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Sent: Wed 12/17/2014 9:23 AM
Gallagher Sharp Newsflash: Trucking Hours of Service

FEDERAL SPENDING BILL RESTORES PREVIOUS HOURS OF SERVICE RESTART REGULATION

Late yesterday President Obama signed the \$1.1 trillion spending bill which was passed by both Houses of Congress.

A notable provision in the bill, referred to as the “Collins Amendment” (a reference to Sen. Susan Collins, R-Maine), has eliminated the contentious 34 hour restart provisions which are currently set forth in FMCSR 395.3 (c) and (d). Those provisions, which went into effect July 1, 2013, altered the restart rule to limit drivers to one restart in 168 hours (one week) as well as to require the 34 hours to include two consecutive periods of 1-5 AM. These restrictions were met with significant opposition from virtually all sectors of the trucking industry.

Thus, the restart rules which were in effect before July 1, 2013 are now back in effect. Any period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours, and there is no restriction on the number of restarts a driver can take in a week.

The bill language says that within 90 days of enactment, “the Secretary Of Transportation shall initiate a naturalistic study of the operational, safety, health and fatigue impacts of the restart provisions.” The restrictive restart provisions are suspended through Sept. 30, 2015. The restart rule “in effect on June 30, 2013, shall immediately be in effect.”

Undoubtedly certain Interest Groups will challenge this restart provision and as we have seen with other Hours of Service changes the litigation is likely to be lengthy and contentious. But as of now, the previous restart provision with which the industry had become comfortable is back in effect.

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