

CARRIER FACT DEVELOPMENT RE: 11 & 34 HOUR PROVISIONS

11 Hour Daily Drive Limit

Use - One of the issues in the case is a seeming inconsistency in the FMCSA rule that on one hand can be read to say that the 11th hour is not a safety concern because it is not used much, but on the other says that it is economically important. ATA needs carrier perspective on that issue, including:

- level of actual use; use of the full hour versus only a part of it;
- how it provides important flexibility even if not used substantially;
- how it assists drivers manage their schedules;
- how it assists in loading/unloading and other shipper scheduling matters;
- how it impacts driver scheduling, management, off time, etc.; and any other way that we can explain the use and value of the availability of the 11th hour of driving time.

As with all the facts, we need as much specificity and documentation as possible. When a cost is noted, it needs to be explained how it cost was computed.

Operations - ATA needs to explain how elimination of the 11th hour will impact carrier operations and the related costs. From our initial conference call, we understand that LTL operations have been structured over the past few years to use the 11th hour (or at least some portion of it). Some of the same issues will be relevant to truckload operations and ATA needs well documented TL analysis of the impacts as well. ATA needs to know:

- how having to revert back to the 10 driving hours will affect the carriers, documenting transition costs and ongoing lost-productivity costs. Carriers need to think about all facets of operating costs, computer systems (all back office costs), dispatchers, shipper/receiver scheduling, etc. and provide ATA a well founded dollar estimate to any cost.
- how this affects the driver in terms of his income, scheduling, etc. and how it affects the company in terms of its labor costs, etc.

HOS Compliance - There will undoubtedly be costs to transition to a new rule that does not include the 11 and 34 hour pieces. Carriers should reasonably estimate them, and provide an explanation of how they were computed. These costs would presumably relate to driver retraining; back office adjustments, and any other compliance efforts.

Safety Consequences - As discussed below, information about a carrier's comparative safety experience under the new rules will be very valuable, but also any information related to accidents or incidents during the 11th hour would be extremely valuable. If possible, it would be very informative to have:

- hour by hour comparisons of when accidents have occurred and,
- the relative frequency in the 11th hour versus other hours.
- information on whether accidents that may indicate a fatigue cause (e.g., single vehicle roadway departures) have changed under these rules.

34 Hour Restart

Use - ATA will need carriers to:

- document how this restart provision has affected average driver weekly driving levels.
- compare pre and post restart average driving hours
- better understand how and when the restart is used. Is it always when the driver has run out of weekly hours, or is it used at other times when work slows?

ATA could also use more information on how drivers use the restart to provide them greater flexibility and more time at home. Real world examples of that would be very useful.

Finally, the agency has noted that the real world logistics of load availability provide a check on driver hours – that is in practice drivers simply cannot rack up enormous numbers of hours. We could use a description of how that real world limitation works.

Operations - ATA needs to:

- understand how elimination of the restart will affect operations, and
- the costs associated with those adjustments.

The factors described above in the 11 hour section may be relevant. In addition, by limiting the flexibility and potential productivity of current drivers, this may be the area that would most lead to the need to hire new (less experienced and less safe drivers) and put more vehicles on the road. If that is the case, carriers should provide a documented estimate of how many more trucks and drivers will be needed in their operation.

HOS Compliance - Same as above in terms of retraining, etc.

Safety Consequences - As with the 11th hour, ATA will need carriers to develop whatever relevant information they have about the positive safety experience it has experienced with the 34 hour restart in place. This could include anecdotal information related to driver use and value of the restart. Any way a carrier may be able to tie the 34 hour restart into improved driver health would be helpful.

Overall Safety Consequences

While ATA understands that all safety improvements cannot be directly linked to the revised HOS rules, it would be helpful to show in as many ways possible the carrier's improved safety experience under the rules. This can be done in terms of number of accidents, severity of accidents, number of injuries, severity, or any other reasonable and understandable measure available.