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HEADLINE: Court Strikes Down Truckers' Hours Rule

Byline: CHRISTOPHER S. RUGABER

WASHINGTON - A federal court dealt a blow to U.S. trucking companies Tuesday by striking down rules on working hours that were strongly criticized by safety advocates.

The decision is the latest chapter in a long-running battle between advocacy groups such as Public Citizen and the Transportation Department's Federal Motor Carrier Safety Administration, which have fought over a rule extending truckers' hours of service since 2003.

Judge Merrick B. Garland, writing for a three-judge panel of the U.S. Court of Appeals for the D.C. Circuit, invalidated a rule issued by the federal safety agency in August 2005 that allowed truckers to drive 11 hours in a row, rather than the previous limit of 10.

The judge also threw out a rule that would have effectively increased weekly time limits on drivers' hours by at least 25 percent, critics said.

The agency had failed to follow proper procedures in issuing the two measures, the court said, such as allowing public comment on the 11-hour limit. The provisions were part of a larger regulation that was allowed to stand.

The FMCSA said it was still analyzing the decision and considering its next steps.

The American Trucking Associations said it would seek a stay of the ruling until the federal safety agency can address the court's concerns. ATA's members include United Parcel Service Inc., FedEx Corp., JB Hunt Transport Services Inc. and YRC Worldwide.

The two measures will otherwise remain in place until Sept. 14, when the court's ruling takes effect, the FMCSA said.

"The good news in the decision is that the flaws that the court found were procedural in nature and can be corrected by the agency," the ATA said.

"We're delighted with the decision," Bonnie Robin-Vergeer, a senior attorney for the Public Citizen Litigation Center, said. "Long-haul truckers drive too many hours, and a rule that allows them to drive more hours is dangerous for the public and for the drivers themselves."

Robin-Vergeer said the court's decision expressed "grave doubts" about many aspects of the rule and argued the court would be unlikely to uphold it on substantive grounds.

As part of the same decision, the court rejected a challenge by the Owner-Operator Independent Drivers Association regarding parts of the rule that reduced the number of on-duty hours to 14 from 15.

The FMCSA first extended consecutive drivers' hours to 11 and increased weekly limits in a 2003 rule. Before that, the limit in consecutive hours had stood at 10 for over 60 years.

But that rule was struck down by the same court in 2004, after a challenge by Public Citizen. The rule FMCSA issued in August 2005 was largely the same as its predecessor, with some changes in an effort to mollify the court.