

Congress of the United States
Washington, DC 20510

September 25, 2018

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, Southeast
Washington, DC 20590

Dear Secretary Chao:

The safe and efficient flow of interstate commerce is critical to our nation's economy, and, to accomplish this goal, it is important that there is a consistent and reliable national framework for the operation of commercial motor vehicles. As such, we support the Department's review of the impact of state meal and rest break requirements for commercial drivers who work in interstate commerce and are therefore subject to the Department's jurisdiction over their hours of service.

Under Section 31141 of Title 49 of the United States Code, the Department of Transportation has the authority to review state laws and regulations on commercial motor vehicle safety and determine they are not enforceable based on statutory criteria set by Congress. Specifically, the Secretary has authority to consider the effect a state law or regulation has on interstate commerce and to review whether it causes an unreasonable burden on interstate commerce, is incompatible with a regulation prescribed by the Secretary, or has no safety benefit. This authority exists to address instances where a state law or regulation may be redundant or overlap with federal regulations. The trucking industry has raised concerns that state meal and rest break laws cause a significant impact on the industry and impair the safe and efficient delivery of goods.

Safety is the primary purpose of the Department's regulation of commercial motor vehicles, and safety can be undermined when duplicative or conflicting requirements interfere with uniform, clear federal requirements. While our federal system is intended to respect the sovereignty of states to legislate and regulate matters within the state, the Constitution establishes the federal role in the regulation of interstate commerce. As you know, the Department's Pipeline and Hazardous Materials Safety Administration recently issued a notice asserting this federal role by preempting certain meal and rest break requirements for all drivers of motor vehicles

transporting hazardous materials. Given your authority to review this issue more broadly, we support a full and fair review of the impact of state meal and rest break requirements on interstate commerce.

Sincerely,



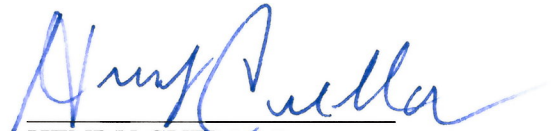
JOHN THUNE
Chairman



BILL SHUSTER
Chairman



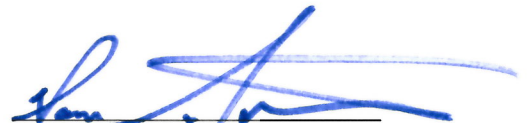
BILL NELSON
Ranking Member



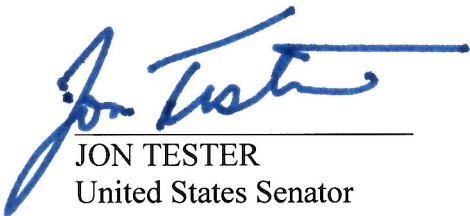
HENRY CUELLAR
Member of Congress



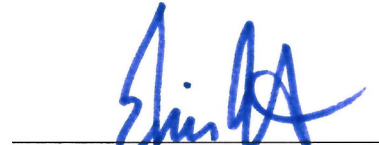
ROY BLUNT
United States Senator



SAM GRAVES
Member of Congress



JON TESTER
United States Senator



JIM COSTA
Member of Congress



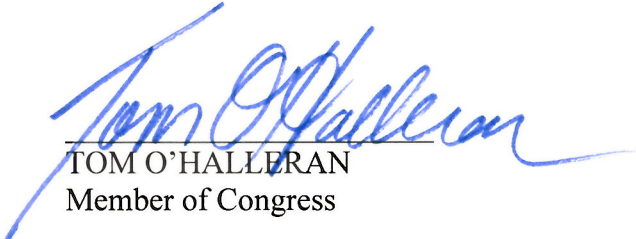
DEB FISCHER
United States Senator



JEFF DENHAM
Member of Congress



HEIDI HEITKAMP
United States Senator



TOM O'HALLERAN
Member of Congress