

PETITION FOR RULEMAKING

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

Petition to Establish a Simplified, Fatigue-Responsive Hours of Service Pilot Program With Enhanced Enforcement Mechanisms

Prepared as a comprehensive petition for rulemaking under 49 CFR § 389.31. This document integrates the proposed duty structure, rest requirements, break treatment, pilot design, enforcement framework, ELD tampering consequences, civil penalty concepts, equipment impoundment concepts, and recommendations for additional statutory authority where current FMCSA authority may be limited.

Petitioners	Dale Prax / FreightValidate / Chief Executive Officer Zach Meiborg /Meiborg Inc /Chief Executive Officer
Authority Invoked	49 CFR § 389.31; 49 U.S.C. §§ 31136 and 31502
Primary Regulatory Subject	49 CFR Part 395 Hours of Service of Drivers
Requested Agency Action	Initiate an NPRM and structured pilot program

Respectfully submitted,

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EXECUTIVE SUMMARY

This petition requests that FMCSA initiate a Notice of Proposed Rulemaking to test a simplified Hours of Service framework through a controlled pilot program. The proposal would allow up to 14 cumulative hours on duty within any rolling 24-hour period, require 10 consecutive hours off duty within that same rolling 24-hour period, and revise the 30-minute break so it tracks actual driving exposure rather than an arbitrary clock trigger. The proposal would suspend the current 11-hour driving cap, the 60/70-hour cumulative weekly limits, and restart provisions for pilot participants only. It would pair this flexibility with stronger enforcement: immediate out-of-service orders for egregious violations, substantial scaled civil penalties, impoundment authority where available under federal-state coordination, mandatory escalation for intentional ELD tampering, operating authority suspension or revocation where warranted, driver disqualification measures, and recommendations for additional statutory authority where current FMCSA authority may be insufficient to impose criminal sanctions.

The petition is grounded in the view that the current Hours of Service structure is too rigid, economically distortive, and increasingly misaligned with real-world freight operations. The petitioner requests that FMCSA evaluate whether a bounded, fatigue-responsive framework can improve actual compliance, reduce incentives for falsification, maintain or improve safety outcomes, and restore fairness between compliant and non-compliant carriers.

I. PETITIONERS

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The petitioners have substantial experience in freight transportation, compliance systems, fraud prevention, carrier oversight, and regulatory engagement. This petition is submitted to provide a detailed and operationally grounded framework for FMCSA consideration, not merely as a critique of the current rules, but as a testable alternative that can be measured through a structured pilot program.

II. REQUESTED ACTION

Pursuant to 49 CFR § 389.31, the petitioners respectfully request that FMCSA initiate a rulemaking proceeding and publish a Notice of Proposed Rulemaking establishing a pilot program under 49 CFR Part 395 for property-carrying commercial motor vehicle drivers.

- Authorize pilot participants to accumulate up to 14 cumulative hours on duty within any rolling 24-hour period.
- Require at least 10 consecutive hours off duty within each rolling 24-hour period.
- Modify the 30-minute rest break so that it is triggered by actual driving exposure and may be satisfied by off-duty, sleeper berth, or on-duty not driving time.
- Suspend, for pilot participants only, the current 11-hour driving limit, 60-hour/7-day and 70-hour/8-day cumulative limits, and restart provisions.
- Adopt a stronger enforcement model designed to make egregious non-compliance and ELD tampering economically and operationally unsustainable.

- Collect performance data over a multi-year pilot and terminate the pilot immediately if safety performance materially degrades.

III. LEGAL AND REGULATORY AUTHORITY

This petition is submitted under 49 CFR § 389.31, which permits interested persons to petition FMCSA to establish, amend, or repeal a rule. FMCSA possesses general authority under 49 U.S.C. § 31136 to prescribe regulations on commercial motor vehicle safety and under 49 U.S.C. § 31502 to regulate qualifications and maximum hours of service of employees and safety of operation and equipment.

This petition does not assume that FMCSA may, through regulation alone, impose every possible criminal consequence described herein. To the extent certain sanctions would require additional statutory authorization, the petition requests that FMCSA expressly note those limitations, seek comment on the concept, and recommend congressional action where appropriate.

