

## 1 SENATE JOINT RESOLUTION NO. 11

2 INTRODUCED BY J. TESTER, WANZENRIED, COLE, DOHERTY, FACEY, G. FORRESTER, LINDEEN,  
3 SHEA, TAYLOR, F. THOMAS, WITT

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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
6 MONTANA OPPOSING THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S PROPOSED HOURS  
7 OF SERVICE REGULATIONS.

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9 WHEREAS, the trucking industry employs more than 9 million people, delivers 80% of the national  
10 freight measured by value, and is the exclusive provider of freight services to 75% of the communities in  
11 the United States; and

12 WHEREAS, the trucking industry is a critical component of the United States economy; and

13 WHEREAS, truck safety is an important public policy concern; and

14 WHEREAS, the current federal regulations that are meant to reduce truck driver fatigue are  
15 outdated, counterproductive, and in need of revision; and

16 WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) recently issued a Notice of  
17 Proposed Rulemaking regarding the federal hours of service rules for commercial drivers; and

18 WHEREAS, the FMCSA's proposal would decrease the overall number of hours that a truck driver  
19 could work, requiring the addition of more trucks and drivers to deliver the nation's freight; and

20 WHEREAS, this impact would likely compromise safety by generating more exposure to crashes,  
21 putting less experienced drivers on the road, exacerbating the shortage of rest area parking spaces, and  
22 creating long periods of idle time for truck drivers; and

23 WHEREAS, under the proposed changes, the increased costs generated by the need for additional  
24 trucks and drivers, as well as operational changes, would inflate delivery expenses and raise business and  
25 consumer costs; and

26 WHEREAS, the proposal requires some trucks to carry on-board recorders for enforcing the hours  
27 of service regulations; and

28 WHEREAS, this requirement is unlikely to impact safety and raises serious, legitimate concerns  
29 regarding privacy and the potential for abuse of the information and would place additional financial  
30 burdens on the trucking industry, with small businesses being the most severely and disproportionately

1 affected; and

2 WHEREAS, the proposal rescinds current provisions that give states the flexibility to address  
3 certain unique requirements, such as the ability to effectively respond to emergencies and to meet seasonal  
4 agricultural needs, that cannot be met under the limitations of a general hours of service regulation; and

5 WHEREAS, the proposal unjustifiably removes exemptions for agricultural transporters that are  
6 critical to farmers during the harvest season and will severely disrupt the carefully orchestrated system  
7 of transporting fresh food from farm to market; and

8 WHEREAS, the proposal unjustifiably removes exemptions for intrastate operations that currently  
9 give states a measure of flexibility to address special circumstances within their own borders; and

10 WHEREAS, the FMCSA inexplicably removes the exemptions for drivers engaged in emergency  
11 operations, including exemptions for drivers of utility service vehicles and for drivers of snow and ice  
12 removal vehicles; and

13 WHEREAS, the loss of these exemptions will prevent workers engaged in emergency operations  
14 from properly carrying out their duties, possibly putting public safety at risk; and

15 WHEREAS, the law enforcement community has raised concerns about the ability of commercial  
16 vehicle safety inspectors to effectively enforce the proposed regulations; and

17 WHEREAS, the FMCSA's cost-benefit analysis of the proposal is incomplete and fails to completely  
18 account for all trucking industry and economywide costs and inflates the safety benefits of the proposal.

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20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
21 STATE OF MONTANA:

22 That the Montana Legislature oppose the Federal Motor Carrier Safety Administration's proposed  
23 hours of service rule and urge the Federal Motor Carrier Safety Administration to issue a new proposal that  
24 is based on sound science, enhances public safety, and strengthens the ability of the trucking industry to  
25 meet the needs of the American economy.

26 BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the United States  
27 Secretary of Transportation, the Administrator of the Federal Motor Carrier Safety Administration, the  
28 chairs and ranking members of the relevant committees of the United States Senate and House of  
29 Representatives, the Western Governors' Association, Senators Max Baucus and Conrad Burns, and  
30 Representative Dennis Rehberg.

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