History and Background - Truck Driver Hours of Service

- **1939** - Hours of Service (HOS) rules for truck drivers were originally established by the federal government. These rules remained in place and virtually unchanged for more than 60 years.
- **1995** - Congress directed DOT to establish new rules that incorporated the latest science about human fatigue and alertness.
- **April 2003** - DOT published new rules which met the Congressional directive and became effective in January 2004.
- **July 2004** - In response to a legal challenge by a public interest group, the U.S. Court of Appeals for the D.C. Circuit overturned the April 2003 rules based on DOT’s oversight in performing one statutorily mandated analysis concerning driver health.
- **August 2005** - DOT issued new HOS rules identical to the April 2003 rules, with one exception—a significant change in how drivers could use a truck’s sleeper berth to obtain rest.
- **July 2007** - In response to another legal challenge by two public interest groups and the International Brotherhood of Teamsters, the U.S. Court of Appeals for the D.C. Circuit overturned the rules based on procedural errors made by DOT in the rulemaking process.
- **December 2007** - DOT issued an Interim Final Rule (IFR) addressing the procedural issues identified by the Court and retaining the August 2005 HOS rules.
- **November 2008** - DOT reissued the August 2005 HOS rules as a Final Rule.
- **March 2009** - The same plaintiffs again filed suit against DOT.
- **October 2009** - Prior to the confirmation of current FMCSA Administrator Anne Ferro, politically appointed DOT officials signed a litigation settlement agreement with the public interest groups and the Teamsters in which DOT agreed to ‘review and reconsider’ the HOS rules.
- **September 2010** - The number of truck-involved traffic fatalities dropped to the lowest level in recorded history reflecting a 33 percent decrease in fatalities since the improved hours-of-service regulations first became effective in January 2004.
- **December 2010** – DOT proposes changes to the hours of service rules.

Why is DOT Changing the Rules?

**If Safety Has Improved Under The Current Rules, Why Change Them?**
By further restricting driving and work time, the Obama Administration will be simply supporting organized labor’s effort to swell its ranks by forcing inefficiencies on the trucking industry which would force motor carriers to hire more drivers to haul the same amount of freight – drivers who the Teamsters would hope some day to organize.

**Background:**
In October 2009, prior to the FMCSA Administrator taking office, Obama Administration officials at the U.S. Department of Transportation (DOT) signed an HOS litigation settlement agreement with the Teamsters Union and Public Citizen. As part of the settlement, DOT officials agreed to ‘review and reconsider’ the HOS rules for truck drivers. Under this agreement, DOT agreed to have the Federal Motor Carrier Safety Administration (FMCSA) publish a new proposed rule in the Fall of 2010, and must finalize a rule by July 2011.

**Was There A Backroom Deal?**
Some Washington insiders have speculated that the Obama Administration cut a backroom deal with the Teamsters to rewrite the hours of service rules.
The Timing of the Teamster Settlement Agreement Seemed Odd
The timing of the Teamster settlement agreement seemed to correspond to the Senate confirmation of FMCSA Administrator Ferro. Did the Obama Administration make a trade?

How Does DOT Attempt to Justify These Proposed Changes?
Since a reduction in driving/working hours won’t generate a material safety benefit, FMCSA is hard pressed to find a way to justify the loss in productivity and resulting economic impact of the proposed changes. As a result, they have developed a “creative” justification.

FMCSA’s claim: Fewer working hours will result in greater driver longevity, the monetized value of which will help offset the financial impact of lost productivity.

For months, the agency has been trying to set the stage for this claim. Secretary LaHood says drivers live shorter lives because they don’t have enough time each day to exercise and eat right. CDC says that the longevity figures DOT has been citing are false.