

113TH CONGRESS
1ST SESSION

S. 1891

To require a study and report by the Comptroller General regarding the restart provision of the Hours of Service Rules for Commercial Truck Drivers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2013

Ms. AYOTTE (for herself and Mr. JOHANNES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require a study and report by the Comptroller General regarding the restart provision of the Hours of Service Rules for Commercial Truck Drivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “True Understanding
5 of the Economy and Safety Act” or the “TRUE Safety
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) the trucking industry is the backbone of the
2 Nation's economy, with nearly 7,000,000 Americans
3 working in trucking-related jobs, including more
4 than 3,000,000 commercial truck drivers;

5 (2) 80 percent of all communities in the United
6 States depend solely on trucks to deliver and supply
7 their essential everyday commodities;

8 (3) Federal regulations governing the hours of
9 service for commercial truck drivers must be based
10 on full and fair scientific research, analysis, and
11 operational testing;

12 (4) the restart rule that became effective on
13 July 1, 2013, was based mainly on a one-month
14 sleep study conducted in a laboratory setting;

15 (5) the new restart rule will cost the trucking
16 industry up to \$376,000,000 annually, reducing pro-
17 ductivity, impacting driver pay, and increasing the
18 cost to deliver goods; and

19 (6) the restart rule should not have become ef-
20 fective prior to completion of the thorough oper-
21 ational study required under section 32301(a) of the
22 Moving Ahead for Progress in the 21st Century Act
23 or MAP-21 (Public Law 112-141; 126 Stat. 786).

1 **SEC. 3. GAO ASSESSMENTS.**

2 (a) ASSESSMENT OF METHODOLOGY FOR MAP-21
3 RESTART STUDY.—

4 (1) IN GENERAL.—After the report regarding
5 the field study on the efficacy of the restart rule,
6 published on December 27, 2011, is submitted to
7 Congress pursuant to section 32301(a) of MAP-21,
8 the Comptroller General of the United States shall
9 conduct an assessment of the methodology followed
10 by the Secretary of Transportation in carrying out
11 the efficacy of such restart rule.

12 (2) SCOPE.—The assessment required under
13 paragraph (1) shall determine the extent to which
14 the methodology followed by the Secretary meets the
15 requirement under MAP-21 that—

16 (A) the data collected is representative of
17 the drivers subject to the restart rule;

18 (B) the methodology is statistically valid;
19 and

20 (C) the study followed the plan for the
21 “Scheduling and Fatigue Recovery Project” de-
22 veloped by the Federal Motor Carrier Safety
23 Administration.

24 (b) ASSESSMENT OF REGULATORY IMPACT ANAL-
25 YSIS.—

1 (1) IN GENERAL.—The Comptroller General
2 shall conduct an assessment of the regulatory impact
3 analysis that accompanied the final rule published
4 by the Department of Transportation in the Federal
5 Register on December 27, 2011, entitled “Hours of
6 Service of Drivers” (76 Fed. Reg. 81134).

7 (2) SCOPE.—The assessment required under
8 paragraph (1) shall include—

9 (A) an analysis of the methodology and
10 data used by the Federal Motor Carrier Safety
11 Administration in its Regulatory Impact Anal-
12 ysis;

13 (B) an evaluation of the validity and rep-
14 resentativeness of the driver data used to evalu-
15 ate the operational and economic impacts of the
16 new 34-hour restart rule applicable to operators
17 of commercial motor vehicles;

18 (C) an analysis of the data and method-
19 ology used to develop the proposed safety and
20 health benefits of the new 34-hour restart rule
21 applicable to operators of commercial motor ve-
22 hicles;

23 (D) a review of the safety, health, cost,
24 and operational implications of the restart rule,
25 and the potential impact of a greater number of

1 commercial motor vehicles on major roads dur-
2 ing “morning commutes” as a result of the re-
3 start rule; and

4 (E) a review of the research used in devel-
5 oping and justifying the new restart rule, par-
6 ticularly as the rule relates to the use of a lab-
7 oratory test to justify the rule rather than an
8 operational test in the field.

9 (c) REPORTS.—Not later than 1 year after the date
10 of the enactment of this Act, the Comptroller General shall
11 submit a final report to the appropriate committees of
12 Congress on the assessments required under subsections
13 (a) and (b), including any recommendations.

14 **SEC. 4. DELAY IN APPLICATION OF RULE.**

15 (a) IN GENERAL.—The restart rule published by the
16 Department of Transportation in the Federal Register on
17 December 27, 2011, shall have no force or effect during
18 the period beginning on the date of the enactment of this
19 Act and ending 6 months after the Comptroller General
20 submits the report required under section 3(c).

21 (b) APPLICATION OF PREVIOUS RULE PROVISION.—
22 The 34-hour restart rule issued on April 28, 2003 (68
23 Fed. Reg. 22456), shall be in effect during the period de-
24 scribed in subsection (a).

1 (c) DECEMBER 2011 RULE.—The Secretary of
2 Transportation shall not apply the rule described in sub-
3 section (a) if the conclusions of the field study completed
4 pursuant to section 32301(a) of MAP-21 do not support
5 or concur with the conclusions of the laboratory study on
6 which such rule was based.

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