IV. PURPOSE AND NEED FOR RULEMAKING

A. Misalignment Between Current HOS Rules and Real-World Operations

The current Hours of Service framework is highly prescriptive. It does not consistently account for detention at shipper and receiver facilities, loading and unloading delays, congestion, weather disruptions, irregular pickup windows, and other realities of freight transportation that consume working time without necessarily reflecting meaningful fatigue exposure. As a result, the rules often force operational choices around the clock rather than around the safest and most efficient use of a driver's work-rest cycle.

B. Economic Distortion and Uneven Competitive Conditions

The petitioners' position is that the existing structure has contributed to a widening gap between compliant and non-compliant operations. In prior discussion, compliant carriers were described as operating at roughly 2,100 miles per week and approximately \$2.40 to \$2.50 per mile, while non-compliant carriers were described as operating at roughly 4,500 miles per week and approximately \$1.70 per mile. Whether any given carrier falls exactly at those figures is less important than the underlying point: when non-compliance yields significantly higher utilization and lower effective cost per mile, the market rewards evasion and penalizes lawful behavior.

C. Incentives for ELD Manipulation and Falsification

Where a regulatory structure is rigid, economically consequential, and difficult to reconcile with ordinary delays, it can create strong incentives to manipulate Electronic Logging Devices, falsify records of duty status, coordinate dispatching around non-compliant operations, or otherwise evade the rules. The petitioner submits that a better system is one that preserves hard outer limits while allowing lawful operators enough flexibility that compliance remains operationally realistic.

D. Workforce Impacts

The current framework can reduce earnings opportunity for compliant drivers, drive experienced operators out of the market, and reward those most willing to operate near or beyond the line of illegality. A rational regulatory structure should not push honest drivers and carriers into economic disadvantage merely because they attempt to follow the rules.

V. PROPOSED REGULATORY FRAMEWORK

A. Core Duty Limitation

FMCSA should authorize pilot participants to accumulate up to 14 total cumulative hours on duty within any rolling 24-hour period. The 14-hour total would include both driving time and on-duty not driving time. The 14 hours would not need to be consecutive. Instead, drivers could distribute on-duty time within the rolling 24-hour

period based on traffic, weather, shipper delays, receiver delays, fuel stops, inspections, loading and unloading activity, and other operational realities.

B. Consecutive Off-Duty Requirement

Within the same rolling 24-hour period, drivers would be required to obtain at least 10 consecutive hours off duty. This revision reflects the petitioner's later instruction that the 10-hour rest period should be consecutive rather than split. The consecutive 10-hour off-duty period is intended to preserve a clear, enforceable, and physiologically meaningful recovery requirement aligned with circadian biology and restorative sleep opportunity.

C. Revised 30-Minute Rest Break

The petition requests that FMCSA modify the existing 30-minute rest break requirement so that it better reflects actual driving exposure and real-world fatigue mitigation. Under the proposed pilot, a driver would be required to take at least a 30-minute interruption from driving after accumulating 8 cumulative hours of driving time.

- The 30-minute interruption may be satisfied by off-duty time.
- It may also be satisfied by sleeper berth time.
- It may also be satisfied by on-duty not driving time, such as fueling, inspections, loading, unloading, paperwork, or other non-driving tasks, provided the driver is not actively driving during the interruption.

This approach is intended to make the 30-minute break more sensible. It ties the break to actual driving exposure instead of arbitrary elapsed duty time, and it recognizes that meaningful relief from driving can occur during non-driving operational intervals even if the driver is not technically off duty.

D. Suspension of Existing Requirements for Pilot Participants

- Suspend the existing 11-hour driving limit for pilot participants only.
- Suspend the 60-hour/7-day and 70-hour/8-day cumulative limits for pilot participants only.
- Suspend restart provisions for pilot participants only.

These suspensions are integral to the test. Without them, the pilot would not meaningfully evaluate whether a simpler bounded system performs better than the current layered structure.

