

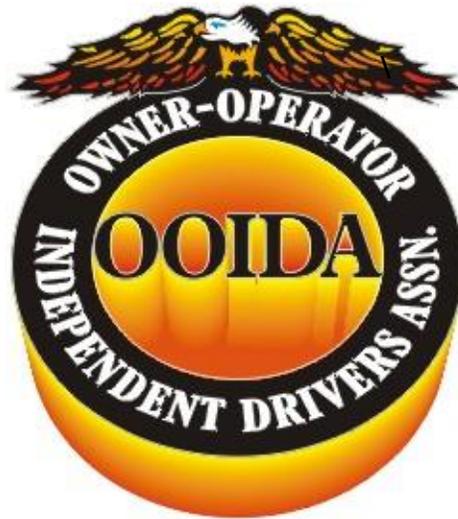
**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

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**COMMENTS OF THE  
OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.;  
IN RESPONSE TO THE AGENCY'S ADVANCE NOTICE OF PROPOSED  
RULEMAKING: HOURS OF SERVICE OF DRIVERS**

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**Docket Number: FMCSA-2018-0248**



**September 25, 2018**

**TODD SPENCER  
President & CEO  
Owner-Operator Independent  
Drivers Association, Inc.**

On behalf of the more than 160,000 members of the Owner-Operator Independent Drivers Association (OOIDA), we respectfully submit these comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) Advance Notice of Proposed Rulemaking (ANPRM) regarding Hours of Service (HOS) of Drivers. OOIDA is a not-for-profit trade association incorporated in 1973 and is the largest organization representing the interests of independent owner-operators, small-business motor carriers, and professional drivers of commercial motor vehicles (CMV).

The current HOS regulations that dictate a truck driver's work schedule are overly complex, provide virtually no flexibility, and in no way reflect the physical capabilities or limitations of individual drivers. They effectively force drivers to be on the road when they are tired or fatigued, during busy travel times such as morning and afternoon rush hour, during adverse weather and road conditions, or when they simply are not feeling well. The unyielding 14-hour clock pressures truckers to drive faster when they're running short on available time. Additionally, drivers are frequently at the mercy of shippers and receivers in regards to loading and unloading their truck, which consumes between 11 and 20 hours each week. Furthermore, today's HOS requirements have not resulted in statistical improvements to highway safety. Since the July 2013 HOS changes, the total number of crashes involving large trucks, as well as fatal crashes involving large trucks, has increased by 45.4 percent and 8.7 percent respectively. Today's truckers have never faced more regulations or greater enforcement and compliance with those regulations. Yet, crash numbers are going in the wrong direction. A solution to reverse this trend is to give drivers more control over their own schedules.

Over the years, OOIDA members have repeatedly told lawmakers that the existing HOS rules are not sensible for the modern trucking industry. OOIDA believes that the ANPRM is a

practical and necessary step to reform the current HOS regulations and we encourage FMCSA to enact and implement many of the proposals as soon as possible. These common-sense changes will improve highway safety.

HOS regulations are a top concern for OOIDA members. According to a 2017 OOIDA Foundation (OOFI) – the research and education arm of OOIDA – survey, three of the top five regulations that owner-operators said should be eliminated or amended were related to HOS.<sup>1</sup> The flawed rollout of the ELD mandate, beginning last December, highlighted the rigidity of these rules as professional drivers dealt with difficulties resulting from the self-certification of devices, connectivity problems in remote areas of the U.S, and the ability of law enforcement to access information.

