

COMMITTEES:

APPROPRIATIONS

COMMERCE, SCIENCE, AND
TRANSPORTATION

ENVIRONMENT AND
PUBLIC WORKS

United States Senate

WASHINGTON, DC 20510

September 9, 2009

The Honorable Ray LaHood
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary LaHood:

For the past decade, approximately 5,000 people have died annually on our highways in truck-related crashes with no substantial reduction in any given year. As the Chairman of the Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee of the Senate Commerce, Science, and Transportation Committee, it has been one of my top priorities to make our trucks and truck drivers safer on our roads.

The Hours of Service (HOS) rule that the Federal Motor Carrier Safety Administration (FMCSA) issued in 2003 increased the hours that truck drivers would be permitted to drive on a daily and weekly basis. It is highly doubtful whether allowing drivers to work more hours will accomplish the rule's stated goals of reducing driver fatigue and increasing safety; to the contrary, such a rule threatens to make our roads less safe. In addition, a United States Court of Appeals has twice questioned the validity of this rulemaking and remanded it back to the FMCSA for review, just to have the FMCSA reissue virtually the same rule.

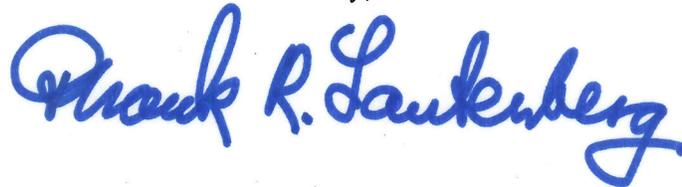
The lack of a strong and responsible HOS regulation has impeded progress toward reducing the number and rate of fatalities and injuries on our highways. Therefore, I respectfully request that you begin a new rulemaking process on HOS. This process should seek stakeholder input to effectively address the serious issue of fatigued motor carrier drivers. This rulemaking should promote the health and safety of truck drivers and the public, include sound scientific analysis, and demonstrate a clear commitment to motor carrier safety.

The lack of a reliable enforcement mechanism for the HOS laws and regulations has also allowed too many fatigued drivers to continue to skirt the rules. This is the reason why I have advocated for a uniform requirement that all trucks be equipped with electronic on-board recorders (EOBRs). The National Transportation Safety Board has listed as one of the its Most Wanted Highway Safety Improvements a requirement that all

interstate commercial vehicle carriers use EOBRs to collect data on both driver hours of operation and accident conditions. I strongly urge you to mandate the use of EOBRs on all trucks, and not just on those of bad actors, so that real gains can be made in motor carrier safety.

I appreciate your consideration of my concerns and I look forward to working with you to address these important issues.

Sincerely,

A handwritten signature in blue ink that reads "Frank R. Laukenberg". The signature is written in a cursive style with a large initial "F" and a long, sweeping underline.