E. Electronic Logging and Oversight

All pilot participants would remain subject to mandatory ELD use. Duty status changes, driving time, and break compliance would continue to be captured electronically. Pilot participation would be conditioned upon data access and compliance review authority adequate for FMCSA to monitor the structure in real time or near real time.

VI. FATIGUE MANAGEMENT RATIONALE

The petition does not contend that fatigue is unimportant. To the contrary, the proposal is built around the idea that fatigue management should make more biological and operational sense. Fatigue is influenced by circadian rhythm alignment, timing and quality of sleep, the distribution of workload across a duty cycle, environmental conditions, detention, congestion, and other operational factors.

The petitioner previously proposed a split 10-hour off-duty concept, but later revised that position and requested that the 10-hour rest period be consecutive. That change improves defensibility. A consecutive 10-hour period is more consistent with a full restorative opportunity while still permitting flexibility on the front end of the duty cycle through the cumulative 14-hour on-duty allowance.

The revised 30-minute interruption provision complements this structure by preserving a fatigue safeguard tied to 8 hours of actual driving, but without forcing an artificial and sometimes disruptive classification rule that ignores ordinary non-driving breaks in the workday.

Safety hypothesis: a flexible duty structure bounded by a cumulative 14-hour on-duty cap, a mandatory 10 consecutive hours off duty, and a driving-exposure-based 30-minute interruption will improve real-world compliance and maintain or improve safety outcomes.

VII. ENHANCED ENFORCEMENT FRAMEWORK

A. Immediate Out-of-Service Orders

The petition requests immediate out-of-service treatment for egregious violations of the pilot's Hours of Service requirements, especially where the violation is willful, repeated, falsified, or associated with broader safety concerns. The intent is to ensure that the pilot is not perceived as a loosening of accountability. Flexibility on lawful scheduling must be paired with immediate consequences for deliberate abuse.

B. Equipment Impoundment and Release Conditions

The petitioner requested severe deterrents for Hours of Service violations, including impoundment of the commercial motor vehicle, any attached trailer, and the cargo. As framed for legal defensibility, the petition requests that FMCSA seek comment on immediate impoundment authority where available in coordination with state enforcement partners and existing law.

- Impoundment could apply to the power unit, attached trailer, and associated equipment involved in an egregious violation where state and federal authority permit.
- Release should be conditioned upon verified compliance, payment of assessed civil penalties, and administrative clearance.
- FMCSA should seek comment on a standardized administrative release fee structure substantial enough to deter repeat violations.

The petitioner specifically proposed that it cost \$50,000 to regain the equipment and an additional amount equal to 25 percent of the value of the goods or cargo. Because automatic seizure fees and cargo-based release penalties can implicate third-party property rights and may exceed current FMCSA authority, the petition frames this as a request for comment on high-deterrence administrative and statutory options rather than as an assertion that FMCSA may unilaterally impose that exact structure today.

C. Substantial Civil Penalties for Egregious HOS Violations

The petition requests substantially increased civil penalties for willful or repeated Hours of Service violations, record falsification, and related deceptive conduct. Any civil penalty structure should be scaled to severity, carrier size, carrier revenue, prior history, and evidence of intentional misconduct. The policy goal is straightforward: non-compliance should never be cheaper than compliance.

D. ELD Tampering as a Critical Violation

The petitioner specifically requested that illegal tampering of the ELD result in 72 hours in jail, a \$50,000 fine, a permanent ban of the motor carrier's operating authority, and a permanent loss of the driver's ability ever to obtain a CDL again. That requested deterrent is included here in full conceptually, but it must be framed in two parts: actions FMCSA can likely pursue under existing regulatory authority, and actions that would require criminal or additional statutory authority.

- Under existing regulatory authority, intentional ELD tampering, falsification, circumvention, or the use of unlawful workarounds should be classified as a high-severity or critical safety violation.
- Such conduct should trigger immediate out-of-service treatment, expedited compliance review, and where warranted suspension or revocation of operating authority.
- Drivers found to have knowingly participated should face substantial disqualification periods and stringent requalification standards before any CDL-related return to operation, to the fullest extent authorized by law.

- FMCSA should expressly refer intentional ELD tampering cases to appropriate federal authorities for potential criminal investigation and prosecution under existing fraud, false statement, records, or transportation-related statutes where applicable.

