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The Canadian Trucking Alliance is a federation of the seven Canadian provincial trucking associations representing approximately 4,500 motor carriers and is dedicated to serving the national and international interests of Canadian motor carriers.

NEWS RELEASE

Canadian Trucking Alliance Urges US Government to Retain Driver Hours Rules

Files Petition with FMCSA in Support of ATA

(Ottawa, October 31, 2007) – On Monday, the Canadian Trucking Alliance (CTA) filed a petition with the US Federal Motor Carrier Safety Administration, urging the agency to retain two key provisions of the US federal hours of service rules which were ordered to be set aside in a July 2007 decision by the US Court of Appeals for the District of Columbia Circuit – the 11-hour daily driving limit and the 34-hour restart. CTA's brief was submitted in support of an earlier petition by the American Trucking Associations (ATA), which requested that FMCSA issue an interim final rule to retain the two provisions.

In response to motions late this past summer by ATA, FMCSA and others including CTA, the court delayed the effective date of its order to December 27, leaving FMCSA less than two months either to issue an interim final rule to retain the two provisions pending a public comment period, or to publish a proposed rule to change them in some way.

In its petition, CTA pointed out to the agency that revoking the 11-hour driving limit and the 34-hour restart, or keeping them in place only temporarily pending some other change, would create severe difficulties for the thousands of Canadian cross-border trucking companies and drivers who must comply with the US rules. Systems would need to be overhauled, more drivers would have to be hired, staff would need to be retrained, and freight contracts renegotiated to cover new delivery schedules and increased costs.

CTA reminded FMCSA that Canada has had a 13-hour driving limit in place for many decades, and there is no evidence to suggest that this has posed a safety concern. In addition, the new hours of service regulations in both Canada (2007) and the US (2004) increased the minimum daily off-duty time by 25 per cent to 10 hours, allowing drivers the opportunity to obtain the amount of sleep acknowledged by scientific experts to be necessary for

recovery from fatigue.

The concept of a restart provision was initially proposed in Canada, by CTA. In its petition, CTA argues that Canadian drivers operating on either side of the border are now accustomed to a restart (or reset) period of 36 hours in Canada and 34 hours in the US. The ability to reset the driver's duty cycle reduces the need to spend an undue amount of off-duty time at the end of a cycle away from home, and most importantly, allows sufficient time for the driver to obtain two principal sleep periods of at least 8 hours – generally considered by scientific experts to be the amount needed to recover from cumulative fatigue.

For now, the Canadian and US trucking industries await FMCSA's next move, which could come before the December 27 deadline imposed by the court. In the meantime, carriers and drivers remain in limbo. "It's a legal and operational twilight zone," says CTA CEO David Bradley. "While FMCSA ponders its next move, carriers and drivers will carry on as if the US hours of service rules have not changed and hope things stay that way; however carriers should be warning their customers of the potential loss of productivity and increased costs that would occur if these two key provisions of the rules are not retained," he said.