Drivers shared these hardships with OOIDA as well as local, state, and federal lawmakers. In February 2018, OOIDA filed a petition with FMCSA that recommended drivers be allowed to take rest breaks once per 14-hour on-duty period for up to three consecutive hours as long as the driver is off-duty. The petition also proposed eliminating the 30-minute rest break provision. Then in March, Texas Congressman Brian Babin introduced H.R. 5417, the Responsible and Effective Standards for Truckers, or REST Act, which mirrored our petition. In May, a group of thirty U.S senators sent a letter to FMCSA Administrator Ray Martinez requesting the Agency, “Explore improvements to the HOS regulations that ensure drivers across differing businesses and operations can safely and efficiently comply with such requirements.”<sup>2</sup> The senators suggested that FMCSA examine a wide range of options to address HOS issues and ensure safety, including providing certain allowances for unique businesses or driver operations,

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<sup>1</sup> The top five regulations in order were (1) ELD Mandate; (2) Speed Limiter Mandate; (3) Hours-of-Service 14-Hour Clock Provision; (4) Hours-of-Service Split-Sleeper Berth Restriction; and (5) Hours-of-Service Rest Break Provision.

<sup>2</sup> <https://www.fischer.senate.gov/public/cache/files/154b45da-e5da-4bb8-af9c-8b609a667d2b/hos-letter.pdf>

the elimination of unnecessary requirements, or improved utilization of non-driving time. OOIDA members have also voiced their HOS frustrations to FMCSA through various outlets such as listening sessions and public comments. These relentless grassroots efforts have resulted in the Agency's HOS ANPRM.

In response to the requests of drivers, motor carriers, lawmakers, and OOIDA's petition, FMCSA released the ANPRM on August 23, 2018, seeking public input on specific provisions outlined by the Agency. In order to answer some of the Agency's questions and to provide relevant data, OOFI conducted a brief online survey to gather information from real-world drivers and owner-operators who truly understand the trucking industry and the problems related to the current HOS standards.<sup>3</sup> OOIDA submits the following responses and recommendations to FMCSA's questions incorporating data and responses from the survey.

## **1. Short-haul Operations**

OOIDA supports extending the 12-hour short-haul exception to 14 hours. Extending the short-haul exception would allow short-haul drivers additional flexibility to complete their trips and return home if they encounter unforeseen delays during their work schedules. Additionally, a 14-hour short-haul exception would mirror the 14-hour window in place for long-haul drivers. As long as short-haul drivers do not exceed 11-hours of on-duty driving time, then they should have an equal number of working hours in their daily schedules.

OOIDA does not have specific data regarding how the change would impact short-haul carriers, but we believe that amending the exception would provide more flexibility, improving the efficiency and safety of their operations.

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<sup>3</sup> The Survey generated 816 total responses for any one question for a started/viewed rate of 44 percent and a 99 percent confidence level with approximately 4 percent margin of error. The Survey therefore received enough responses to be statistically valid. The complete survey is attached in addition to these comments.

## **2. Adverse Driving Conditions**

The rule allowing two additional hours of driving time under adverse conditions, which is defined as “snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun,” can be useful for drivers, but does not provide adequate flexibility as currently written because it does not extend the 14-hour duty period. Many drivers are also hesitant to use the exception because law enforcement personnel often use their own subjective evaluation to determine whether the exception is appropriate. OOIDA members have complained of law enforcement officers telling them they should have known about the adverse conditions ahead of time. For example, a driver was put out-of-service for an HOS violation when crossing over the mountains in Washington state after stopping to put chains on the truck when hitting an unusual snow storm for the time of year. The officer stated that when traveling over those mountains, “you should always be ready for a snow storm.” There is also no specific ELD status for the exception which discourages drivers from utilizing the rule. Lastly, in some cases, drivers explained that their employers do not allow them to use the exception at all. One even received a violation letter from the motor carrier they were leased to for utilizing it. Expanding the current definition of the rule would improve its usefulness and increase highway safety.

### **a. Is there adequate flexibility in the existing adverse driving conditions exception?**

85 percent of survey respondents said there is not adequate flexibility in the existing adverse driving conditions rule.

### **b. How often do you currently utilize the adverse driving conditions exception?**

Survey respondents use the exception 1.5 times per month on average.

**c. What are the economic impacts of the current exception on your driver or carrier operation?**

There are some instances where the exception allows a driver to complete their delivery without needing to schedule an extra trip, but generally the current exception does not have a substantive economic impact.

