



November 12, 2018
Raymond P. Martinez, Administrator
Federal Motor Carrier Safety Administration
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Administrator Martinez,

I write on behalf of the Oregon Trucking Association to express our appreciation for your careful review of the petition recently filed by the American Trucking Associations, seeking a determination that California's meal and rest break rules are unenforceable under 40 U.S.C. § 31141, and to strongly urge you to grant it.

The imposition of state meal and rest break rules like California's is a serious burden on the ability of Oregon motor carriers to productively move freight in interstate commerce. In our view, Congress has entrusted FMCSA exclusively with the responsibility for determining the proper hours of service rules for commercial drivers within DOT jurisdiction, including rules on driver breaks, by striking the proper balance between the paramount concern of highway safety and the needs of interstate commerce, based on its expertise and careful review of the available evidence. The rules established by FMCSA provide drivers with ample opportunity for rest, and in particular ensure that all commercial drivers have the right to a break any time they believe fatigue (or anything else) renders them unable to drive safely. Section 31141 ensures that state rules regulating commercial driver hours do not interfere with that careful, nationally uniform framework.

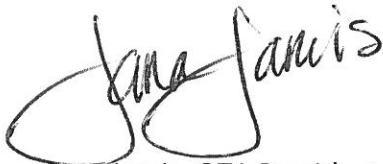
This issue is of particular importance to carriers based in Oregon, because our location means that much of our interstate business involves California. Compliance with the California rules can create significant confusion for out-of-state drivers used to the uniform federal rules, and enormous operational hurdles for Oregon carriers sending trucks into California. California's break rules reduce freight capacity by arbitrarily putting carriers in jeopardy if they schedule driver workloads consistent with what FMCSA has deemed proper. And they can often stretch out a driver's day longer than it would otherwise be, if carriers need to build time for California's arbitrary breaks into the workday—thus making the job not only less productive, but less appealing.

California's rules also make for serious safety risks: drivers who take breaks at the arbitrary frequency specified by those rules use up the limited supply of safe and legal truck parking, thus

making it all the more difficult for drivers to find already scarce parking when they actually need to rest. And as ATA explained in its petition, this effect appears not to be confined to California itself: according to a FHWA and Oregon DOT report last year, the scarcity of safe truck parking in Oregon itself increases near the California border, and an increase in crashes in southern Oregon likely attributable to the difficulty in finding safe parking as a result. While it is serious enough for California to create these safety problems within its own borders, the spillover effect undermining the safety of Oregon's highways is particularly alarming. And the claims by some that California's break rules make its highways safer is belied by the fact that, according to recent DOT data, in the period from 2012 to 2016 California has seen the 14th largest increase among the fifty states in fatal crashes involving large trucks—a 25.75% increase—and is the only one of the five largest states that has seen an increase in such crashes in every single one of those five years.

For these reasons, as well as those in ATA's petition, we urge your careful and speedy review of this issue and look forward to a determination that will allow commercial drivers working in interstate commerce to adhere to the nationally uniform hours-of-service framework established by your agency.

Sincerely,

A handwritten signature in black ink that reads "Jana Jarvis". The signature is stylized, with the first name "Jana" written in a cursive script and the last name "Jarvis" in a more upright, slightly cursive font. The signature is positioned above the printed name.

Jana Jarvis, OTA President & CEO