

## Hours of Analysis

**T**hese are one transportation intermediary's views on the hours of service ruling last month by a federal appeals court.

Just because the Federal Motor Carrier Safety Administration's new HOS rules were far less draconian than their initial HOS proposal, industry should not have rejoiced and accepted them in typical Washington style.

When DOT stated it would redesign HOS to slash highway fatalities in half, it neglected its own data. You can't cut deaths 50 percent by vigorously re-regulating the party responsible for less than 25 percent of them. DOT data only blames 25 percent of truck-related deaths on the truck driver. DOT safety statistics are impressive, showing a steady two decades' long decrease in truck-related highway deaths while truck vehicle miles traveled have doubled in that time.

FMCSA's own study on the impact of their new HOS predicted a saving of 75 lives annually — a 1.5 percent reduction — and anticipated a need for more than 80,000 trucks to move the same amount of freight under the new HOS. That is nearly five times the size of Schneider National on our already congested roads.

But what about the additional accidents and deaths that those 80,000 extra trucks may cause? There are approximately 5,000 truck-related highway deaths a year. Most studies forecast a need for 6 percent to 18 percent more trucks on the highways under new HOS rules to move the same freight.

The experiences of truckers under new HOS rules seem to corroborate that analysis. That translates into a potential of between 300 (6 percent) and 900 (18 percent) more deaths under these "safer" new rules.

FMCSA is comprised 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 HOS rules, and the appeals court was wise enough to acknowledge that. FMCSA's rule was also influenced by special interests who wrapped their rhetoric in the false "spin" of public safety.

Truck drivers are infuriated by the new HOS 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. The rules force the driver to drive past when he or she feels tired or hungry.

Hopefully, 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 with regard to well being and their ability to earn a wage.

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