**d. Should the definition of adverse driving conditions be changed?**

Yes, the definition should be expanded to reflect other unpredictable conditions that a driver faces during their route such as traffic congestion, accidents, construction, detours, or road closures. OOIDA recommends replacing the term “adverse” with “unforeseen.” This would account for the scenarios mentioned as well as heavy rains, high winds, or any other weather events that delay traffic such as dust storms and smoke. The phrase “none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun” should also be removed from the definition. The driver, who best knows the status of the current road conditions, should have the responsibility for making these safety decisions rather than the dispatcher.

**e. Should the adverse driving exception apply to the 14-hour work day window, not just the 11-hour driving limit?**

Yes, the exception should apply to the 14-hour duty period in order to achieve the most practical benefits. 87 percent of drivers agreed, with 49 percent stating that they would use the exception more often if the Agency promulgated it. Moreover, when asked how the suggested change would affect safety and economics, drivers foresee significant improvements to both, as members stated, “Safe always equals good economics.”

**f. How would the above changes affect the economic costs and benefits, and the impacts on safety and fatigue of the adverse driving conditions exception?**

Applying the exception to the 14-hour duty period would improve safety. Truckers do not necessarily want to drive more hours, rather drivers and owner-operators desire more flexibility so that they can *wait out* adverse driving conditions rather than *drive out* of them. One member said, “If I am stuck in a major traffic jam for several hours, the clock just runs out and then I must park until I get hours back...” Extending the on-duty driving time itself does little to help with the 14-hours allotted to a driver to complete all of their work. “That is the most frustrating thing because it causes extreme stress [when the clock runs out], which we all know is bad for health. That is where the safety comes in. If I could be more relaxed about my clock somehow, that would definitely improve safety overall.”

Others stated that extending the 14-hour duty period by two hours would improve safety as it allows the drivers to find a safe place to park rather than stopping at the first available shoulder. In addition, drivers would feel less pressured to continue operating in unsafe road conditions or to drive faster than is prudent for those conditions, thus relieving stress. A driver who is able to park and restfully wait out adverse conditions would be a much safer driver on the road.

According to FMCSA's Large Truck and Bus Crash Facts, there were approximately 16,000 fatal, injury, and property damage only (PDO) crashes in 2016 that occurred on snow, ice/frost, and slush covered roads. Another 57,398 crashes occurred on wet roads.<sup>4</sup> Applying the exception to the 14-hour work day window would grant professional drivers the opportunity to make the safest possible decision that conditions dictate, whether it be to shut down for the day, utilize the split-sleeper berth provision, or extend their on-duty time.

### **3. 30-minute break**

The needless and unfounded 30-minute rest break requirement does not correspond to the realities of freight movement. There are many operational situations where the 30-minute rest break requires drivers to stop when they simply do not need to, making the mandate either impractical or unsafe. The rule was implemented without any evidence that the break would reduce crashes and we have not seen any statistics proving otherwise since. Eliminating the requirement would be a simple fix that would immediately remove drivers from unsafe scenarios.

#### **a. If the 30-minute rest break rule did not exist, would drivers obtain adequate rest breaks throughout a daily driving period to relieve fatigue?**

Yes, drivers would obtain adequate rest breaks throughout the day if the 30-minute rest break requirement was eliminated. Throughout the course of their day, drivers have opportunities to take breaks at their own discretion or when routine maintenance requires them to do so. These stops include purchasing food and fuel, using the restroom, and/or performing necessary inspections such as checking load securement and vehicle equipment. Typically, drivers also spend excessive time waiting at loading/unloading facilities. These built-in breaks make the 30-minute rule unnecessary and often times unsafe. In many cases, drivers will stop on highway shoulders to wait out their break because it's their only option to be compliant.

#### **b. Are there alternatives to the 30-minute rest break that would provide additional flexibility to drivers while achieving the safety benefits goal of the current 30-minute break?**

Allowing truckers to pause their 14-hour clock for a single period of up to 3 hours, provided the driver is off-duty, would offer additional flexibility to drivers while achieving the presumed safety benefits of the current 30-minute break. This would give truckers opportunities to rest when fatigued, as well as to avoid congestion, adverse weather conditions or other factors that make driving unsafe. Drivers should have control over the decision of when to drive instead of

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<sup>4</sup> Analysis Division, *Large Truck and Bus Crash Facts 2016*, FMCSA (May 2018), pg. 59

being constrained, or mandated, by arbitrary regulations such as the 30-minute rest break that has no proven benefit to highway safety.