The petition further requests that FMCSA state in the NPRM that certain deliberate fraud patterns such as systematic ELD tampering may warrant additional statutory authority from Congress to permit stronger criminal consequences.

E. Requested Statutory Consideration Beyond Current FMCSA Authority

Because the petitioner explicitly requested consequences that may outpace current FMCSA administrative authority, this petition preserves those concepts as a recommendation for congressional or interagency consideration. FMCSA should seek comment on whether Congress should authorize one or more of the following for knowing, deliberate, and egregious fraud involving Hours of Service or ELD tampering:

- Mandatory custodial penalties, including a concept such as 72 hours in custody for qualifying deliberate fraud or tampering offenses.
- A fixed monetary sanction such as a \$50,000 penalty for intentional tampering or egregious willful Hours of Service fraud.
- Permanent revocation of a motor carrier's operating authority for repeat or aggravated tampering or systemic falsification schemes.
- Permanent or long-term disqualification from obtaining a CDL for drivers who knowingly participate in deliberate tampering, falsification, or repeated fraud schemes.
- Cargo-value-based financial penalties, including concepts such as an amount equal to 25 percent of the cargo's value, where lawful and where protections exist for innocent third-party cargo interests.

The purpose of retaining these concepts is not to weaken the petition through overreach. It is to preserve the petitioner's full deterrence vision while clearly distinguishing what FMCSA may be able to do now from what may require congressional action.

F. Driver Accountability

In addition to carrier-level consequences, the petition requests driver-level accountability. Drivers who knowingly participate in falsification, tampering, or structured evasion should face escalating disqualification periods, mandatory retraining or requalification before reinstatement, and severe consequences for repeated misconduct.

G. Insurance, Bonding, and Economic Deterrence Tools

The petition also requests comment on whether additional economic deterrence mechanisms should be used for high-risk carriers, such as insurance-based enforcement triggers, bonding requirements, security requirements, or other financial assurances. This is consistent with the broader objective of ensuring that unlawful operation is not economically rational.

VIII. PILOT PROGRAM STRUCTURE

A. Duration and Scale

The petition requests a three-year pilot program involving approximately 300 commercial motor vehicles. That duration and size are intended to generate enough operational diversity and data to permit meaningful analysis without prematurely expanding a new framework to the broader market.

B. Eligibility Criteria

- Participating carriers should maintain at least \$5 million in liability insurance.
- Participating carriers should use approved and fully functional Electronic Logging Devices.

- Participating carriers should have an established operating history sufficient to evaluate prior compliance performance.
- Participating carriers should agree to quarterly FMCSA reviews and full pilot-data transparency.
- FMCSA should reserve the right to remove any carrier or driver from the pilot for safety, integrity, data, or compliance reasons.

C. Quarterly Reviews and Oversight

The petitioner previously requested quarterly FMCSA evaluations. Those reviews should examine operational data, crash data, insurance loss information if available, claims severity, ELD anomalies, roadside inspection findings, and any sign of structured abuse or non-compliance.

IX. DATA COLLECTION, PERFORMANCE METRICS, AND TERMINATION

The pilot should be evaluated using both safety and compliance outcomes. The petition requests, at minimum, the following performance measures:

- Accident frequency per million miles.
- Insurance loss ratios.
- Claim severity.
- Driver turnover.
- ELD violations and anomalous duty-status patterns.
- Miles per truck and other productivity measures.

The petitioner previously identified insurance loss ratios as a primary key performance indicator. That measure should remain central because it can reflect both frequency and severity trends over time.

The pilot must include an immediate termination or suspension condition if there is material degradation in safety performance. A rulemaking that offers more scheduling flexibility must also make clear that safety performance controls the life of the pilot.

Proposed Termination Standard

If crash frequency, claim severity, insurance loss experience, ELD-integrity findings, or other agreed safety metrics show a statistically or operationally meaningful decline relative to baseline or comparator groups, FMCSA should immediately suspend or terminate the pilot, in whole or in part.

