

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