**c. If a rest break is retained, should it be taken off-duty or on-duty while the driver is not driving?**

The rest break should not be retained. There is a glaring deficiency in the science which served as the basis for the 2011 HOS rulemaking. The requirement for a mandatory 30-minute break following eight hours of continuous work and other key provisions of the 2011 HOS rulemaking were formulated on the basis of naturalistic driving (ND) “safety-critical events” or SCEs. In the study driving the rulemaking (Blanco et al., 2011)<sup>5</sup>, only 4 of 2,197 SCEs (0.2%) were actual crashes; the other 99.8% were non-crash kinematic events such as hard-braking or swerves. Such surrogate events have no intrinsic significance; to be significant they must be validated against actual harmful crashes or against a known hazardous condition such as driver drowsiness.<sup>6</sup>

**d. How does the 30-minute rest break impact the efficiency of operations from a driver's or a carrier's perspective?**

The 30-minute rest break decreases the efficiency of operations. The 30-minute break unnecessarily adds an extra half-hour or more to a driver’s day as it is often difficult to find a safe place to park in order to meet the rest break requirement. Again, drivers feel forced to occasionally park on the shoulder of the road, or other less than ideal locations, simply to satisfy the rule. The 30-minute break only serves to increase drivers’ fatigue and stress, and as such, provides no additional safety benefits.

**e. How would your suggestions impact the costs and benefits of the 30-minute break?**

Eliminating the 30-minute break and injecting more flexibility into the HOS regulations would benefit highway safety as drivers would obtain adequate rest breaks throughout the day and would not be forced to take breaks in unsafe locations. There would also be economic benefits and cost savings for motor carriers and drivers, as well as law enforcement personnel. OOIDA members stated, “Multiple times a week I am forced to give up runs sometimes simply because I took my 30 minute break too early and being forced to take a second one later in the shift removes the time I need to legally complete another run.”

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<sup>5</sup> Blanco, M., Hanowski, R. J., Olson, R.L., Morgan, J. F., Soccolich, S. A., Wu, S-C, and Guo, F. *The Impact of Driving, Non-Driving Work, and Rest Breaks on Driving Performance in Commercial Motor Vehicle Operations*. Report No. FMCSA-RRR-11-017, May 2011.

<sup>6</sup> These findings come from Dr. Ron Knipling, who has done extensive work on the use of SCEs as a proxy for crashes. He has kindly allowed us to use his research and materials to point out the flaws in the methodology and the subsequent regulations that are based on that flawed research. Dr. Knipling has more than 30 years’ experience in large truck safety research and development. He is the author of the first and only comprehensive textbook on large truck safety, entitled *Safety for the Long Haul; Large Truck Crash Risk, Causation, & Prevention*.

#### **4. Split-sleeper Berth**

OOIDA supports the Agency's examination of the sleeper berth provision and whether regulatory flexibility could be introduced to improve drivers' rest and alertness. It makes far more sense to allow alert drivers to leave the sleeper berth and begin to drive with the option to obtain additional rest later in the day, rather than forcing drivers to idly wait for their driving clock to begin again, which can essentially cause a driver to drive when tired and rest when alert.

**a. FMCSA has announced a proposed flexible sleeper berth pilot program. Beyond the information that will be collected in the pilot program, do you have any information that would support changing the current requirements?**

There have been various studies concluding that truck drivers should be permitted to split their off-duty time in order to "sleep when sleepy and drive when alert."

