

Trainsport Topics

THE NATIONAL NEWSPAPER OF THE TRUCKING INDUSTRY

Week of August 30, 2004

Letters & Comments

Hours Rules

Just because the hours-of-service rules adopted by the Federal Motor Carrier Safety Administration in January were far less draconian than the initial HOS proposal during the Clinton administration, the industry should not have rejoiced and accepted them in typical Washington style.

When the Department of Transportation stated it would redesign HOS to slash highway fatalities in

half, it neglected its own data. You can't cut deaths 50% by vigorously re-regulating the party responsible for less than 25% of them. DOT data blame only 25% of truck-related deaths on truck drivers. DOT safety statistics are impressive, showing a steady two-decades-long decrease in truck-related highway deaths while truck-miles traveled doubled.

FMCSA's own study on the effect of its new rules predicted a saving of 75 lives annually — a 1.5%

reduction — but also anticipated a need for more than 80,000 additional trucks to move the same amount of freight under the new HOS. That is nearly five times the size of the Schneider National fleet that would be placed on our already congested roads. But what of those 80,000 extra trucks and the additional deaths they may cause?

The approximate annual number of truck-related highway deaths is

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about 5,000. Most studies forecast a need for 6% to 18% more trucks on the highways under the new hours rules to move the same freight. Experience under the new HOS seems to corroborate this need. That translates into a potential of between 300 (6%) and 900 (18%) more deaths under these "safer" new rules.

FMCSA is composed of good, well-intentioned folks, but they were up against a deadline, had a backlog of projects and did not share ideas or work openly with industry along the way. They rushed the hours rules, and the federal appeals court was wise enough to acknowledge this. FMCSA's rules were also influenced by special interests that wrapped their rhetoric in a false public-safety "spin."

Truck drivers are infuriated by the rules because they cut into their ability to drive and make money, and dramatically reduced their discretion and flexibility with regard to taking breaks, eating and fueling, forcing the driver to continue driving when he or she feels tired or hungry. I hope this court, shippers, drivers and legislators won't take kindly to seeing FMCSA offer a revised ruling that further restricts driving time and drivers' flexibility without regard to their well-being and ability to earn a wage.

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