

Con-way Prepares for HOS Rules Despite Court Challenge

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With the impending deadline for the Federal Motor Carrier Service Administration's new hours-of-service regulations less than two months away, the outcome of the American Trucking Association's legal challenge against the rule is still not clear.

The ATA argued against the HOS change before a three-judge panel in Washington, D.C., on March 15, but unless a ruling comes down before July 1, carriers will nonetheless have to comply with the new law before knowing if it will be struck down. Carriers like Con-way have been preparing for the new set of rules, assessing the line-haul runs that might be affected by the new rule and making sure any operational changes needed are accomplished by the deadline.

"We have no way to out-guess the courts, so we are proceeding as if the rule will go into effect as planned by FMCSA," Randy Mullett, Con-way's vice president of government relations and public affairs, told *American Shipper*. "We hope the 34-hour restart will be restored and that there is some additional flexibility allowed for sleeper teams' off-duty hours."

Con-way, Mullett said, has developed training materials and training schedules in preparation for the change. They have also made sure IT and operational support systems are ready for the new schedules. Finally, communication with customers is key because the new requirements might change a few services, he said.

"As one can imagine, there are many sub-projects that are necessary to support these larger initiatives. It is a significant effort and is quite expensive in terms of human capital and actual dollars," he said.

Of course, if the court struck down the law, all this preparation would be in vain. In January, the ATA requested a delay to the new law until after the court made its decision. This move would prevent unnecessary expense and preparation to comply with a law that may ultimately be struck down, the organization argued. In late February, the FMCSA denied the request.

When July 1 does roll around, the hours-of-service change might turn out to be a bump in the road or it may prove to be more of a challenge. Mullett said that truckload carriers are predicting a decrease in productivity of between 2 percent and 3 percent because of the new guidelines. This could compound an already growing driver shortage in the industry.

"The new rule will not be devastating," he said, "but it may be a significant hurdle to overcome depending on particular shipper or carrier situations."

Earlier this month, Rick Schweitzer of the National Private Trucking Council reportedly said the law would likely be implemented as-is. According to various news publications, he told an audience at the group's annual meeting that the court likely wouldn't change anything in the rule.