Included within the findings of FMCSA's 2012 study entitled *Investigation of the Effects of Split Sleep Schedules on Commercial Vehicle Driver Safety and Health* were:<sup>7</sup>

- "Further, physicians working day shifts and sleeping at night versus working night shifts and having their main sleep during the day supplemented by on-shift nighttime naps, are able to accumulate approximately 7 hours of total sleep time over 24 hours and perform equally well on the psychomotor vigilance task (PVT) in both conditions."
- "Recently, the Federal Aviation Administration (FAA) and the National Air Traffic Controllers Association (NATCA) developed a proposal to sanction scheduled on-shift napping for air traffic controllers as a fatigue countermeasure. On-shift napping sustains performance in night shift work."
- The research states "if consolidated nighttime sleep is not possible, a split sleep opportunity appears to be a better choice with respect to effects on sleep than a consolidated daytime sleep opportunity. While any single study is not definitive, the present study is congruent with the literature on shift work and provides support for allowing greater flexibility in the sleeper berth rule for CMV drivers, including permitting CMV drivers to split their sleep more evenly than the currently permitted 8/2 split of off-duty time."
- "Results of the present study suggest that when consolidated night sleep is not possible, split sleep is preferable to consolidated daytime sleep in that split sleep yields more total sleep time and less subjective sleepiness. The study looked for but did not find strong support for differential effects of nighttime versus split versus daytime sleep on performance, mood, and blood pressure."

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<sup>7</sup> Federal Motor Carrier Safety Administration (FMCSA), *Investigation of the Effects of Split Sleep Schedules on Commercial Vehicle Driver Safety and Health*. Report Number FMCSA-RRR-12-003. December 2012

Other studies have confirmed that there is no one-size-fits-all prescription for restorative sleep. Sleep requirements are highly individualized and depend on age, weight, physiology, genetic makeup, driver health, eating habits, activity levels during waking hours, and quality of the sleep.<sup>8</sup> This should result in a rule that recognizes this reality and allows individual drivers to structure their sleep time to effectively satisfy their particular needs without an arbitrary mandate.

**b. Are there alternatives that would make the sleeper berth options more effective or less costly?**

Yes, FMCSA should expand the current sleeper berth options. Other alternatives include reinstating the pre-2005 split-sleeper berth rule that reasonably allowed drivers to obtain 10 hours of sleep by taking two shorter periods in the sleeper berth so long as each was at least 2 hours long. This rule was especially helpful to team drivers, who experienced the greatest financial and operational impact from the changes to the rule. Ideally, drivers should have the choice of how to best portion out their split-sleeper berth without any arbitrary constraints. A driver's body should allow them to decide when they need to rest and how much of it they need, whether that's 2 hours or 8 hours.

**c. How often do you use the sleeper berth option currently; how would this change with your suggested regulatory alternatives?**

We do not have specific data for how often drivers currently use the sleeper berth, but 82 percent of survey respondents indicated they would use the split-sleeper berth option if more flexibility were available.

**d. What cost impacts and safety benefits would result from different split-sleeper berth options?**

OOIDA members emphatically embraced the suggested change to the split-sleeper berth provision stating that it would be a colossal benefit to them, as it would permit them to rest when needed without being penalized by the HOS regulations. The additional split-sleeper option would allow drivers to operate more safely and economically. OOIDA members also felt that the change would produce environmental benefits, as they would be able to avoid operating in rush hour traffic, thereby increasing fuel efficiency, while cutting back on emissions and incurring less wear and tear on their equipment, including maintenance on brakes and clutches. OOIDA members stated that they would also feel less pressured to operate while fatigued under the change, not to mention a reduction in stress by knowing that they have the option to rest in the sleeper and still have hours left to drive and work. A few members expressed that some motor carriers expect them to drive a full 11 hours, when instead drivers should be empowered to stop and take a break when they need it without being pressured to drive simply because they

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<sup>8</sup> Aeschbach, D., et al., A Longer Biological Night in Long Sleepers Than in Short Sleepers, *Journal of Clinical Endocrinology & Metabolism* 88, pp. 26-30 (2003); [www.sleepfoundation.org/article/how-sleep-works/how-much-sleep-do-we-really-need](http://www.sleepfoundation.org/article/how-sleep-works/how-much-sleep-do-we-really-need).

have hours available. Thus, changing the split-sleeper rule would give them more power to choose how they would complete their driving and still make their appointments.

