

# Transport Topics **Online**

Updated:

## FMCSA Holding Feb. 17 Hours-of-Service 'Listening Session'

### ATA's Graves Resists Making Rule a Law

*By Rip Watson and Dan Leone, Staff Reporters*

This story appears in the Feb. 14 print edition of Transport Topics.

**Editor's Note:** [Click here for instructions on how to access the webcast of the hours-of-service listening session.](#) (FMCSA link.)

Members of the trucking industry will have their first opportunity to make an in-person case for preserving the current hours-of-service rules on Feb. 17 when the Federal Motor Carrier Safety Administration conducts a listening session in Arlington, Va.

"The goal of the listening session is to gather a broad range of comments, ideas and relevant data as the agency analyzes responses to its HOS regulatory proposal," the agency said in announcing the session. "Hours-of-service requirements are designed to help prevent commercial-vehicle-related accidents, injuries and fatalities by prescribing on-duty hours and rest periods for commercial drivers."

FMCSA Administrator Anne Ferro and senior staff will represent the agency at the meeting, the only one announced so far.

The agency, on Dec. 23, proposed to add mandatory daily rest periods, tighten its requirements for a 34-hour "restart" period and said it was leaning toward cutting allowable driving hours from 11 to 10.

The industry would prefer that hours-of-service rules stay out of the hands of legislators and remain with regulators, the head of American Trucking Associations told members of the Technology & Maintenance Council.

"I think it would be a mistake for our industry to seek congressional codification of an HOS rule," President Bill Graves said on Feb. 9 at the TMC meeting in Tampa, Fla.

If lawmakers, rather than Department of Transportation regulators, were to set HOS rules, the provisions would be subject to elected officials' whims through amendments, Graves said.

The current hours-of-service rule was revisited only for political reasons, Graves told TMC members.

Graves said that the stricter HOS proposal that came out of FMCSA late last year was "a political payoff" for Sen. Frank Lautenberg (D-N.J.), who had objected strenuously to Ferro's appointment as the nation's chief trucking regulator.

Lautenberg dropped his objection to Ferro's appointment on the condition that FMCSA tighten restrictions for truckers, Graves said.

In a statement, ATA said it will participate in the meeting, along with several member companies.

The session, which will take place in a hotel near Ronald Reagan Washington National Airport, will be open for anyone to speak without an advance sign-up and will be webcast at [fmcsa.dot.gov](http://fmcsa.dot.gov). In addition, the agency will accept questions and comments online from noon until 11:59 p.m. Eastern time.

As of Feb. 10, FMCSA had received nearly 2,900 comments about its new proposal since details appeared in the Federal Register. Comments to the docket will be accepted until Feb. 28. (Editor's Note: After press time, FMCSA extended the comment period to March 4. [Click here for information on the hours-of-service listening session.](#))

Among the comments was a letter signed by Jerry Dancy, a driver for Cargo Transporters Inc., Claremont, N.C.

"Simply enforcing the current rules across the board or requiring [electronic onboard records] or electronic hours of service would make a much larger impact on safety in the industry rather than more cumbersome regulation," the letter said.

W. "Mac" McQueen, a compliance manager for oilfield-support company Wyoming Casing Service, Cheyenne, Wyo., voiced multiple concerns in his letter.

"With insufficient data as to the number of '11th-hour' accidents in which fatigue is a contributing or causative factor, there is, in this writer's opinion, insufficient cause to alter the driving hours permitted.

"The department has failed to adequately consider the economic impact in a profound change in driving hours available," he wrote. "There has been no study concluded as to the environmental and safety impact necessitated by the addition of many more trucks on the road handling the same amount of freight."