

United States Senate

WASHINGTON, DC 20510

September 6, 2018

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

The Honorable John Thune
Chairman, Committee on Commerce,
Science, & Transportation
United States Senate
Washington, D.C. 20510

The Honorable Bill Nelson
Ranking Member, Committee on Commerce,
Science, & Transportation
United States Senate
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Thune, and Ranking Member Nelson:

We write to request that section 5024 be stripped from the Senate substitute amendment for H.R. 4, the Federal Aviation Administration (FAA) Reauthorization Act of 2018. This provision preempts state laws providing meal and rest breaks to truck drivers, undermining states' ability to protect the safety of the public and regulate its workforce.

The retention of this language could hurt truck drivers and threaten the safety of the men, women, and families who use American roads and highways every day. Truck drivers work long hours, often driving hundreds of miles, risking fatigue and exhaustion. Twenty-one states and U.S. territories have adopted laws requiring motor carriers to provide minimum meal and rest breaks for drivers. These laws help keep fatigued drivers off the road by placing limits on when and how long they may drive. Eliminating these critical protections could result in an increase in the number of accidents and fatalities that occur on American roadways.

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."¹ Additionally, Congress has repeatedly struck similar preemption provisions from pending legislation, including from the Fixing America's Surface Transportation Act in 2015, the Consolidated Appropriations Act of 2017, and the Consolidated Appropriations Act of 2018. We should follow our past practice and respect states' right to protect the safety of their workers and the public.

¹ 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)

Retaining this anti-labor and anti-safety rider in the FAA reauthorization bill is simply unacceptable. We respectfully request you act to protect public safety, workers' rights, and states' authority by striking section 5024 prior to bringing this bill to the Senate floor for a vote.

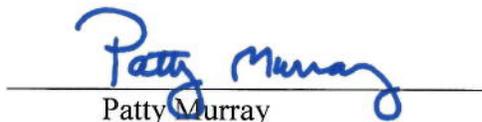
Sincerely,



Kamala D. Harris
United States Senator



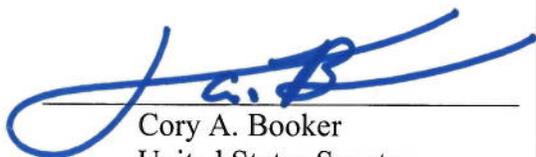
Dianne Feinstein
United States Senator



Patty Murray
United States Senator



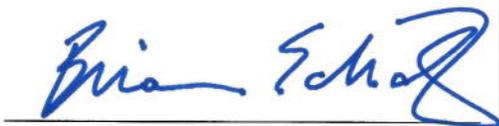
Elizabeth Warren
United States Senator



Cory A. Booker
United States Senator



Edward J. Markey
United States Senator



Brian Schatz
United States Senator



Richard Blumenthal
United States Senator



Robert P. Casey, Jr.
United States Senator



Gary C. Peters
United States Senator

Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

Claire McCaskill

Claire McCaskill
United States Senator

Maggie Hassan

Margaret Wood Hassan
United States Senator