## **5. OOIDA Petition**

Limiting the flexibility of a driver from choosing when they should stop the truck to attain rest is counterproductive to highway safety. The 14-hour clock looms foremost in the thoughts of the driver when considering whether to stop for a break, or to continue driving. If the driver has only limited hours left in the 14-hour window, the choice to stop for a break is likely to be ignored by the impending expiration of the 14-hour clock. Giving the driver flexibility to stop the 14-hour clock would permit a greater window in which to finish the remaining driving and on-duty time for that duty period.

### **a. What specifically would change about your driver/carrier operations by extending the 14-hour driving window?**

OOIDA members voiced that their operations would be more productive if the 14-hour on-duty period offered additional flexibility. They communicated that their operations would be less stressful, as they would have the flexibility to not only avoid adverse driving conditions, but to address other issues outside of their control such as detention time at a shipper or receiver. Hence, drivers would feel less pressured to speed or to operate when they are fatigued. “If you need a nap, you could take it without losing work or drive time.” Several drivers commented that they would be less agitated and more relaxed while driving, less worried about making appointment times, and able to simply pause their day in order to have a healthy meal. One member stated, “This would make a dramatic difference in my operations. I could now stop to take a nap and let traffic reduce in cities, which in turn can improve my safety and the safety of people who are just trying to get home or to work.”

“This would drastically change everything about our business and the safety of our nation’s highways. Too many drivers are driving because they are forced to drive by a useless 14-hour rule. They are driving even when they are tired because the law forces them to work within that 14-hour rule. Adding the flexibility to the rule would allow drivers to stop and take a nap for up to 3 hours, wake up feeling refreshed and more able to operate safely.”

### **b. Is there a likely increase in safety risk from extending the 14-hour driving window? For example, would altering the current rule allowing 14 hours on duty and 10 hours off duty interfere with drivers' circadian rhythm? Could driver health be affected?**

Allowing drivers to pause their 14-hour clock would give truckers greater flexibility to rest when fatigued, as well as avoid congestion, adverse weather conditions or other factors that make

driving unsafe. Drivers would still need to log 10 consecutive hours off-duty before the start of their next work shift. This provision does not increase maximum driving time, maximum on-duty time, or decrease minimum off-duty rest periods between shifts. Drivers would have more chances to get sufficient rest and would not be as stressed to beat the 14-hour clock. This would result in positive benefits for driver health and highway safety.

**c. Would a potential increase in safety risk be lessened by the requirement that all the additional time beyond 14 hours must be off-duty time?**

OOIDA does not believe that an optional extended period of up to 3 hours would increase safety risk. In fact, allowing drivers a pause during their workday would greatly benefit safety as already mentioned.

**d. Would allowing OOIDA's request for an extended break during the work day improve safety by allowing drivers to increase the total amount of off-duty time during and immediately following the work from 10 hours and 30 minutes to 13 hours, without reducing the maximum driving time available within 14-hour window?**

Allowing the individual driver to have more control over their schedule will benefit highway safety. Again, truckers do not necessarily want to drive more hours, but would rather use their hours more efficiently so they don't feel compelled to drive in unsafe conditions. Drivers would use the extra time to rest or to avoid traffic and other unforeseen driving conditions.

**e. Are there other flexibilities or other non-safety benefits that could be realized if the 14-hour window is extended?**

As mentioned previously, and as supported by data from the survey, OOIDA believes there would be economic benefits for small-business motor carriers and personal health benefits for drivers if the 14-hour window were extended.

### **Other Hours of Service Recommendations**

FMCSA should continue reviewing the HOS regulations to determine other ways the Agency can improve highway safety by amending the current rules. OOIDA would specifically recommend expanding the 100 air-mile radius exception to 150 air-miles. Harmonizing the 100 air-mile radius and the 150 air-mile radius agricultural exception would assist short-haul operations whose businesses are limited by the shorter distance limitations. Expanding the 100 air-mile radius would also match the 150 air-mile radius rules listed in §395.1(e)(2) for non-CDL holders.

