

February 9, 2016

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and  
Infrastructure  
2251 Rayburn House Office Building,  
Washington, DC 20515

The Honorable Peter DeFazio  
Ranking Member  
Committee on Transportation and  
Infrastructure  
2164 Rayburn House Office Building  
Washington, DC 20515

The Honorable Frank LoBiondo  
Chairman  
Subcommittee on Aviation  
2251 Rayburn House Office Building,  
Washington, DC 20515

The Honorable Rick Larsen  
Ranking Member  
Subcommittee on Aviation  
592 Ford House Office Building  
Washington, DC 20515

Dear Chairman Shuster, Ranking Member DeFazio, Chairman LoBiondo, and  
Ranking Member Larsen:

We, the undersigned groups representing union truck drivers, and safety and consumer advocates, strongly object to Section 611 of H.R. 4441, the Aviation Innovation Reform Reauthorization Act of 2016 (AIRR). This language jeopardizes highway safety, robs hardworking truck drivers of wages they deserve, and denies commercial motor vehicle drivers meal and rest breaks that they are entitled to under state law. A similar provision was rejected last December by conferees during consideration of the FAST Act (Public Law 114-94) and should be similarly excluded from the AIRR.

Under the guise of ensuring that states are not interfering with interstate commerce, this provision would rob drivers of compensation for work performed other than actual driving, would overturn decades of lawsuits and judgements awarded to drivers because employers knowingly broke the law, and would greatly undermine highway safety by increasing fatigued driving and putting more drivers and other motorists at risk.

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The real purpose of this language is clear: block any state from enacting laws or regulations that provide truck drivers with meal and rest breaks, which create safer working conditions; that allow drivers to be paid for work other than time behind the wheel; or that pay truck drivers for work performed outside the truck, such as training and even pre- and post-trip safety inspections – issues that are extremely important to the safe operation of a commercial motor vehicle (CMV). In fact, this legislation would cause truck drivers to not be paid even while waiting for their truck to be weighed at a roadside weigh station. Section 611 amounts to nothing more than wage reductions for truck drivers and eliminating rest breaks that will lead to wide-spread abuse by employers, further reducing low truck driver pay and safety.

Truck driver fatigue is a major cause of truck crashes that kill 4,000 people annually. Yet, adoption of this provision will deny a 10 minute rest break to a truck driver who typically works a 14-hour day. This provision will not benefit public safety but will bolster the bottom line of certain segments of the trucking industry. Adoption of this provision will only add to other actions already taken by Congress to degrade safety, such as the suspension of the requirement for two nights off as part of the 34-hour restart provision, which allows employers to push drivers to work more than 80 hours per week. These attacks on truck safety are creating the perfect storm for more crashes, more fatalities, and more serious injuries on our highways.

While the meal and rest break issue has been focused on California, 19 other states have versions of a meal and/or rest break which could be undermined by this legislation. These include CO, CT, DE, IL, KY, ME, MA, MN, NE, NV, NH, NY, ND, OR, RI, TN, VT, WA, and WV. Adoption of this provision will preempt states that have a right to set working conditions for their own residents. It will also overturn numerous judicial decisions over than span of a decade and legislate on an issue actively being considered by the courts.

As the Committee moves forward in developing legislation to improve aviation safety, it should not include an extraneous, special interest provision that was rejected just months ago in the conference on the FAST Act and which will denigrate highway safety. That is an issue that will affect the health and safety of commercial drivers and the public, affects state laws and is currently under judicial review. We urge you to remove Section 611 from the AIRR.

Sincerely,

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James P. Hoffa, General President  
International Brotherhood of Teamsters

Edward Wytkind, President  
Transportation Trades Department,  
AFL-CIO

Linda Lipsen, Chief Executive Officer  
American Association for Justice

Robert Martinez, President  
International Assoc. of Machinists  
& Aerospace Workers

John Lannen, Executive Director  
Truck Safety Coalition (TSC)

Steve Owings, Co-Founder  
Road Safe America (RSA)

Robert Weissman, President  
Public Citizen