

Congress of the United States

Washington, DC 20515

August 1, 2012

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary LaHood:

We respectfully request that the Federal Motor Carrier Safety Administration (FMCSA) rescind the Notice of Regulatory Guidance (FMCSA-2012-0183) issued on June 5, 2012. Having reviewed this Guidance, we find that it arbitrarily and unjustifiably limits the types of commercial motor vehicles (CMVs) that may use the waiting time exception to the hours of service (HOS) regulations provided for oilfield operations.

As you are aware, the Guidance declares that CMVs hauling water and sand in furtherance of oilfield activities are no longer entitled to use the waiting time exception. Such a change significantly restricts the operations of individuals and businesses engaged in hydraulic fracturing or "fracking" operations, thereby increasing their costs and restricting their ability to provide good-paying jobs to American citizens and low-cost energy to U.S. consumers.

Additionally, we feel this guidance unnecessarily bifurcates oilfield operations into different sectors, a move that will complicate HOS compliance for small operators. This is very troubling because more than 90 percent of the trucking industry is comprised of small businesses, these operations simply do not have the resources to comply with this arbitrary distinction.

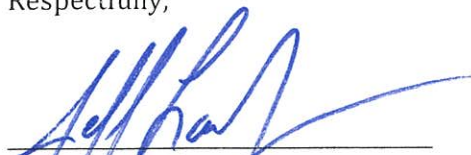
Moreover, we are concerned that by limiting which CMVs are eligible to use the oilfield operations exemption the FMCSA will increase the truck traffic on the roads and bridges leading to oilfield operations. Considering the substandard condition of this infrastructure, we believe this increased traffic to be an untenable outcome of this Guidance.

We also ask that this Guidance be retracted because it represents a significant departure from more than 50 years of interpretation of 49 C.F.R. § 395.1(d). Changes of such magnitude must be made only after the industry has had proper time to review this change and submit comments to FMCSA.

As such, we ask that you do not move forward with the Guidance until your Department shows that this change in 49 C.F.R. § 395.1 is necessary and will not present an undue burden on the trucking and energy extraction industries.

We thank you for your thoughtful consideration of this request and your quick response.

Respectfully,





JEFF LANDRY
Member of Congress



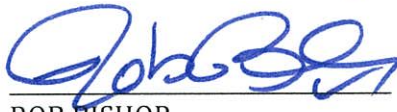
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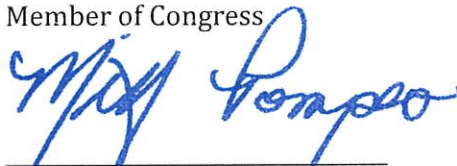

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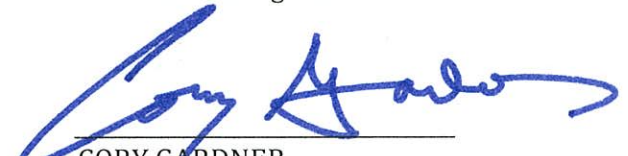

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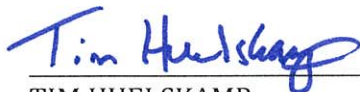
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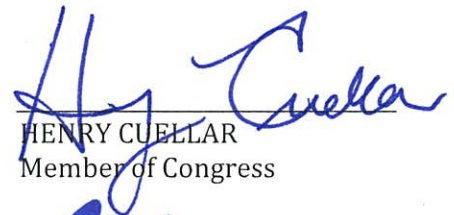
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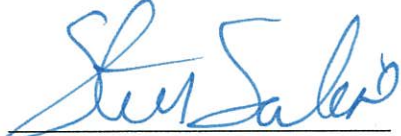
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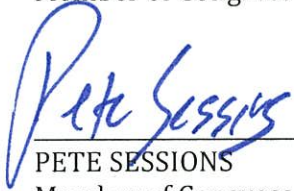
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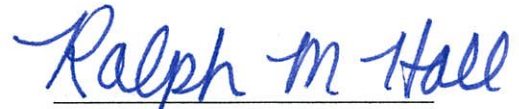
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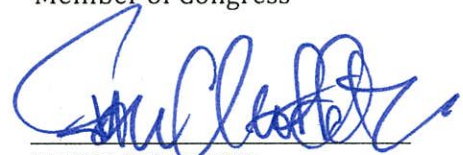
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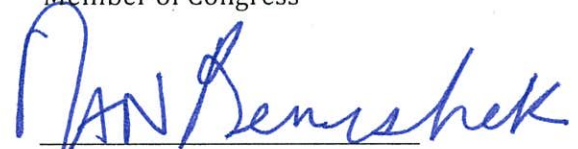
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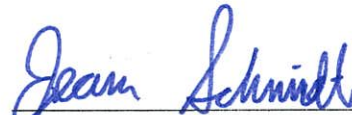
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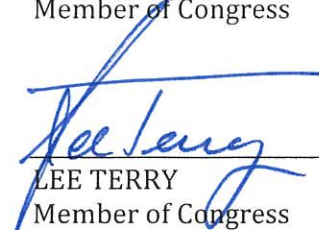
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