

## Commercial Vehicle Operator Hours-of-Service Rules Remain in Effect

The 10th Circuit Court of Appeals recently overturned commercial vehicle operator hours-of-service rules that became effective in January. The Federal Motor Carrier Safety Administration (FMCSA) has 45 days to appeal the court's decision or request a 45-day extension. During the review process, [the new FMCSA hours-of-service regulations remain in effect](#).

The FMCSA rules—which apply to tow truck operators as well as commercial truckers—specify the amount of time commercial drivers can spend on duty each day between rest periods and other non-driving activities. The new rules increase the number of hours a commercial trucker can drive each day from 10 to 11 but reduce the total work day—including time spent on work-related but non-driving activities from 15 to 14 hours. The mandatory rest period was increased from eight hours to 10 hours.

Several groups including Public Citizen, Parents Against Tired Truckers and Citizens for Reliable and Safe Highways (CRASH) challenged the new rules, citing research indicating that increasing the length of time workers must spend performing certain tasks reduces alertness and performance—leading to increased risk of driver error. Opponents also stated that the FMCSA “neglected its safety mission.”

The court stated the rules were “arbitrary and capricious” because the FMCSA failed to consider a “statutorily mandated factor -- the impact of the rule on the health of the drivers.”

Under the court's rules of procedure, the FMCSA has 45 days to review the decision and may request an extension. The FMCSA hours-of-service rules will remain in effect during this period. FMCSA Administrator Annette Sandburg reports that the “FMCSA will advise Federal authorities and State law enforcement partners of their responsibility to continue compliance with the current rule. FMCSA will advise major industry associations to educate motor carriers and drivers of the continued need for HOS compliance.”

AAA will continue to monitor the situation and provide more information when available.

A copy of the opinion is available at:

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200407/03-1165a.pdf>

For additional information, please visit the Federal Motor Carrier Safety Administration website [http://www.fmcsa.dot.gov/Home\\_Files/revise\\_hos.asp](http://www.fmcsa.dot.gov/Home_Files/revise_hos.asp)

