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Trucking news: ATA cites success of current HOS rules in most recent listening session

By Staff -- Logistics Management, March 29, 2010

Even though a new hours-of-service (HOS) rule may be kicking in at some point in the coming months, many industry observers continue to point out that the current HOS rules appear to be working fine.

This appeared to be the case at a recent Federal Motor Carrier Safety Administration (FMCSA) listening session at the Mid-America Truck Show in Louisville, Kentucky, according to the American Trucking Associations (ATA). The ATA said that representatives of its affiliates and member companies that the most recent safety figures indicate the current HOS rules are working, adding that the current rules could be improved with increased flexibility in the sleeper berth provision.

This was the final FMCAS-hosted HOS listening session, whose purpose has been to gather information and comments in preparation for a rulemaking proposal on HOS requirements for property-carrying commercial drivers.

At the most recent session, Usher Transport President Bill Usher said that the trucking industry has seen a significant decline in truck-involved fatality rates since the current HOS rules take effect, adding that these safety figures exemplify the real-world benefits of the current rules which are based on a decade of extensive research and analysis, according to an ATA statement.

The ATA added that the most recent figures from the U.S. Department of Transportation (DOT) indicate that the truck-involved fatality rate declined 12.3 percent in 2008 to 1.86 per 100 million miles, from 2.12 per 100 million miles in 2007, marking the largest year-to-year drop ever and the fifth consecutive year the fatality rate has dropped. The data added that persons injured in large truck crashes went from 44.4 per 100 million miles to 39.6, an 11 percent reduction. And since the new HOS regulations took effect in 2004, the rate of persons injured in large truck crashes has dropped 25 percent and the truck-involved fatality rate has dropped 22 percent. The fatality rate is at its lowest since the DOT began keeping those records in 1975 and has dropped 66 percent since that time, according to the DOT.

The impetus for these listening sessions is an October settlement reached between the FMCSA and a group comprised of Public Citizen, Advocates for Highway and Auto Safety, the Truck Safety Coalition, and the International Brotherhood of Teamsters that effectively resolved a lawsuit by these organizations against the FMCSA, which challenged the FMCSA's current rule governing HOS for commercial vehicle drivers, according to the FMCSA.

The rule truck drivers 14 hours to drive 11 hours following 10 straight hours off duty. Drivers are limited to 60 hours driving in seven days or 70 hours in eight days. Any period of 34 straight off hours "resets" a driver's work week.

According to the FMCSA, the terms of the settlement require the FMCSA to begin a new rulemaking process and submit a Notice of Proposed Rulemaking (NPRM) to the Office of Management and Budget for OMB's review within nine months of the settlement, with the current rule to remain in effect during the rulemaking proceedings.

FMCSA officials said that this settlement "resolves potentially lengthy and contentious litigation and gives the FMCSA the opportunity to reconsider its current rule with an eye towards developing a new rule."

ATA officials said that to better address the "true causes" of fatigue in transportation, the FMCSA should focus its resources on:

1-sleep disorder awareness, training and screening;

2-promoting the use of Fatigue Risk Management Programs;

3-increasing the availability of truck parking on important freight corridors; and

4-partnering with the trucking and shipping communities to develop processes to inform drivers of the location of available parking.

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