As the HOS rulemaking process advances, FMCSA must also account for the impacts that detention time has on the industry. The time that a driver is not paid while he or she waits to be loaded or unloaded is another issue of primary concern for OOIDA members. According to a 2017 OOFI survey, truck drivers spend between 11 and 20 hours each week on average waiting to be loaded or unloaded.<sup>9</sup> The unproductive hours when the truck is not moving can be costly for an owner-operator's bottom line, especially for the 22 percent of OOIDA members who stated that they do not collect any detention time pay.<sup>10</sup> A 2017 U.S Department of Transportation report estimated that, "detention may be associated with reductions in annual earnings of between \$1.1 billion and \$1.3 billion for drivers collectively, and between \$1,281 and \$1,534 per individual driver—a reduction of between 3.0 and 3.6 percent in a driver's average annual income."<sup>11</sup> Furthermore, excessive hours spent at shipping/receiving facilities have dangerous impacts for highway safety. The report also concluded that, "A 15-minute increase in average dwell time increases the average expected crash rate 6.2%."<sup>12</sup> OOIDA believes that some of the ideas discussed in the ANPRM can help lessen a driver's exposure to detention time; however, OOIDA encourages FMCSA to take further action that would decrease detention times across the trucking industry.

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<sup>9</sup> OOIDA Foundation, *Analysis of the Detention Time Study Survey*, OOIDA (July 2017).  
<https://www.ooida.com/OOIDA%20Foundation/RecentResearch/detention-time-survey.asp>

<sup>10</sup> Ibid.

<sup>11</sup> United States Department of Transportation Office of Inspector General, *Estimates Show Commercial Driver Detention Increases Crash Risks and Costs, but Current Data Limit Further Analysis* (January 2018).  
<https://www.oig.dot.gov/sites/default/files/FMCSA%20Driver%20Detention%20Final%20Report.pdf>

<sup>12</sup> Ibid.

## **Conclusion**

Small-business truckers are the safest and most diverse operators on the road. Their activities impact all sectors of our economy, including agriculture, household goods movement, consumer products, oil and gas, the military, sports and entertainment, and construction. Yet, for far too long the federal government has failed to grasp the importance of this diversity, and continues to burden the trucking industry with a “one-size-fits-all” approach that punishes small businesses, stifles competition, and overregulates an industry deregulated by design.

The cumulative effect of HOS changes such as the 30-minute rest break and restrictive split-sleeper requirements, when combined with impacts from other federal mandates such as ELDs, have placed a significant regulatory and economic burden on small-business trucking. Considering that crash rates have steadily increased since some of the current HOS regulations have been in place, the need to give drivers more control over their schedules is clearer than ever.

OOIDA believes that the ANPRM is a practical step in reforming the current HOS regulations and encourages FMCSA to implement many of the proposals as soon as possible. Amending provisions related to the short-haul exception, the adverse weather conditions rule, and the rigid 14-hour clock would provide more flexibility for drivers to rest when needed or drive when safe. The FMCSA should eliminate arbitrary regulations such as the 30-minute rest break and impracticable split-sleeper berth requirements and empower drivers to operate more efficiently, while getting necessary rest; it makes far more sense to allow alert truckers to drive with the option to obtain additional rest later in the day, rather than forcing drivers to idly wait for their HOS clock to begin again. We believe that these changes, if implemented, will not only help the trucking industry and benefit highway safety, but can drive economic growth across the

country, creating new opportunities and greater job security for millions of hard-working Americans. However, none of the proposed modifications currently under consideration are silver bullet solutions to providing the flexibility drivers need to operate at the safest levels possible. The Agency must remain committed to true comprehensive HOS reform.

Sincerely,

A handwritten signature in black ink that reads "Todd Spencer". The signature is written in a cursive style with a large, sweeping initial "T".

Todd Spencer  
President & CEO  
Owner-Operator Independent Drivers Association