

May 10, 2016

The Honorable Thad Cochran, Chair
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Barbara A. Mikulski, Ranking Member
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Susan M. Collins, Chair
Subcommittee on Transportation, HUD,
and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Jack Reed, Ranking Member
Subcommittee on Transportation, HUD,
and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Cochran, Ranking Member Mikulski, Chairman Collins, and Ranking Member Reed:

As you consider S. 2844, the fiscal year (FY) 2017 Transportation, Housing and Urban Development, and Related Agencies (T-HUD) appropriations bill, the undersigned organizations strongly support language in the bill that would retain use of the truck driver 34-hour “restart” and oppose any efforts to jeopardize its use.

Previous appropriations legislation suspended the July 2013 restrictions the U.S. Department of Transportation (USDOT) placed on the restart provision, pending a congressionally-mandated study by the Federal Motor Carrier Safety Administration (FMCSA) of the restrictions’ impacts. In last year’s omnibus appropriations bill, lawmakers sought to ensure that the USDOT could only reinstitute the restrictions if the study confirmed the benefits on which they were originally justified. Unfortunately, this bill did not specifically require the Department to retain the 34-hour restart itself (absent the restrictions) if the study fails to show that restricting its use is beneficial.

Restricting use of the 34-hour restart, as the USDOT did in July 2013 prior to congressional action, had significant negative consequences on drivers and companies. According to a study and survey conducted by the American Transportation Research Institute, companies in the industry’s truckload segment experienced productivity decreases of between two and six percent. Approximately 83 percent of drivers surveyed indicated that the restrictions had either a “negative” or “somewhat negative” impact on quality of life. Sixty-six percent of drivers experienced a decrease in weekly miles and weekly pay. Eliminating the restart altogether would have even more dramatic impacts.

Additionally, the vast majority of truck drivers have been utilizing the 34-hour restart to simplify record-keeping and maintain operational flexibility for over ten years. The restart provides America’s truck drivers the opportunity to obtain uninterrupted restorative rest while providing the flexibility to meet the demands of today’s just-in-time economy. Retraining drivers and reconfiguring the supply chain to conform to a world without the 34-hour restart could cause significant disruption in the movement of goods.

Despite gloomy predictions by critics of the 34-hour restart provision, fatal truck crashes have dropped 21 percent since the restart was implemented in 2004. In fact, the USDOT acknowledged when it imposed the restart restrictions that they were not justifiable from a safety perspective. The Department could only rationalize restricting the 34-hour restart by theorizing the restrictions would somehow increase driver health and longevity. For these reasons, Congress required the Department to justify the changes.

We continue to believe FMCSA should be held to a high standard in its rulemakings and thus required to demonstrate the safety and health benefits of restricting use of the 34-hour restart. Should the agency be unable to do so, the simple restart should be retained for drivers to use as they have since 2004.

Thank you for including language in S. 2844 that provides this important technical correction. We look forward to working with you to ensure its enactment.

Sincerely,

Agricultural & Food Transporters Conference
Agricultural Retailers Association
Agriculture Transportation Coalition
Air & Expedited Motor Carriers Association
American Apparel & Footwear Association
American Bakers Association
American Beverage Association
American Chemistry Council
American Frozen Food Institute
American Iron and Steel Institute
American Loggers Council
American Moving & Storage Association
American Road & Transportation Builders Association
American Sheep Industry Association
American Trucking Associations
Associated Equipment Distributors
Associated General Contractors of America
Automobile Carriers Conference
C&S Wholesale Grocers
Columbia River Customs Brokers & Forwarders Association
Concrete Reinforcing Steel Institute
Corn Refiners Association
Customized Logistics and Delivery Association
Customs Brokers and Forwarders Association of Northern California
Customs Brokers & International Freight Forwarders of Washington State
Fashion Accessories Shippers Association
FedEx Corporation
Food Marketing Institute
Forest Resources Association
Gemini Shippers Association

Home Furnishings Association
Institute of Makers of Explosives
Intermodal Motor Carriers Conference
International Dairy Foods Association
International Foodservice Distributors Association
International Milk Haulers Association
International Warehouse Logistics Association
Livestock Marketing Association
Los Angeles Customs Brokers and Freight Forwarders Association
National Association of Chemical Distributors
National Association of Manufacturers
National Association of Small Trucking Companies
National Association of Wholesaler-Distributors
National Cattlemen's Beef Association
National Corn Growers Association
National Council of Farmer Cooperatives
National Federation of Independent Business
National Grain and Feed Association
National Grocers Association
The National Industrial Transportation League
National Lumber and Building Material Dealers Association
National Oilseed Processors Association
National Pork Producers Council
National Private Truck Council
National Propane Gas Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National Shippers Strategic Transportation Council
National Tank Truck Carriers
National Turkey Federation
National Waste & Recycling Association
National Wooden Pallet & Container Association
New England Fuel Institute
North American Millers' Association
Old Dominion Freight Line, Inc.
Owner-Operator Independent Drivers Association
Pacific Coast Council of Customs Brokers and Freight Forwarders Association, Inc.
Pacific Northwest Asia Shippers Association
Petroleum Marketers Association of America
Regional and Distribution Carriers Conference
Retail Industry Leaders Association
Ryder System, Inc.
San Diego Customs Brokers Association
SNAC International
Southeastern Freight Lines, Inc.

Steel Manufacturers Association
Sysco Corporation, Inc.
The Expedite Association of North America
The Fertilizer Institute
Transportation Intermediaries Association
Travel Goods Association
Truck Renting and Leasing Association
Truckload Carriers Association
Uline
United Dairymen of Arizona
United Fresh Produce Association
UPS
U.S. Chamber of Commerce
U.S. Poultry & Egg Association
USA Rice
Werner Enterprises
Western Growers
Western Hardwood Association
Western Pallet Association