



The International Brotherhood of Teamsters

Hours of Service of Drivers: United States Postal Service Application for Exemption

FMCSA-2005-22660

Department of Transportation
Federal Motor Carrier Safety Administration

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COMMENTS OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

**Before the
UNITED STATES DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration**

Docket No. FMCSA-2005-22660

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Introduction

The International Brotherhood of Teamsters is a labor organization representing more than 1.4 million working people. Our membership includes hundreds of thousands of people employed by motor carriers. The IBT is strongly committed to ensuring the safety of our highways not only for the drivers we represent, but also for the American public. Therefore, the IBT has submitted numerous comments regarding proposed changes to the hours of service rules dating back nearly ten years. We have always advocated for a reasonable cap on the amount of time a driver can spend on duty and a decent amount of mandated rest time in between workdays so that drivers are not fatigued on the road.

The United States Postal Service (USPS) has requested an exemption from the new hours of service rules for the carriers that it contracts with to perform short haul transportation. The IBT opposes this request for several reasons. First of all, the USPS is requesting exemptions for carriers that it does not control; Second, the USPS has not provided nearly enough information regarding the carriers or why the exemption is necessary; Third, the exemption would hinder enforcement of the hours of service rules, and; Fourth and most importantly, the exemption will adversely affect the safety of our highways.

This situation is unusual because the United States Postal Service is not requesting an exemption for employees and carriers under its control. Rather, the USPS has requested exemptions for an undisclosed number of carriers that it contracts with to perform a service. In its exemption request, the USPS states that it “does not control these suppliers and their drivers other than they must adhere to a schedule with basic DOT regulations.” USPS admits that it does not know anything about the operating activities of the carrier companies and nor is it in a position to ensure compliance with safety measures. Furthermore, all of the companies that would be affected have been operating under the “new” hours of service regulations for more

than two years and to our knowledge, none of them have found it necessary to request such an exemption in their own names.

The USPS has not provided FMCSA and interested parties with enough information to make an informed decision regarding its request. According to 49 CFR 381.405, a party seeking an exemption must include: the name and address of the motor carrier; the number of drivers affected; the USDOT identification numbers of the motor carriers; an explanation of how the party requesting the exemption will ensure that safety levels will be equal or greater to those under the current rules and regulations if the exemption is given and; copies of any research, technical reports, and other publications referenced in the request. The USPS noted in its request that it did not provide the names and addresses of the motor carriers for which it is seeking exemptions because there were too many, nor did it provide the USDOT identification numbers for the carriers. The only information the USPS provides regarding the scope of the exemption is that it could affect an unspecified number of motor carriers covering approximately 5,100 contracts. The USPS has failed to provide any detailed information about the operations of the motor carriers for which it seeks an exemption, such as the schedules of the drivers, the type of work they perform on a daily basis,

or how their time is structured during the workday. Finally, absolutely no research or technical reports were submitted to support any the Postal Service's position. Such omissions make it very difficult for the FMCSA and interested parties to determine how inclusive and vast this exemption really is, why it is necessary and what the safety impact will be. In addition, the USPS does not explain how it will ensure the safety of carriers over which it admits that it has no control, other than to say that it will not continue to contract with companies that have unsatisfactory safety ratings.

Safety has always been a major concern for the Teamsters Union. The debate over changes in the hours of service rules dates back to 1997, and all of our comments have mentioned the importance of adhering to the natural 24-hour circadian rhythm to ensure that drivers are well rested and not fatigued while driving. Research proves that human beings need at least eight hours of rest or sleep in order to be alert and focused during the workday. Under the old rules, a driver could work a full day and return to work after only eight hours off duty. The driver would only have eight hours to take care of any family matters, run errands, eat and rest. Because drivers were expected to perform these tasks during the eight hour off-duty period, and get the necessary rest, most drivers would receive far less than

the recommended eight hours of rest. Under the new rules, drivers are required to have a 10-hour rest period. The USPS, however, wants the FMCSA to allow an unspecified number of drivers to go back to the 8-hour rest period. There have been numerous studies introduced into the record regarding all of the possible HOS changes during the past ten years that prove that an increased time on duty leads to an increase in driver fatigue, resulting in more mistakes and accidents. Furthermore, the research has shown that people should adhere to the circadian rhythm in order to remain alert. USPS has introduced no evidence to show why it is necessary for these drivers to revert to the old system, nor has it shown how safety will not be compromised in allowing an unspecified number of drivers to do so.

Enforcement is another issue that the IBT feels very strongly about because it levels the playing field between companies that have union drivers and those that don't. Union carriers cannot push their drivers to violate the hours of service rules because the collective bargaining agreements provide protections from employer coercion and make any inappropriate actions subject to the grievance procedure. Therefore, union drivers seldom violate the rules. However, non-union carriers have more of an incentive to push drivers in order to increase the bottom line. Therefore,

aside from the obvious safety reasons, enforcement of the rules is extremely important for the IBT in order to keep the competition honest. If this exemption is granted, enforcement of the many carriers that would fall under this exemption would become extremely difficult. Many of the carriers haul freight for several customers, not only the USPS. Therefore, these carriers would operate under one set of rules for some of their freight and another set of rules for the remainder of their freight. This situation is sure to cause confusion among the enforcement officers.

Finally, it should be noted that the Postal Service is not the only company in the United States that moves goods from one location to another on a tight schedule. Many companies provide similar services and have not requested a similar exemption. Some flexibility is provided by the current rule. Once a week, drivers with commercial drivers licenses (CDL) may be on duty for up to 16 hours. In addition, there is a short-haul provision allowing non-CDL drivers to work for 16 hours a day twice a week.

Teamster drivers work hard to keep our roads safe for everyone, and have an outstanding safety record to show for it. Any change in safety regulations deserves a long, hard look. Safety should never be traded away

for convenience, especially with such scant amount of information on which to make a decision. For all of the reasons outlined above, the International Brotherhood of Teamsters respectfully opposes the request by the United States Postal Service to obtain exemptions for an unspecified number of motor carriers with which it contracts.