Highway to Hell

The notion that the road to hell is paved with good intentions was first attributed to St. Francis de Sales. Little did he know his words would still apply — a thousand years later to something he never heard of: modern day truckers.

Consider the uproar over proposed changes to hours of service regulations for truckers. The former Interstate Commerce Commission issued the existing regulations in 1939 as part of an overall program of safety regulation. Time was measured as that spent driving and doing other work — such as loading and unloading. Drivers are allowed 15 hours on duty, with no more than ten spent driving. Eight hours off-duty must follow.

Directed by Congress to update the regulations, Secretary of Transportation Rodney Slater intended for the new rules to be in effect before the end of the current administration, ensuring a safer trucking environment, and one less vulnerable to constant revisiting (or modification) of the rules governing it. The regulations were meant to address and solve the major problem of driver fatigue.

The proposed rules try to recognize different working requirements by creating five categories of drivers. Electronic onboard recorders would replace paper logs for certain types of truckers to track time. Installation would be phased in depending on fleet size.

One significant change would be the establishment of a 12-hour day, with two consecutive nights off mandatory. Here, the cost debate has been vigorous. The government estimates the annual cost of this regulation to the trucking industry would be $490 million, primarily to pay for 50,000 new drivers. Robert V. Delaney of Cass Logistics places the cost much higher: $175 billion over three years in increased trucking and inventory expense representing a 10% increase in total expense. Mike Starnes of M.S. Carriers estimates his costs would increase by 20%.

The economic impact from the proposed rules would be profound. Since a driver shortage already exists today, attracting even more drivers is a daunting challenge. Furthermore, problems such as driver rest stops prevail (rest areas are already overcrowded.)

Although public outcry and Congressional action has precluded enactment of any of these proposed rule changes, the issue is still very much alive.

Another highway related issue has been the spike in gasoline prices — especially in the Midwest. Not only are prices hitting highs — close to $3 a gallon in some places — but the rate of increase has been breathtaking. The localized nature of the problem makes it difficult to blame OPEC, the traditional villain of past oil spikes. Part of today's problem has been transportation. The Wolverine Pipeline between Chicago and Detroit broke and interrupted supply to a region, leaving no alternative route.

Then there were the Environmental Protection Agency rules which went into effect June 1st requiring states to utilize reformulated gasoline, a new and cleaner-burning gasoline, for the summer. This measure was aimed at reducing ozone-forming emissions.

Although this rule, from the 1990 Clean Air Act, applied to many parts of the nation, the Midwest’s problems were unique. Whereas national standards have been set for vehicle emissions, fuel formulas vary in different regions. The Midwest region has been using ethanol to blend with gasoline — a more expensive solution and more difficult to make. And refineries face logistical challenges as they attempt to manufacture, store and distribute an increased number of gasolines.

And what about roadability, the highway-related issue that will not go away but has never been resolved to the satisfaction of all parties. The problem centers around who is responsible for the condition and safety of equipment moving over public roads.

The Intermodal Association of North America (IANA) has been trying to address this question. Equipment owners, operators and controlling parties all contemplate road-ability solutions in a different fashion, and their opinions rarely converge.

The position of the American Trucking Associations is clearer — truckers must not be held liable for defective equipment. Since several states are at various stages of legislative initiatives in this area, the federal government began a rulemaking in March, 1999. Last month, Stephen Van Beek, director of the Office of Intermodalism, warned that the industry must reach consensus — or risk having the federal government decide a remedy for them.

Van Beek classified the situation as a “stalemate.” To many industry observers, the most serious obstacles lay with the steamship lines. The Council of European and Japanese National Shipowners’ Associations claimed, in a letter earlier this year, that no safety problem exists.

Protecting citizens is a responsibility of government. Unfortunately, the political process often makes it difficult to resolve legitimate differences of opinions. As a preview, even more discussions may await us in the future if the government starts examining cell phone safety for drivers — an issue that would affect almost all of us.

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