



U.S. Department of  
Transportation

The Inspector General

Office of Inspector General  
Washington, DC 20590

March 2, 2017

The Honorable Susan Collins  
Chairman  
Subcommittee on Transportation,  
Housing and Urban Development, and  
Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Mario Diaz-Balart  
Chairman  
Subcommittee on Transportation,  
Housing and Urban Development, and  
Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Jack Reed  
Ranking Member  
Subcommittee on Transportation,  
Housing and Urban Development, and  
Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable David Price  
Ranking Member  
Subcommittee on Transportation,  
Housing and Urban Development, and  
Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Elaine L. Chao  
Secretary of the U.S. Department  
of Transportation  
Washington, DC 20590

Dear Chairmen Collins and Diaz-Balart, Ranking Members Reed and Price, and Secretary Chao:

This letter responds to a requirement in the Consolidated and Further Continuing Appropriations Act, 2015<sup>1</sup> (the act) that the Office of Inspector General (OIG) review the Federal Motor Carrier Safety Administration's (FMCSA) final report on the Commercial Motor Vehicle Driver Hours of Service Restart Study. Specifically, the act required the Department to submit a final report on the restart study to our office and requires that we, within 60 days of receipt, report to the Secretary and the House

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<sup>1</sup> P.L. 113-235, 128 Stat. 2713 (December 16, 2014).

and Senate Appropriations Committees on whether the study complies with the act. This letter summarizes the results of our review.

### **OIG Observations on the Study**

The Department provided its final report on the Restart Study to us on January 5, 2017, and we concur with the Department's conclusion that the study did not explicitly identify a net benefit from the use of the two suspended provisions of the restart rule on driver operations, safety, fatigue, and health. Additionally, we conclude that the study met the following requirements of the act:

- Compared work schedules and assessed operator fatigue for two groups of drivers—those operating under the original restart provisions and those operating under the July 2013 restart provisions—each large enough to produce statistically significant results.
- Compared work schedules and assessed safety-critical events and operator fatigue between drivers from a statistically significant sample of drivers comprised of fleets of all sizes (e.g., long-haul, regional and short-haul operations) in various industry sectors, including flat bed, refrigerated, tank, and dry van to the extent practicable.
- Assessed driver safety-critical events, fatigue, levels of alertness, and driver health outcomes by using both electronic and hard copy records of duty status.
- Used data from electronic logging devices to the extent practicable.
- Developed a plan and final report, subject to independent peer review by a panel of individuals with relevant medical and scientific expertise.

### **Background and Methodology**

FMCSA issued hours-of-service regulations in December 2011 to establish daily and weekly driving limits and required rest periods for commercial vehicle drivers.<sup>2</sup> The regulations, effective July 1, 2013, prescribed that drivers (1) may drive 11 hours in a 14-hour window after coming on duty following 10 consecutive hours off duty, (2) may not drive after 60/70 hours on duty in 7/8 consecutive days, and (3) may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty (the 34-hour restart rule). The revised rule also included two provisions requiring that commercial drivers include at least two nighttime periods (defined as periods from 1 a.m. until 5 a.m.) in restart breaks and limit use of the 34-hour restart to once every 168 hours.

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<sup>2</sup> "Hours of Service of Drivers; Final Rule," 76 Federal Register 248 (27 Dec 2011), pp. 81134-81188.

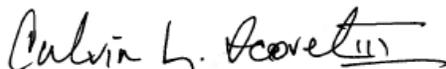
After the rule went into effect, Congress and the motor carrier industry raised concerns about its unintended consequences, such as increased congestion during daytime traffic hours. In the act, Congress suspended FMCSA's enforcement of the two aforementioned provisions of the 34-hour restart rule and required the Agency to conduct a study of the operational, safety, health, and fatigue impacts of the rule.

FMCSA provided us with its plan for the study on February 12, 2015, which we evaluated to determine if it met the requirements of the act. Specifically, our evaluation included a review of supporting documentation, interviews with FMCSA, study team, and peer review panel officials, and input from experts on the general reliability of the technology and validity of performance measures to be used in collecting and analyzing the data. Based on this evaluation, we concluded that the study met the four requirements of the act, specifically that it would (1) have a sufficient number of participating drivers to produce statistically significant results; (2) use reliable technologies to assess the operational, safety, health, and fatigue components of the study to produce consistent and valid results; (3) use appropriate performance measures to properly evaluate the study outcomes; and (4) select an appropriate independent review panel with relevant medical and scientific expertise. On March 16, 2015, we briefed staff from FMCSA and the House and Senate Appropriations Subcommittees on Transportation, Housing and Urban Development, and Related Agencies on the results of our review.

In determining whether the final study complied with specific requirements in the act, we did a comparative review of the study plan and final report. However, we did not separately assess the reliability of the underlying data collected and used in the study given that our earlier review of the study plan showed that the study would use reliable technologies for producing consistent and valid results.

We appreciate the opportunity to provide input on this important matter. If I can answer any questions or be of further assistance, please contact me at (202) 366-1959, or Barry DeWeese, Assistant Inspector General for Surface Transportation Audits, at (202) 366-5630.

Sincerely,

A handwritten signature in black ink that reads "Calvin L. Scovel III". The signature is written in a cursive style with a horizontal line underneath the name.

Calvin L. Scovel III  
Inspector General

cc: Federal Motor Carrier Safety Administrator