

## Status of Hours of Service Rewrite

One of the key issues on the horizon that could significantly affect both Shippers and Carriers is the pending re-write of the Hours of Service rules. Most industry leaders believe that the re-write will essentially reduce the number of driving hours per day from 11 hours to 10 hours, a 9% productivity reduction! With truck capacity already stretched thin, this reduction in drive time will further exacerbate an already tight market.

The good news is that some legislators are hearing the concerns expressed by the Shipper and Carrier communities and are now questioning a potential re-write. However, Secretary of Transportation Ray LaHood is adamant that the re-write move forward. I urge each of you to contact your representatives and encourage them to not support a re-write of HOS. With the full implementation and enforcement of CSA in progress along with the EOBR mandate, both Shippers and Carriers have more than enough to deal with at this time. The article below expresses the current status on the re-write.



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### **LaHood Asks Ayotte Not to Move Against Hours of Service Rule**

*By Oliver B. Patton, Washington Editor*

**Transportation Secretary Ray LaHood is urging Sen. Kelly Ayotte not to proceed with her amendment to block the rewrite of the hours of service rule.** In a letter yesterday, LaHood defended the work of the Federal Motor Carrier Safety Administration in drafting the revised rule.

"Last year, nearly 4,000 people died in crashes involving large trucks and, by our estimates, approximately 500 of those deaths involved an overly tired commercial driver," LaHood wrote.

He told Ayotte that the amendment would prevent the agency from applying comprehensive and up-to-date data and analysis to the issue of driver fatigue and hours of service.

He also said that the new rule might grant some sectors of the trucking industry new operational flexibility, but did not explain what he meant by that.

"Any disruption in this regulatory process would sacrifice these benefits and create confusion and uncertainty among state and federal enforcement officials, as well as within the motor carrier industry."

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Ayotte's amendment would cut off funds to enforce or implement the new rule. "This is yet another heavy-handed federal regulation that would disrupt business operations and increase costs for the trucking industry and consumers, and New Hampshire's truckers are rightfully concerned about the impact of these changes," Ayotte said in a statement.

Yesterday the amendment was in line to be considered as part of the 2012 transportation appropriations bill. As of last night the Senate had not yet taken it up and it was not clear when, or even if, it would be taken up. There are numerous amendments awaiting action, and this one is likely to face opposition from safety groups that are committed to changing the hours of service rule.

The rule is scheduled to be published Oct. 28, but it appears unlikely that the agency will meet that deadline. With just seven days to go, it still must be vetted by the White House Office of Management and Budget. As of last night, it still had not been sent over to OMB from the Department of Transportation.