X. ILLUSTRATIVE OPERATIONAL SCENARIOS

Scenario 1: Detention Delay at Shipper

A driver reports on duty in the morning, drives several hours to a shipper, and then experiences a multi-hour delay before loading. Under the proposed framework, that detention still counts within the cumulative 14-hour on-duty limit, but the driver is no longer forced into the same rigid race against a single elapsed-duty structure layered on top of multiple other restrictions. The driver still must obtain 10 consecutive hours off duty in the rolling 24-hour period.

Scenario 2: Practical 30-Minute Interruption

A driver accumulates nearly 8 hours of actual driving but then stops for fueling, inspection, and paperwork. Under the proposed pilot, if the driver is not actively driving for 30 minutes and the interruption is captured in an allowable status such as on-duty not driving, the safety objective of interrupting continuous driving exposure is met without forcing an unnecessary off-duty reclassification.

Scenario 3: Egregious Fraud

A driver or carrier intentionally manipulates an ELD to conceal unlawful driving. Under the petition's enforcement model, that conduct should trigger immediate out-of-service action, expedited review, authority-level consequences where warranted, severe driver consequences, and referral for criminal investigation under existing law. The NPRM should also seek comment on whether Congress should authorize stronger penalties, including custodial sanctions and permanent disqualification authority for the most aggravated cases.

XI. ANTICIPATED CRITICISMS AND RESPONSES

A. Criticism: The proposal is too flexible

Response: The proposal is only flexible within firm boundaries. It retains a cumulative 14-hour on-duty cap, requires a consecutive 10-hour off-duty period, retains a 30-minute interruption keyed to 8 hours of actual driving, preserves ELD monitoring, and conditions the program on immediate termination if safety declines.

B. Criticism: The current rule is safer because it is stricter

Response: A rule can be strict on paper and still fail in practice if it creates persistent incentives for manipulation, falsification, and operationally irrational behavior. The petition's hypothesis is that a bounded, practical structure may improve actual compliance and therefore improve actual safety.

C. Criticism: The requested penalties are too severe

Response: The petition distinguishes between what FMCSA may be able to impose administratively now and what may require Congress. The severe sanctions were intentionally preserved because the petitioner requested that nothing be left out. The NPRM can and should explain the limits of present authority while still seeking comment on whether stronger statutory tools are needed to deter deliberate fraud.

XII. REQUEST FOR COMMENTS IN THE NPRM

The petition requests that FMCSA specifically solicit public comment on the following questions:

- Would a cumulative 14-hour on-duty limit within a rolling 24-hour period improve practical compliance compared with the current structure?
- Does a mandatory 10 consecutive hours off duty provide an adequate restorative baseline for a fatigue-responsive duty framework?
- Should the 30-minute break be tied to 8 cumulative hours of actual driving rather than elapsed time on duty?
- Should on-duty not driving time be allowed to satisfy the 30-minute interruption requirement?
- What civil penalty structure would be sufficient to ensure that egregious Hours of Service violations are economically irrational?
- What impoundment, release-fee, or cargo-related financial deterrent tools are lawful, practical, and appropriate?
- Should intentional ELD tampering be designated as a critical violation requiring mandatory escalation?
- Should FMCSA recommend congressional action for custodial sanctions, fixed high-dollar penalties, permanent authority revocation, or permanent CDL disqualification in aggravated fraud cases?
- What data, safeguards, and comparator groups should govern pilot continuation, expansion, or termination?

XIII. CONCLUSION

The petitioner respectfully submits that the current Hours of Service framework warrants disciplined reconsideration through a controlled pilot. The proposal presented here is intentionally comprehensive. It preserves the petitioner's full requested concepts, including strong deterrence proposals, while distinguishing between what FMCSA may implement administratively and what may require additional statutory authority.

At its core, the petition asks FMCSA to test whether a simpler and more fatigue-responsive rule structure, combined with meaningful and unmistakable enforcement, can produce better compliance, more honest competition, and equal or better safety outcomes.

The requested framework is therefore not a plea for reduced accountability. It is a proposal for a clearer rule, a stronger enforcement regime, and a more honest test of what safety and compliance actually require in modern freight transportation.

