

December 2, 2016

The Honorable Anthony Foxx
Secretary, U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Secretary Foxx:

As representatives of the nation's leading consumer, public health, law enforcement and safety organizations, as well as grieving families whose loved ones were needlessly killed in truck crashes, we are writing to urge you to protect the Obama Administration truck driver hours of service (HOS) rule. Two critically important safety provisions in the Obama rule are under attack in Congress, and without your leadership and strong opposition, they will be attached to and enacted as part of the government funding bill.

Just recently the U.S. Department of Transportation (DOT) launched the "Road to Zero" campaign with the goal of ending fatalities on the nation's roads within the next thirty years. Your statement on the urgent need for every stakeholder including government to commit to "setting the bar for safety to the highest possible standard" resonated deeply with us. Now is the time for the Obama Administration to draw a line in the sand and oppose any provisions in the lame duck session that lower the safety bar by repealing and revising truck safety laws and regulations.

Your commitment to bringing down highway deaths and injuries comes at a critical time. As you are aware, truck crash deaths and injuries are increasing dramatically. In 2015, 4,067 people died in crashes involving large trucks, the highest number in seven years and a 20 percent increase from 2009. Additionally, the Federal Motor Carrier Safety Administration (FMCSA) recently released preliminary figures revealing that 116,000 people were injured in large truck crashes. This represents a 57 percent increase since 2009. Moreover, the economic cost of truck crashes topped \$100 billion in 2013, according to the. No other industry involved in the movement of freight has such an abysmal safety record. In 2014, according to data from the U.S. DOT, the combined death toll attributed to commercial aviation, rail freight, pipelines and commercial vessels was less than 600 fatalities.

A major cause of truck crashes is driver fatigue. According to the National Transportation Safety Board (NTSB), fatigue can be as deadly as alcohol and drug impairment. Just a few weeks ago the NTSB included reducing fatigue on their 2017-2018 Most Wanted List of transportation safety improvements. Working and driving hours for truck drivers are already grueling and often more than double the average American work week of 40 hours. Even in light of this alarming evidence, provisions in the pending Transportation, Housing and Urban Development (THUD) bills (H.R. 2577/H.R. 5394) attack and weaken critical protections against fatigued truck driving.

The Senate and House THUD bills contain separate provisions (Sections 131 and 132 respectively) that will gut key safety features of the Obama Administration's hours of service (HOS) rule. Specifically, the THUD bill seeks to undo a change to the HOS rule adopted by the DOT in 2011. Prior to making this change, a truck driver who has exhausted his/her maximum driving and working hours in 7 days, had to take just 34 hours off to allow for rest and recovery before beginning to drive again. Because the so-called "34-hour restart" was significantly less than a full weekend, the 2011 HOS rule issued by the Obama Administration, included a requirement that the 34-hour off duty period cover two consecutive "nights off," between the hours of 1:00 a.m. and 5:00 a.m. This modification was made in order to ensure two nights of quality rest that is compatible with human biorhythms. Also, the 2011 HOS rule limited drivers to using the 34-hour restart to just once per week. Removing these important safety protections on behalf of trucking interests is dangerous and deadly to the safety of all motorists including truck drivers.

The HOS rule was changed by the DOT after extensive review and thorough consideration of 21,000 formal docket comments submitted by the public, truck drivers, motor carriers, law enforcement, safety advocates, medical experts, and trucking industry associations; 6 public listening sessions; review and consideration of 80 sources of scientific research and data; a Regulatory Impact Analysis of nearly 50 scientific sources; 10 years of rulemaking; and, 3 lawsuits.

Further, Section 134 of the House THUD bill would preempt state laws affording needed meal and rest breaks beyond the federally required 30-minute rest break, for truck drivers operating within their states. This provision is a threat to the health, safety and protection of workers. It is aimed at eliminating some of the critical job and labor protections which insure a safe transportation system.

When sound science stands in the way of business profits, special trucking interests run to Congress to advance their economic agenda and bypass public scrutiny and government review. These efforts are especially egregious and unconscionable given the current mortality and morbidity toll on our roadways. If these provisions were stand-alone bills, subject to oversight by the Congressional Committees of jurisdiction, they would never move forward.

The American public depends on your leadership and commitment to safety to stop these provisions from becoming law. The "Road to Zero" starts here.

Sincerely,

Jackie Gillan, President
Advocates for Highway and Auto Safety

Dominick Stokes, Vice President for Legislative
Affairs
Federal Law Enforcement Office Association

Steve Owings, Co-Founder
Road Safe America

Andrew McGuire, Executive Director
Trauma Foundation

John Lannen, Executive Director
Truck Safety Coalition

Sally Greenberg, Executive Director
National Consumers League

Gary Smith, President
Child Injury Prevention Alliance

Laura MacCleery, Vice President
Consumer Policy and Mobilization Consumers Union

Wanda Lindsay, Founder
The John Lindsay Foundation

Joan Claybrook, Chair
Citizens for Reliable and Safe Highways (CRASH)

Jack Gillis, Director of Public Affairs
Consumer Federation of America

Stephen W. Hargarten, M.D., MPH
Society for the Advancement of Violence and
Injury Research

Ian Weston, MPP, QAS, Executive Director
American Trauma Society

Rosemary Shahan, President
Consumers for Auto Reliability and Safety

Melissa Wandall, President
National Coalition for Safer Roads

Janette Fennell, Founder and President
KidsAndCars.org

Daphne Izer, Co-Founder
Parents Against Tired Truckers (PATT)

