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Deal to revamp HOS rules tied to Ferro nomination, says industry executive

Trucking industry source says push to revise truck driver "hours of service" rule smacks of a backroom deal.

By **Mark B. Solomon**

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An agreement between the Obama administration, the Teamsters Union, and safety advocate group Public Citizen to revamp existing truck driver "hours of service" regulations was pushed by the White House to quell concerns over the controversial nomination of Anne Ferro as Federal Motor Carrier Safety Administrator, according to a trucking industry executive.

The executive, who asked not to be identified, said it appears the administration worked out an agreement to appease Sen. Frank R. Lautenberg (D-N.J.), chairman of the Senate Commerce Committee's Surface Transportation and Merchant Marine Infrastructure Subcommittee. Lautenberg was delaying action on Ferro's nomination amid concerns expressed by labor and safety groups that Ferro, who has been president of the Maryland Motor Truck Association since 2003, was too close to the industry to regulate it effectively. Ferro and the two groups have been at odds over the so-called hours of service rule governing the amount of time truck drivers spend on the road.

The trucking executive noted that the full committee announced it had approved Ferro's nomination the day after news that the FMCSA would revisit the hours of service rule was made public. Her confirmation by the full Senate seems assured, the executive said. The executive added that the trucking industry was not party to the agreement and was "totally surprised" by the announcement.

Teamsters spokeswoman Leigh Strobe called any talk of a backroom deal to allay union concerns over Ferro's nomination a "ridiculous assertion." In a statement, Teamsters General President Jim Hoffa lauded the move to reform the rules, saying the union will continue to push for regulation that "protects truck drivers, instead of the greed of the industry."

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The agreement ends a lawsuit filed by the Teamsters and Public Citizen challenging the Federal Motor Carrier Safety Administration's current rule, which took effect in 2004. That rule allows drivers to drive 11 hours with 10 hours of rest in a 14-hour workday. It also calls for a 34-hour restart provision combined with a 60-hour driving limit in seven days or a 70-hour limit in eight days. The previous regulations had allowed for 10 hours of driving and eight hours of rest in a 15-hour period, and let drivers log on and go off duty whenever they wanted.

The FMCSA said in a statement that the agreement "resolves potentially lengthy and contentious litigation" and gives the agency the opportunity to review the rules with an eye toward a possible revamp. The agreement gives the agency nine months to review its current rule and submit its proposal to the White House, and up to 21 months to issue a new final rule to replace the current one. The existing rule governing how much time drivers can spend behind the wheel before resting will remain in effect until then.

In a statement, the American Trucking Associations said the number of truck-involved highway fatalities has declined by 19 percent since 2004, and the number of injuries has decreased by 13 percent in that time. According to National Highway Traffic Safety Administration data, the number of total fatalities in crashes involving large trucks declined 12 percent in 2008 from 2007 figures.

Driver hours of service regulations remained mostly unchanged for 65 years until the FMCSA first revised them in 2000. Since then, the issue has been the subject of seemingly incessant legal wrangling.

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