retaining the current daily driving time limit exceed the net benefits of reducing allowable driving time by one hour, the option favored by FMCSA. Frankly, it is very difficult to understand how FMCSA rationalizes its proposal on this fact alone.

In addition to encumbering the industry and a struggling economy, these proposed changes would also significantly challenge law enforcement. Because the proposed rules are complex and restrictive, motor carriers will have difficulty understanding them and enforcement officers will have difficulty accurately identifying violations. For instance, in order to determine if a driver can legally claim to have met the conditions of a weekly rest provision, the enforcement official would have to ensure that at least 168 hours had elapsed since the beginning of the most recent weekly rest period and that the break included two consecutive nighttime periods between midnight and 6 a.m. Such complexity will only serve to hamper both industry compliance and motor carrier enforcement.

A hearing before the House Transportation and Infrastructure Committee would help bring attention to the real impacts of FMCSA's proposed regulations and give Members of the Committee the opportunity to question both the agency and the business community about the hours of service. We hope you will find time on the schedule to hold a hearing before the close of the comment period in the proceeding on February 28, 2011.

If you have any questions or would like to discuss this matter in more detail, please feel free to contact Mary Phillips at the American Trucking Associations at (202) 544-6245. Thank you for your considering our request.

Agricultural Retailers Association
Agriculture Transportation Coalition
American Frozen Food Institute
American Moving & Storage Association
American Trucking Associations
Associated General Contractors of America
Commercial Vehicle Training Association, Inc.
Con-way Inc.
Fed Ex
Food Marketing Institute
Institute of Makers of Explosives
International Foodservice Distributors Association
International Warehouse Logistics Association
National Association of Chemical Distributors
National Association of Wholesaler-Distributors
National Chicken Council
National Grocers Association
National Limousine Association
National Private Truck Council
National Propane Gas Association
National Ready Mixed Concrete Association
National Retail Federation
National Solid Wastes Management Association
National Tank Truck Carriers
Petroleum Marketers Association of America
Retail Industry Leaders Association

Snack Food Association
Steel Manufacturers Association
The Fertilizer Institute
The National Industrial Transportation League
The Waterfront Coalition
Transportation Intermediaries Association
Truck Renting and Leasing Association
UPS
U.S. Custom Harvesters
U.S. Poultry & Egg Association
YRC Worldwide