

United States Senate

WASHINGTON, DC 20510

December 20, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Democratic Leader
United States Senate
Washington, D.C. 20510

Dear Leader McConnell and Leader Schumer:

We write to express our strong opposition to the inclusion of provisions that preempt state safety laws providing meal and rest breaks to truck drivers in legislation to fund the federal government for the remainder of Fiscal Year 2018, reauthorize the Federal Aviation Administration (FAA), or any other end of the year vehicle. These decades-old state laws protect the safety and working conditions of our nation's truck drivers and the safety of the men, women, and families that use our roads and highways every day.

While the Federal Motor Carrier Safety Administration develops and enforces federal hours-of-service regulations for interstate commerce, 21 states and U.S. territories have adopted additional regulations requiring motor carriers to provide minimum meal and rest breaks to truck drivers. One purpose of these state laws is to keep fatigued drivers off the road by placing limits on when and for how long they may drive. In 2014, a federal appellate court upheld California's meal and rest break law against a federal preemption challenge.¹

Congress never intended to preempt such state regulations, and should not do so now in must-pass legislation. The Department of Transportation has acknowledged that state meal and rest break laws fall "squarely within the states' traditional power to regulate the employment relationship and to protect worker health and safety."² Adopting provisions like the ones in the Interior and Environment, Agriculture and Rural Development, Commerce, Justice, Science, Financial Services and General Government, Homeland Security, Labor, Health and Human Services, Education, State and Foreign Operations, Transportation, Housing and Urban Development, Defense, Military Construction and Veterans Affairs, Legislative Branch, and Energy and Water Development Appropriations Act of Fiscal Year 2018 (H.R. 3354) and Federal Aviation Administration Reauthorization Act of 2017 (S. 1405) would infringe upon states' power to protect the safety of their citizens and workers, and could worsen the working conditions of truck drivers. Congress should be focused on improving the wages and labor standards of truck drivers and all working people, not eliminating workplace safety rights that states have conferred on them.

¹ See *Dilts v. Penske Logistics*, 769 F.3d 637 (9th Cir. 2014).

² See Brief for the United States As Amicus Curiae in Support of Appellants and Reversal, *Dilts v. Penske Logistics*, 769 F.3d 637 (9th Cir. 2014) (No. 12-55705).


Enacting legislation to void state safety laws would hurt truck drivers and put at risk the safety of the public. In 2015, Congress wisely struck such provisions from the Fixing America's Surface Transportation (FAST) Act during conference negotiations. Last year, Congress did not support the inclusion of meal and rest break preemption provisions in the Consolidated Appropriations Act of 2017. We urge you to again protect workers' rights and states' power to protect their citizens by not including meal and rest break riders in a final Fiscal Year 2018 spending bill, FAA reauthorization, or any other legislation.

Sincerely,



KAMALA D. HARRIS
United States Senator


PATTY MURRAY
United States Senator


RICHARD BLUMENTHAL
United States Senator


ELIZABETH WARREN
United States Senator


EDWARD J. MARKEY
United States Senator


CORY A. BOOKER
United States Senator


ROBERT P. CASEY, JR.
United States Senator


DIANNE FEINSTEIN
United States Senator


MARGARET WOOD HASSAN
United States Senator


GARY C. PETERS
United States Senator

CC: The Honorable Thad Cochran, Chairman of the Committee on Appropriations
The Honorable Patrick Leahy, Vice Chairman of the Committee on Appropriations
The Honorable John Thune, Chairman of the Committee on Commerce, Science, and
Transportation
The Honorable Bill Nelson, Ranking Member of the Committee on Commerce, Science, and
Transportation