XIV. PETITIONERS

Respectfully submitted,

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APPENDIX A. SUMMARY OF PROPOSED PILOT RULE COMPONENTS

Component	Requested Treatment	Notes
Duty limit	14 cumulative hours on duty in rolling 24 hours	Includes driving and on-duty not driving; need not be consecutive
Off-duty requirement	10 consecutive hours off duty in rolling 24 hours	Open to consideration of split-rest concept
30-minute interruption	Required after 8 cumulative driving hours	May be off duty, sleeper berth, or on-duty not driving
Suspended provisions	11-hour limit; 60/70-hour limits; restart	Pilot participants only
Pilot duration	3 years	Terminate immediately if safety degrades
Pilot scale	Approximately 300 CMVs	Structured and measurable
Eligibility	\$5 million insurance; approved ELD; operating history	Quarterly FMCSA review
Core enforcement	Immediate OOS; scaled civil penalties; impoundment where lawful	Administrative release conditions and fees requested for comment
ELD tampering	Critical violation	OOS, expedited review, authority consequences, driver consequences, criminal referral
Statutory recommendations	72 hours custody; \$50,000 sanction; 25 percent cargo-value concept; permanent authority/CDL consequences	Preserved as requested concepts for congressional or interagency consideration where current FMCSA authority may be insufficient

Duty limit 14 cumulative hours on duty in rolling 24 hours Includes driving and on-duty not driving; need not be consecutive

Off-duty requirement 10 consecutive hours off duty in rolling 24 hours Open to consideration of split-rest concept

30-minute interruption Required after 8 cumulative driving hours May be off duty, sleeper berth, or on-duty not driving

Suspended provisions 11-hour limit; 60/70-hour limits; restart Pilot participants only

Pilot duration 3 years Terminate immediately if safety degrades

Pilot scale Approximately 300 CMVs Structured and measurable

Eligibility \$5 million insurance; approved ELD; operating history Quarterly FMCSA review

Core enforcement Immediate OOS; scaled civil penalties; impoundment where lawful
Administrative release conditions and fees requested for comment

ELD tampering Critical violation OOS, expedited review, authority consequences, driver consequences, criminal referral

Statutory recommendations 72 hours custody; \$50,000 sanction; 25 percent cargo-value concept; permanent authority/CDL consequences Preserved as requested concepts for congressional or interagency consideration where current FMCSA authority may be insufficient

APPENDIX B. PETITIONER-PROVIDED OPERATIONAL AND MARKET ASSERTIONS TO BE TESTED

The underlying pilot presentation that informed this petition included a series of operational, economic, and enforcement assertions that should not be omitted from the rulemaking record. Because some of these points are presented as practitioner observations rather than formally adjudicated agency findings, the petitioner requests that FMCSA preserve them in the docket as hypotheses and assertions to be tested, validated, refined, or rejected through the pilot's data collection process.

A. Assertions Regarding Why the Current System Fails Compliant Carriers

- The current HOS framework is described by the petitioner as outdated and not reflective of the productivity profile of modern tractors, trailers, freight cycles, and fixed-cost structures.
- The petitioner asserts that the 70-hour rule traces back to a much older era and, when spread across eight days, effectively limits truck productivity to roughly 8.75 hours per day on average.
- The petitioner asserts that the capital burden of a roughly \$200,000 truck, a \$50,000 trailer, and a driver expected to earn approximately \$80,000 to \$90,000 per year plus benefits creates a productivity threshold that many compliant operations cannot meet under the current rule structure.
- The petitioner asserts that trucking is a declining-cost industry in which the more miles a truck runs, the lower the effective cost per mile, meaning reduced lawful utilization can leave compliant carriers at a severe cost disadvantage.

B. Root-Cause Assertions

- Complex HOS rules plus limited scalable enforcement create incentives to cheat.
- ELD manipulation is known, persistent, and treated by some actors as part of the business model.
- The petitioner reports hearing recruiting and operational statements to the effect that if a carrier cannot run approximately 4,500 miles per week, the model will not work economically.
- The petitioner characterizes the market as effectively two-tiered: compliant carriers following the rules and non-compliant carriers circumventing them and winning freight on price.

