

**Opening Statement of Rep. Dennis J. Kucinich
Ranking Member, Subcommittee on Regulatory Affairs,
Stimulus Oversight and Government Spending
Hearing on: “The Price of Uncertainty: How Much Could
DOT’s Proposed Billion Dollar Service Rule Cost Consumers
this Holiday Season?”
November 30, 2011**

Good morning, and welcome to all the witnesses who are here today to testify about the Department of Transportation, Federal Motor Carrier Safety Administration’s proposed Hours of Service rule for commercial truck drivers.

The majority has framed the question of this hearing around how much the proposed rule – which limits the number of hours commercial truck drivers can be on the road – could “cost consumers this holiday season.” But I think a far more appropriate question is whether this proposed rule will help ensure that all of our loved ones will be safe and able to enjoy each other’s company this holiday season. That is what this proposed rule on the hours of truck drivers is all about – saving lives.

Truck driver fatigue is a serious safety problem that threatens everyone who gets on the highway, every day. Each year on average, 4,000 people are needlessly killed and 100,000 more are

injured in truck crashes. Evidence suggests that truck driver fatigue is a major factor in these crashes.

Under the hours of service rule currently in effect, truck drivers can drive more than 77 hours a week. Under the amounts of driving currently allowed, 65% of drivers reported that they often or sometimes felt drowsy while driving and 48% said they had fallen asleep while driving in the previous year. The combination of tired truckers driving loads up to 80,000 lbs. can make a lethal weapon we do not want alongside families driving on highways.

There are several brave people here in the audience today who have come to support stricter standards for truck drivers because they have been unfortunate to have felt first-hand the devastating effects of truck driver fatigue.

I'd like to recognize Ed Slattery and his son Mathew, who are here today and have submitted a statement for the record, so that, as Mr. Slattery explains "Members of this Subcommittee and others will know the "real" costs of truck crashes involving tired truckers." I'd like to read an excerpt from his statement and ask unanimous consent that it be entered into the record.

It was a beautiful, clear day on August 16, 2010, when my family's lives were changed forever. My wife, Susan, and our two sons, Peter and Matthew, were returning home from a big family reunion in Rocky River, Ohio, the home of Susan's parents, George and Ginger Palmer. Susan grew up in Cleveland and all of her family still lives in Ohio.... I would have been with them but I wasn't able to travel because I was recovering from shoulder surgery.

As they neared the 190-mile marker on the Ohio Turnpike in Streetsboro at around 11:45 a.m., a truck driver behind the wheel of a triple trailer truck had fallen asleep and crashed into the back of our car. In an instant I lost my wife, and Peter and Matthew were in emergency surgery. Following the impact with our car, the truck went on to hit two other semis and four more passenger vehicles before stopping in the divider and bursting into flames.

The weeks following the crash were spent juggling surgeries for both boys, meeting with doctors, lawyers and funeral directors, all while ensuring that someone was always at Peter's and Matthew's side. For some time, I spent each day wondering if Matthew would make it to the next. After about a month, the boys were stable enough to return to Baltimore where we began the journey dealing with the long term effects of the crash including the loss of my wife Susan.

Peter, who suffered a broken pelvis and a facial fracture, was conscious and being moved to a helicopter when he overheard the paramedics pronounce his mom dead. He will recover physically, but the long term psychological effects

are yet to be determined. Matthew, who was in a coma from massive head trauma, continues to make progress every day but is permanently disabled and requires round-the-clock care.....

Our lives will never be the same but I can work to reduce truck driver fatigue so that another family will not have to suffer the tremendous loss that my family lives with every single day. If adopted, the proposed rule will save lives, improve driver health, and reduce costs to society. I urge this Subcommittee not to impede the progress the Department of Transportation has made to improve the HOS rule and to protect the safety and well being of our families.

So while we debate the marginal costs and benefits of the proposed rule today, I ask that all members keep in mind the story of the Slattery's, and remind ourselves that we have a responsibility to do what we can to stop avoidable accidents. I share the majority's goal of promoting the healthy businesses in this country and protecting consumer interests. But Congress has mandated that we need to put the safety of people out on the road first. I applaud the Federal Motor Carrier Safety Administration for finally taking small but meaningful steps in this direction.