

ABA Position Paper

Hours of Service Changes for Intercity Motorcoach Drivers

Issue

Recently the Federal Motor Carrier Safety Administration (FMCSA) enacted sweeping changes to the driver's hours-of-service (HOS) regulations for truck operations. Bus companies have been allowed to continue to follow the old rules in part because of the industry's superior safety performance and due to the failure of the FMCSA to conduct any meaningful bus driver fatigue studies prior to the promulgation of the "truck" rule changes. FMCSA has stated that they intend to conduct studies on bus operations and bus driver fatigue and that they could consider changing the hours-of-service rules if warranted.

Background

Currently motorcoach drivers in the United States must comply with the following HOS rules: 1) A driver may drive up to 10 hours, then must have eight consecutive hours off duty; 2) A driver may remain on duty up to 15 hours, including driving and on-duty time. After this limit is reached, the driver must have eight consecutive hours off-duty; 3) A driver may not drive after having been on-duty for 70 hours in any consecutive eight day period.

In Canada - things turned out differently. North of the border new HOS rules for truck *and bus* drivers come into effect on January 1, 2007. The Canadian rules are very similar to the new U.S. truck rules. All U.S. based passenger carriers traveling across the northern border after the effective date must train their personnel accordingly and be prepared to deal with the scheduling changes the new Canadian rules will bring about.

The FMCSA's decision to carve the bus industry out of the HOS rules validates the following industry conclusions:

Trucks and buses are not the same type of vehicles, and operate differently because:

- drivers in intercity, fixed-route service operate on highly regular schedules. Bus service is characterized by frequent, regular terminal stops and loads of passengers, not freight. Schedules are set to minimize time away from home; with drivers rarely spending more than one night at a time away from home.
- charters and tours bus companies plan itineraries with plenty of rest time for drivers while allowing passengers to visit the attractions they desire. Most motorcoach drivers are paid by the hour, whether they are driving or not, not by the mile.
- Intercity bus drivers stay in hotels, or sleep in their own beds at night. Most multi-day charters operate in conjunction with passenger's circadian rhythms - passengers do not like spending nights in motorcoaches - and are therefore not commonly on the road all night.

There is currently no scientific evidence to support changing the HOS rules for intercity bus drivers because the FMCSA has no evidence that fatigue is a problem in the intercity bus industry and shows no research to support the proposed changes.

ABA Position

ABA believes that bus driver hours-of-service rules should not be altered unless solid evidence can be presented that justify such changes. ABA also supports continued research into fatigue as a factor relating to motor vehicle accidents.
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