

Congress of the United States

Washington, DC 20515

September 28, 2005

The Honorable Norman Y. Mineta
Secretary of Transportation
U.S. Department of Transportation
400 Seventh Street S.W., Room 10200
Washington, D.C. 20590

Dear Mr. Secretary:

We are writing to express our serious concerns about the enforcement guidance that the Federal Motor Carrier Safety Administration (FMCSA) provided to the states on August 26, 2005 regarding the implementation of the new Hours-of-Service (HOS) regulations that are to become effective on October 1, 2005.

We understand that FMCSA intends to provide the motor carrier industry with a transitional period from October 1, 2005 to December 31, 2005 to adjust to the new HOS rules. During this transitional period, the FMCSA will only exercise "soft enforcement" of all requirements in the new rule – even with regard to those provisions which have remained unchanged from the previous HOS rule that had been in effect since January 2004. For example, under this enforcement scheme, an operator who drives beyond the 11-hour limit per day in September 2005 would be cited, but that same violation in October 2005 would be overlooked until January 2006, even though the 11-hour limit remains in effect.

This guidance appears to run counter to the instruction that the FMCSA gave when it began the implementation of the previous January, 2004 rule. In that instance, the FMCSA instructed its field operations on December 23, 2003 to exercise "soft enforcement" on the new HOS provisions for the first 60-days. However, during this 60-day period, the agency continued to enforce those HOS requirements that had not been amended from the previous rule.

Given that the sleeper berth and short-haul provisions were the only significant changes from the previous HOS rule, we find it curious and troubling that the FMCSA does not intend to vigorously enforce the unchanged HOS requirements with which the motor carrier industry should already be well-acquainted.

We feel that it is incumbent upon the FMCSA to ensure that driver safety regulations are enforced especially since the agency's own Large Truck Crash Causation Study concluded that the motor carrier driver is the single most important element in maintaining truck safety on our nation's highways. We understand the FMCSA's decision to administratively provide for a reasonable and measured transition period for

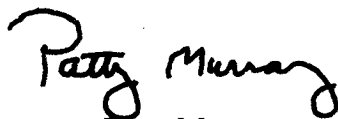
The Honorable Norman Y. Mineta
September 28, 2005
Page 2

new HOS requirements; however, it is not in the interest of overall highway safety, for the motor carrier industry to receive a three-month reprieve from the enforcement of all HOS rules.

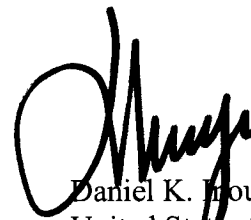
We urge your careful consideration of this important safety matter and request that you direct the FMCSA to revise its instructions to the FMCSA inspector workforce and state enforcement agencies to ensure that unchanged HOS requirements continue to be vigorously enforced.

Thank you for your attention to this matter and we look forward to your prompt response to our concerns.

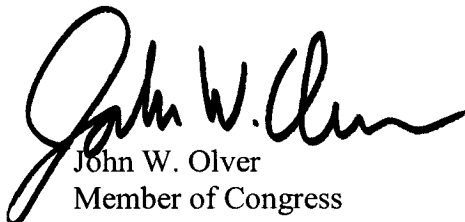
Sincerely,



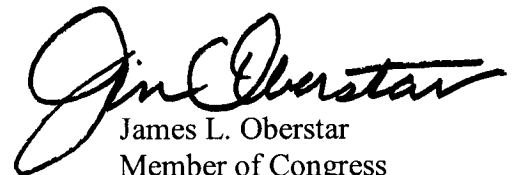
Patty Murray
United States Senator



Daniel K. Inouye
United States Senator



John W. Olver
Member of Congress



James L. Oberstar
Member of Congress