Dawn King
Davisburg, MI
President, Truck Safety Coalition
Board Member, CRASH
Daughter of Bill Badger
Killed in truck crash 12/23/04

Jennifer Tierney
Kernersville, NC
Board Member, CRASH
Daughter of James Mooney
Killed in a truck crash 9/20/83

Steve Izer
Lisbon, ME
Board Member, PATT
Father of Jeff Izer
Killed in a truck crash 10/10/93

Lisa Shrum
Fayette, MO
Volunteer, Truck Safety Coalition
Daughter of Virginia Baker, Step-daughter of Randy Baker
Killed in a truck crash 10/10/06

Nancy Meuleners
Bloomington, MN
Volunteer, Truck Safety Coalition
Injured in a truck crash 12/19/89

Ed Slattery
Lutherville, MD
Board Member, PATT
Husband of Susan Slattery
Killed in a truck crash 8/16/10
Sons Matthew & Peter Slattery critically injured

Kate Brown
Gurnee, IL
Volunteer, Truck Safety Coalition
Mother of Graham Brown
Injured in a truck crash 5/2/05

Jerry Karth
Rocky Mount, NC
Volunteer, Truck Safety Coalition
Founder, AnnaLeah & Mary for Truck Safety
Father of AnnaLeah and Mary Karth
Killed in a truck crash 5/4/13

Jane Mathis
St. Augustine, FL
Vice President, Truck Safety Coalition
Board Member, PATT
Mother of David Mathis
Mother-in-Law of Mary Kathryn Mathis
Killed in a truck crash 3/25/04

Linda Wilburn
Weatherford, OK
Board Member, PATT
Mother of Orbie Wilburn
Killed in a truck crash 9/2/02

Tami Friedrich Trakh
Corona, CA
Board Member, CRASH
Sister of Kris Mercurio, Sister-in-Law of Alan Mercurio, Aunt of Brandie Rooker & Anthony Mercurio
Killed in a truck crash 12/27/89

Larry Liberatore
Severn, MD
Board Member, PATT
Father of Nick Liberatore
Killed in a truck crash 6/9/97

Bruce King
Davisburg, MI
Volunteer, Truck Safety Coalition
Son-in-law of Bill Badger
Killed in truck crash 12/23/04

Laurie Higginbotham
Memphis, TN
Volunteer, Truck Safety Coalition
Mother of Michael Higginbotham
Killed in a truck crash, 11/18/14

Randall Higginbotham
Memphis, TN
Volunteer, Truck Safety Coalition
Father of Michael Higginbotham
Killed in a truck crash, 11/18/14

Paul Badger
Davidson, NC
Volunteer, Truck Safety Coalition
Son of Bill Badger
Killed in truck crash 12/23/04

Frank Wood
Falls Church, VA
Volunteer, Truck Safety Coalition
Father of Dana Wood
Killed in a truck crash 10/15/02

Marchelle Wood
Falls Church, VA
Volunteer, Truck Safety Coalition
Mother of Dana Wood
Killed in a truck crash 10/15/02

Jackie Novak
Edneyville, NC
Volunteer, Truck Safety Coalition
Mother of Charles "Chuck" Novak
Killed in a truck crash 10/24/10

Ron Wood
Washington, D.C.
Volunteer, Truck Safety Coalition
Son of Betsy Wood, Brother of Lisa Wood Martin,
Uncle of Chance, Brock, and Reid Martin
Killed in a truck crash 9/20/04

Cindy Southern
Cleveland, TN
Volunteer, Truck Safety Coalition
Wife of James Whitaker, sister-in-law Anthony Hixon
and aunt of Amber Hixon
Killed in a truck crash 9/18/09

Sandra Lance
Chesterfield, VA
Volunteer, Truck Safety Coalition
Mother of Kristen Belair
Killed in a truck crash 8/26/09

Alan Dana
Plattsburgh, NY
Volunteer, Truck Safety Coalition
Son of Janet Dana, Uncle of Caitlyn & Lauryn Dana,
Brother-in-law of Laurie Dana
Killed in a truck crash 7/19/12

Amy Fletcher
Perrysburg, OH
Volunteer, Truck Safety Coalition
Wife of John Fletcher
Killed in a truck crash 1/24/12

Marianne Karth
Rocky Mount, NC
Volunteer, Truck Safety Coalition
Founder, AnnaLeah & Mary for Truck Safety
Mother of AnnaLeah and Mary Karth
Killed in a truck crash 5/4/13

Kim Telep
Harrisburg, PA
Volunteer, Truck Safety Coalition
Wife of Bradley Telep
Killed in a truck crash 8/29/12

Christina Mahaney
Jackman, ME
Volunteer, Truck Safety Coalition
Injured in a truck crash 7/19/2011
Mother of Liam Mahaney
Killed in a truck crash 7/19/2011

Gary Wilburn
Weatherford, OK
Volunteer, Truck Safety Coalition
Father of Orbie Wilburn
Killed in a truck crash 9/2/02

Melissa Gouge
Washington, D.C.
Volunteer, Truck Safety Coalition
Cousin of Amy Corbin
Killed in a truck crash 8/18/97

Julie Branon Magnan
South Burlington, VT
Volunteer, Truck Safety Coalition
Injured in a truck crash 01/31/02
Wife of David Magnan
Killed in a truck crash 01/31/02

Henry Steck
Homer, NY
Volunteer, Truck Safety Coalition