

113TH CONGRESS  
1ST SESSION

# H. R. 3413

To require a study and report by the Comptroller General regarding the restart provision of the Hours of Service Rules for Commercial Truck Drivers, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. HANNA (for himself, Mr. RICE of South Carolina, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To require a study and report by the Comptroller General regarding the restart provision of the Hours of Service Rules for Commercial Truck Drivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “True Understanding  
5 of the Economy and Safety Act” or the “TRUE Safety  
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) the trucking industry is the backbone of the  
2           Nation’s economy, with nearly 7 million Americans  
3           working in trucking-related jobs, including more  
4           than 3 million commercial truck drivers;

5           (2) 80 percent of all communities in the United  
6           States depend solely on trucks to deliver and supply  
7           their essential everyday commodities;

8           (3) Federal regulations governing the hours of  
9           service for commercial truck drivers must be based  
10          on full and fair scientific research, analysis, and  
11          operational testing;

12          (4) the restart rule that became effective on  
13          July 1, 2013, was based mainly on a one-month  
14          sleep study conducted in a laboratory setting;

15          (5) the new restart rule will cost the trucking  
16          industry up to \$376,000,000 annually, reducing pro-  
17          ductivity, impacting driver pay, and increasing the  
18          cost to deliver goods; and

19          (6) the restart rule should not have become ef-  
20          fective prior to completion of the thorough oper-  
21          ational study required by section 32301 of the Mov-  
22          ing Ahead for Progress in the 21st Century Act or  
23          MAP–21 (Public Law 112–141; 126 Stat. 786).

1 **SEC. 3. GAO ASSESSMENTS.**

2 (a) ASSESSMENT OF METHODOLOGY FOR MAP-21  
3 RESTART STUDY.—

4 (1) IN GENERAL.—After completion of the field  
5 study and submission of the report regarding such  
6 study by the Administrator of the Federal Motor  
7 Carrier Safety Administration, required by section  
8 32301 of MAP-21, the Comptroller General shall  
9 conduct an assessment of the methodology followed  
10 by the Secretary of Transportation in carrying out  
11 the efficacy of the restart rule published on Decem-  
12 ber 27, 2011.

13 (2) PURPOSE.—The purpose of the assessment  
14 shall be to assess the extent to which the method-  
15 ology meets the requirement of MAP-21 that—

16 (A) the data collected is representative of  
17 the drivers subject to the restart rule;

18 (B) the methodology is statistically valid;  
19 and

20 (C) the study followed the plan for the  
21 “Scheduling and Fatigue Recovery Project” de-  
22 veloped by the Federal Motor Carrier Safety  
23 Administration.

24 (b) ASSESSMENT OF REGULATORY IMPACT ANAL-  
25 YSIS.—

1           (1) IN GENERAL.—The Comptroller General  
2 shall conduct an assessment of the Regulatory Im-  
3 pact Analysis that accompanied the final rule pub-  
4 lished by the Department of Transportation in the  
5 Federal Register on December 27, 2011, entitled  
6 “Hours of Service of Drivers” (76 Fed. Reg.  
7 81134).

8           (2) PURPOSE.—The purpose of the GAO as-  
9 sessment shall be—

10                   (A) to conduct an analysis of the method-  
11 ology and data used by the Federal Motor Car-  
12 rier Safety Administration in its Regulatory Im-  
13 pact Analysis;

14                   (B) to evaluate the validity and representa-  
15 tiveness of the driver data used to evaluate the  
16 operational and economic impacts of the new  
17 34-hour restart rule applicable to operators of  
18 commercial motor vehicles;

19                   (C) to conduct an analysis of the data and  
20 methodology used to develop the proposed safe-  
21 ty and health benefits of the new 34-hour re-  
22 start rule applicable to operators of commercial  
23 motor vehicles;

24                   (D) to review the safety, health, cost, and  
25 operational implications of the restart rule, and

1 the potential impact of a greater number of  
2 commercial motor vehicles on major roads dur-  
3 ing “morning commutes” as a result of the re-  
4 start rule; and

5 (E) review the research used in developing  
6 and justifying the new restart rule, particularly  
7 as it relates to the use of a laboratory test to  
8 justify the rule rather than an operational test  
9 in the field.

10 (c) REPORTS.—Not later than 1 year after the date  
11 of enactment of this Act, the Comptroller General shall  
12 submit a final report to the appropriate committees of  
13 Congress on the assessments required under subsections  
14 (a) and (b), including any recommendations.

15 **SEC. 4. DELAY IN APPLICATION OF RULE.**

16 (a) DELAY IN APPLICATION OF RULE.—Effective as  
17 of the date of enactment of this Act, the restart rule pub-  
18 lished by the Department of Transportation in the Federal  
19 Register on December 27, 2011, shall have no force or  
20 effect until 6 months after the study report required by  
21 this Act has been submitted to Congress.

22 (b) APPLICATION OF PREVIOUS RULE PROVISION.—  
23 For the period specified under subsection (a), the 34-hour  
24 restart rule issued on April 28, 2003 (68 Fed. Reg.  
25 22456), shall be in effect.

1           (c) DECEMBER 2011 RULE.—The Secretary shall not  
2 apply the rule described in subsection (a) if the conclu-  
3 sions of the operational study completed pursuant to  
4 MAP–21 do not support or concur with the conclusions  
5 of the laboratory study on which the rule was based.

○