



TRANSFORCE SERVICES GROUP

REGULATORY UPDATE

U.S COURT OF APPEALS VACATES HOURS OF SERVICE RULES

The U.S. Court of Appeals today ruled in favor of a safety advocacy group - Public Citizen – on its challenge to the “new” HOS rules (issued in 2005). Specifically, the Court vacated the 11 hour driving rule and 34 hour restart provision. In effect, the Court mandated that DOT revert to the 10 hour driving time limit that was in effect before the new rules were issued and ordered DOT to eliminate the 34 hour restart provision.

NOTE: These changes do not take effect for at least 52 days from the date of the ruling (7/24/07) and actually may never take effect.

Here’s why:

The Court did not find flaws with the rules themselves, but with how DOT issued them. In short, DOT had not followed certain procedural requirements to justify the new rules. Specifically, DOT had not provided adequate notice for interested parties to comment on the 11 hour driving rule before it was implemented and did not adequately explained its justification for the rule – especially studies showing the difference in driver fatigue at the 10 hour versus the 11 hour mark.

If DOT can satisfy the Court’s concerns by successfully meeting the procedural requirements, the rules will stay in effect. DOT will issue a short rulemaking to address these issues. However, this process will take more than 52 days.

In the meantime, other industry groups will file for a “stay” of today’s ruling. If granted, the 11 hour driving rule and 34 restart provision will remain in place until DOT completes a new rulemaking to address the Court’s concerns.

In the same ruling, the Court rejected challenges by the Owner-Operator Independent Drivers Association (OOIDA) to the 14 hour rule and the 8 hour minimum sleeper berth period.

To read the Court’s complete ruling click on this link:

<http://www.cadc.uscourts.gov/bin/opinions/allopinions.asp>

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