



May 16, 2022

**DOT Docket No. FMCSA-2021-0189**

U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE,  
Washington, D.C. 20590-0001  
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**Agency Information Collection Activities; Renewal Information Collection Request: Hours of Service (HOS) of Drivers Regulations # FMCSA-2021-0189**

These comments are filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (P.A.T.T.), and our volunteers, who are the family and friends of truck crash victims and survivors seeking truck safety advances, in response to the Federal Motor Carrier Safety Administration's (FMCSA) Notice and request for public comment on its Information Collection Request (ICR) to renew information collection efforts for "Hours of Service (HOS) of Drivers Regulations."

Our organizations strongly support FMCSA's continuation of the collection Record of Duty Status (RODS) records from Electronic Logging Devices (ELDs) as well as the supporting documentation, to have the information needed to inform safety-oriented rulemaking and life-saving enforcement activities related to HOS. ELDs provide much more transparency regarding driver compliance with HOS rules and, as FMCSA itself stated in agreement in its [final rule](#), "[ELDs] are an important tool in combating fatigue and fatigue-related crashes."<sup>1</sup>

In 2020, nearly 5,000 people were killed in crashes involving large trucks, and roughly 147,000 more were injured at a cost to society of an estimated \$163 billion. Truck crash fatalities have increased a staggering 47 percent in the last eleven years. According to the [Insurance Institute for Highway Safety](#), in fatal two-vehicle crashes involving a large truck and a car, 97 percent of the deaths are the occupants of the passenger vehicle. Tragically, driver fatigue remains a major contributor to large truck crashes according to the National Transportation Safety Board (NTSB). The NTSB has a long history of recommending scientifically collected HOS, including this recommendation on its Most Wanted List as far back as 1990 to reduce fatigue-related crashes.<sup>2</sup>

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<sup>1</sup> Electronic Logging Devices and Hours of Service Supporting Documents; DOT/Federal Motor Carrier Safety Administration, 80 Fed. Reg. 782921 (December 16, 2015) (to be codified at 49 C.F.R. pts. 385, 386, 390, & 395).

<sup>2</sup> National Transportation Safety Board Comment (FMCSA-2010-0167-2245); Electronic Logging Devices and Hours of Service Supporting Documents; DOT/Federal Motor Carrier Safety Administration, 80 Fed. Reg. 782921 (December 16, 2015)

FMCSA's stated mission is to "reduce crashes, injuries and fatalities involving large trucks and buses." According to NTSB Vice-Chair, [Bruce Landsberg](#), "It's a fact that hours-of-service regulations save lives in transportation" and must be part of any comprehensive approach to combat driver fatigue.<sup>3</sup> FMCSA mandated use of Electronic Logging Devices in its [final rule](#) published in December 2015, in part because "they bring about improvements in safety by making it difficult for drivers and carriers to falsify drivers' duty status which in turn deters violations of the [hours-of-service] rules."<sup>4</sup> As such, it is vital for FMCSA to collect this information in order to execute its safety mandate. The information obtained assists FMCSA in its efforts to ensure the safe operation of CMVs in interstate commerce and is used in both on-site and off-site inspections of motor carriers.

In 2021, FMCSA reports that the two most common critical violations with carrier audits are both related to HOS: not using the appropriate method to record hours of service and false reports of records of duty status. In addition, it has been [reported](#) that coercive complaints received by FMCSA are on track to nearly double over the previous year.<sup>5</sup> A driver's right to refuse to violate safety regulations or to refuse to drive when they feel too tired or otherwise do not think it is safe must be vigorously and vigilantly protected (Section 405 of the Surface Transportation Assistance Act and 49 C.F.R. Sections 392.3, 392.14). Additionally, a [study](#) found that "more frequent reported violations of the work rules were associated with approximately a twofold increase in the odds of reported fatigued driving," which clearly demonstrates the need for vigorous HOS monitoring.<sup>6</sup> When multiple data points suggest drivers are under increased pressure to exceed their HOS, it is imperative for FMCSA to act accordingly and markedly increase its inspection, monitoring, and enforcement activities.

The Truck Safety Coalition appreciates FMCSA's consideration of these comments supporting the continuation of RODS data collection utilizing ELDs.

Sincerely,



Zach Cahalan  
Executive Director, Truck Safety Coalition (TSC)

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<sup>3</sup> Landsberg, Bruce. "New Hours of Service Rule Relaxes Safety, but You Don't Have To." *Guest Voices - Trucking Info*, Heavy Duty Trucking, 28 Sept. 2020, <https://www.truckinginfo.com/10126700/new-hours-of-service-rule-relaxes-safety-but-you-dont-have-to>.

<sup>4</sup> Electronic Logging Devices and Hours of Service Supporting Documents; DOT/Federal Motor Carrier Safety Administration, 80 Fed. Reg. 782921 (December 16, 2015) (to be codified at 49 C.F.R. pts. 385, 386, 390, & 395).

<sup>5</sup> Gallagher, John. "Truckers Are Filing Coercion Complaints with the Feds at a Record Pace." *Truckers Are Filing Coercion Complaints with the Feds at a Record Pace*, FreightWaves, 11 Apr. 2022, <https://www.freightwaves.com/news/truck-driver-coercion-complaints-on-record-pace>.

<sup>6</sup> McCartt, Anne T, Laurie Hellinga, and Mark G Solomon. "Work Schedules of Long-Distance Truck Drivers Before and After 2004 Hours-of-Service Rule Change." *Traffic Injury Prevention* (2008): 201-210.