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FMCSA Proposes Rulemaking to Address Truckers' Hours-of-Service Regulations; Invites Public Comments

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced today it will re-examine the 2003 Hours of Service (HOS) rule that regulates the amount of time commercial truck drivers can operate their vehicles.

The Notice of Proposed Rulemaking (NPRM) will be published by the *Federal Register* on Monday, January 24, 2005, and is currently on display at the office of the *Federal Register*.

"We are moving aggressively to make sure we have the best regulations in place to ensure truck driver health, save lives and keep the American economy moving safely on the nation's highways," FMCSA Administrator Annette M. Sandberg said. "Public feedback is critical to this effort. We need to hear from our stakeholders about their experiences regarding the 2003 HOS rule."

Over the next 45 days, FMCSA will seek input from truck drivers and operators, law enforcement officials, safety advocates and others on the HOS regulations. Responses to the questions posed in the NPRM are encouraged. The Agency also is collecting new data to provide a more complete picture of the 2003 rule's impact on carrier operations and drivers' health.

Because of the compressed schedule for completing the rulemaking, the comment period for the NPRM is abbreviated, ending on March 10, 2005. By the terms of the Surface Transportation Extension Act of 2004, the HOS rules issued in April 2003 remain in effect until no later than September 30, 2005. FMCSA is conducting the rulemaking in response to a July 2004 decision by the U.S. Court of Appeals for the District of Columbia Circuit that directed the Agency to more specifically consider the 2003 rule's impact on the health of drivers.

FMCSA is conducting a comprehensive scientific review of HOS and the physical effects on drivers operating commercial vehicles. Moreover, the Agency has dedicated a team of staff professionals to review the current HOS regulations and determine whether changes should be made to better protect truck drivers and other highway users. In addition to the issue of drivers' health, the team is looking at provisions adopted in the 2003 HOS rule which increased the daily driving limit from 10 to 11 hours, continued drivers' use of sleeper berths, and allowed a 34-hour restart period.

In response to another HOS-related Court concern, FMCSA published an Advance Notice of Proposed Rulemaking on September 1, 2004, requesting public comment on the costs and benefits associated with the use of Electronic On-Board Recorders.

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