

Law & Industry Daily

Trucking Assn. Targets Rest Rules

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ARLINGTON, Va., Feb. 22 (LID) – American Trucking Associations has filed a legal challenge to the newly-revised federal hours-of-service (HOS) regulations for commercial truck drivers.

ATA President and CEO Bill Graves said the Federal Motor Carrier Safety Administration (FMCSA) rule is fundamentally flawed and will drive costs without improving highway and truck safety.

The Arlington, Va.-based industry trade group petitioned for rule review by the U.S. Circuit Court of Appeals for the District of Columbia.

“The law is clear about what steps FMCSA must undertake to change the rules and we cannot allow this rulemaking, which was fueled by changed assumptions and analyses that do not meet the required legal standards, to remain unchallenged,” Graves said.

The FMCSA final rule revised 2003 HOS regulations to limit the use of the 34-hour restart provision to once every 168 hours and to require that anyone using the 34-hour restart provision have as part of the restart two periods that include 1 a.m. to 5 a.m.

The HOS revision allows truckers to drive if they have had a break of at least 30 minutes, at a time of their choosing, sometime within the previous eight hours.

“The goal of this rulemaking is to reduce excessively long work hours that increase both the risk of fatigue-related crashes and long-term health problems for drivers. A rule cannot ensure that drivers will be rested, but it can ensure that they have enough time off to obtain adequate rest on a daily and weekly basis,” the agency wrote in the Dec. 27 *Federal Register* (76 Fed. Reg. 81134).

Although the revised HOS rule took effect Feb. 27, full compliance is not required until July 1, 2013. The rulemaking is Docket No. FMCSA–2004–19608.

In 2003, the hours-of-service rule shortened the driving window to 14 consecutive hours and increased the off-duty period from eight to 10 hours, but increased driving time from 10 to 11 hours and allowed drivers to restart their duty time calculations whenever they took at least 34 consecutive hours off.

However, since the 2003 rule was promulgated, the FMCSA said research has shown that long work hours lead to reduced sleep and, in the absence of sufficient recovery time, chronic fatigue that can slow drivers’ reaction times.

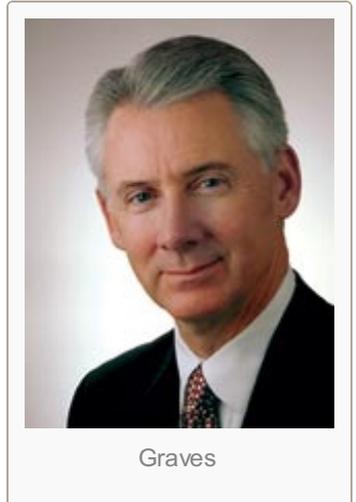
However, Graves said the former HOS rules “contributed to unprecedented improvement” in highway safety.

“We need this issue to be resolved in a credible manner, taking into account the undisputed crash reduction since 2004, so we can focus limited government and industry resources on safety initiatives that will have a far greater impact on highway safety,” Graves said.

The FMCSA, in December 2010, published a notice of proposed rulemaking to revise the 2003 HOS rules (75 FR 82170).

The case is *American Trucking Associations v. Federal Motor Carrier Safety Administration*, No. 12-1092, U.S. Court of Appeals for the District of Columbia (Washington).

The FMCSA final rule is available at <http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/HOS-Final-Rule-12-27-11.pdf>.



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