C. Safety and Workforce Assertions

- The petitioner asserts that lower earnings and lower productivity push experienced drivers out of the industry.
- The petitioner further asserts that the system can be filled by operators more willing to bypass the rules.
- The petitioner included a concern that poor economic design can produce lower real-world compliance and therefore worse safety outcomes even if the written rule appears stricter on paper.

D. Existing Flexibility Elsewhere in Federal Regulation

- The petitioner emphasized that HOS flexibility already exists in some sectors, citing oilfield operators and livestock haulers as examples of operations where FMCSA has already recognized that different operations require different frameworks.
- The petitioner requests that FMCSA consider that precedent when evaluating whether a broader pilot should test a simplified framework for additional freight operations.

APPENDIX C. ADDITIONAL PILOT DESIGN ELEMENTS REQUESTED FOR THE NPRM

A. Priority and Scope Considerations

The pilot presentation referenced opening participation to CMVs generally while also identifying emergency or immediate national security threat movements as a priority use case. The petition therefore requests that FMCSA seek comment on whether the pilot should be available broadly to qualified property-carrying CMVs, or whether certain freight classes, mission-critical operations, or emergency-response-related operations should receive priority consideration.

B. What Success Looks Like

- Increased compliance rates.
- Improved safety metrics.
- Higher driver earnings, including the petitioner's illustrative aspiration that lawful trucking should support materially stronger annual income for drivers.
- Reduced driver turnover and a restoration of pride and professionalism in trucking.
- Reduced congestion pressure and safer operational decision-making because drivers are not racing arbitrary rule structures.
- A market in which compliance is profitable and the incentive to cheat is materially reduced.
- A stronger and more stable domestic carrier base.

C. Policy Reasons the Pilot Matters

- Data-driven policymaking rather than assumption-driven policymaking.
- Regulatory simplification.
- Support for compliant carriers.
- Better alignment between written rules and real-world operational behavior.

D. Enforcement Focus Under a Simplified Rule

The petitioner's slides expressly tied rule simplification to a narrower and more credible enforcement focus. Under this framing, FMCSA should spend less effort policing an overly complex scheduling architecture and more effort targeting ELD tampering, intentional fraud, falsification, chameleon operations, and repeat willful evasion. The petitioner described this as reducing loopholes while allowing compliant carriers to compete against non-compliant carriers more fairly.

E. Recommended Evaluation Principle

The petitioner's pilot presentation included the express principle that if safety declines, the pilot ends. That principle is preserved throughout this petition and should appear clearly in the NPRM.

APPENDIX D. FULL ENFORCEMENT CONCEPTS PRESERVED FROM PRIOR DRAFTING

Because the petitioner specifically instructed that nothing from the prior responses be omitted, this appendix consolidates the full enforcement concepts preserved across earlier drafting, including both administratively grounded proposals and statutory concepts for comment.

- Immediate out-of-service orders for egregious HOS violations.
- Impoundment of the power unit, attached trailer, and associated equipment where lawful and practicable under federal-state coordination.
- Administrative release conditions, including verified compliance, payment of civil penalties, and release-fee concepts substantial enough to deter repeat violations.
- A request for comment on the petitioner's proposed concept that recovering impounded equipment could carry a \$50,000 cost.
- A request for comment on the petitioner's proposed concept of an additional financial consequence tied to cargo value, including a 25 percent cargo-value concept, while acknowledging the legal and third-party-property complications such a measure could raise.
- Substantially increased civil penalties for willful or repeated HOS violations and record falsification.
- Designation of intentional ELD tampering as a critical or high-severity safety violation.
- Immediate escalation for ELD tampering to include out-of-service status, expedited compliance review, suspension or revocation of authority where warranted, and referral for criminal investigation.
- Driver-level disqualification and requalification consequences for knowing participation in tampering, falsification, or structured evasion.
- A request for comment on statutory concepts such as 72 hours in custody, a \$50,000 tampering penalty, permanent operating-authority loss, and permanent CDL disqualification for aggravated or repeat deliberate fraud, recognizing that these concepts may require congressional action beyond current FMCSA administrative authority.