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The Quest for Rest: The National Truck Parking Shortage

By Paul D. Cullen Jr.

Everyone wants well-rested truckers, but few want to create more truck parking. Efforts to prevent truck driver fatigue have been part of federal trucking regulations for close to a hundred years. How much rest a commercial truck operator needs on a regular basis to safely operate a vehicle has been a focus of transportation industry regulators since 1935. In the absence of an accepted and accurate scientific method for determining when a driver has obtained sufficient sleep or is too fatigued to operate a truck, the government has always relied on a formula to limit truckers' driving time and mandates a minimum period of off-duty time.

In 1962, the "hours of service" (HOS) rules permitted ten hours of driving within a 15-hour period followed by eight hours off. This led to a work/rest cycle of as little as 18 hours. In 1995, Congress directed the U.S. Department of Transportation (DOT) to rewrite HOS rules to accommodate an updated understanding of driver fatigue and alertness. DOT began to amend the HOS rules through agency

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rulemaking that attracted tens of thousands of public comments and then was followed by years of legal challenges by truckers and public advocacy groups.

The current rules limit the amount of driving time to 11 hours of driving within the first 14 hours after a driver starts working, after ten consecutive hours off-duty. A driver may not exceed 70 hours of driving time within a seven-day period and must take a consecutive 34 hours off duty to begin a new workweek. The intent of the HOS rules is to give every truck driver enough free time to get sufficient rest and then hope that they do. Unfortunately, several aspects of the long-haul trucking environment have conspired to frustrate the goal of allowing drivers to be fully rested when driving. None is more fundamental than the nationwide truck parking shortage.

Full-Service Truck Stops Were Kept Off Our Interstate Highway System

The conditions leading to our truck parking shortage likely began in the 1950s, when the interstate highway system was being created. The interstate highway system was designed to facilitate more efficient and higher-speed traffic, requiring motorists to exit the highway to access local businesses, including fuel and parking. Local business owners, including truck stop owners, were concerned that trucks would bypass their businesses if there were more convenient options that didn't require exiting the interstate.

As a result, Congress prohibited, and still prohibits, the commercialization of rest areas on the interstate highway system (23 U.S.C. § 111(b)(2) (the commercialized truck stops/food courts in the Northeast corridor were grandfathered in). As anyone who travels our interstate system has witnessed, rest areas on the interstates that are not commercialized provide some parking, a few vending machines, and bathroom facilities. Congress even requires that the revenue from vending machines on the interstates be committed to organizations benefiting the blind (23 U.S.C. § 111(c) and 20 U.S.C. § 107a(a)(5)). The economic impact of this decision has been deep and lasting. It removed commercialized rest areas as a potential source of funding for the construction and maintenance of more rest areas and truck parking, and it also solidified institutional opposition to it.

Not in My Backyard

Compounding the shortage of truck parking on interstate highways, local governments have not been open to creating more truck parking off the highways. It is easy politics to raise the fear of trucks and paint them as dirty, noisy, and road-clogging. And truck parking facilities, by their nature, only directly serve the needs of *somebody else's constituents*—the long-haul drivers who hail from other places. Two of the latest cities to ban truck parking are Saint Paul, Minnesota (Tyson Fisher, [St. Paul Council Approves Citywide Truck Parking Ban](#), LAND LINE (May 25, 2023)), and Camden, New Jersey (Neill Borowski, [Camden Enforcing Stronger Truck, Container Parking Law in June](#), TAPINTOCAMDEN (May 19, 2023)).

Even for their own citizens who drive a truck, many localities have seen fit to ban big-rig parking on streets within their jurisdiction or within town limits. Macon, Georgia, is the latest locality to issue such a ban ([Georgia City Latest to Ban Truck Parking at Homes](#), OVERDRIVE (Jan. 4., 2023)). Such bans add another time-burning obstacle to long-haul drivers' quest for rest. Local officials fail to realize or find it too difficult to explain to the public that the safety benefit of having more rested truck drivers on their roads can be a more important consideration than the local aversion to truck parking.

Why Don't Truck Drivers Plan Their Trips to Be Able to Find Parking When They Need It?

One common question asked by those unfamiliar with the trucking industry is, "Why can't truck drivers plan their schedules better so that they are near truck parking when they finish their driving day or use the available parking at times it is more available?" Only on the most regular of local or regional daily

truck routes do drivers have any realistic opportunity to do such planning. Most long-haul drivers face a multitude of variables that routinely, and for unpredictable amounts of time, delay and disrupt their already broad-brush expectations for their day's schedule. These include traffic congestion, the demands and pressures of their work, and the safety regulations themselves.

Perhaps the most obvious and relatable issue to the average person is dealing with unpredictable traffic and weather conditions that close roads and exits or that can slow traffic for hours on end. Once truck drivers get through the delay, they may have run out of permissible driving time under the rules just when they find themselves in an unfamiliar location where truck parking availability is unknown to them (or doesn't exist).

Another significant disruption to a trucker's ability to plan their schedule is the unpredictable amount of time that shippers and receivers require of them (usually uncompensated) when loading, unloading, or just waiting to do either. In fact, a 2021 survey ([OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, 2021 DETENTION TIME SURVEY](#) (Jan. 14, 2021)) found that the majority of trucker respondents spend between six and ten hours per week waiting to have their trucks loaded and another six to ten hours per week waiting to have them unloaded.

This condition exposes a glaring defect in the economics of the trucking industry. With a few exceptions, shippers and receivers are not required to pay truckers for the time they are made to wait near the loading docks before being allowed to approach the dock to load and unload. Because there is no economic penalty for making drivers wait, truckers are forced to wait hours (sometimes even overnight, over a weekend, or even days) before they are allowed to complete delivery or pick up a new load. This practice adds to the unpredictability of where drivers will end up when they get on the road and run out of permissible driving time.

Finally, long-haul truckers are not always dispatched to locations that are familiar to them, and, therefore, they are unaware of the parking availability near their destination. They may also not have any connections with customers who might hire them to haul a load back home (a "backhaul"). Backhauls allow a trucker to cover the costs (fuel and time) of their trip home. Truckers might find backhauls on online "load boards," but the loads they find may have unfamiliar origin and destination locations. Drivers might take two loads that combined, with a stop in the middle at an unfamiliar place, get them home or close to it. Drivers might accept a backhaul without realizing that their destination has a severe shortage of truck parking.

How the Truck Safety Regulations Exacerbate the Truck Parking Shortage

Perhaps surprisingly, the current formulation of the HOS rules and the electronic monitoring of driver HOS compliance also compound a driver's frustration in finding truck parking. The newest HOS rules intend to promote a 24-hour work/rest schedule that mimics humans' circadian rhythms. This new 24-hour schedule has resulted in many drivers' daily driving limit expiring at approximately the same time in the early evening (approximately 14 hours after the first loading of trucks in the morning), creating competition among truck drivers for already limited truck parking.

In areas where the demand for truck transportation is high, it can be impossible for many drivers to find parking. Some drivers find themselves exiting and re-entering the highway, exit after exit, for two hours or more, just to find a legal parking spot, or at least one that allows them to stop for the night undisturbed. Trucks parked on exit ramps and on the roadside are a sign that drivers have exhausted efforts to find truck parking nearby. And the side of the highway is the most dangerous place for trucks (or any vehicle, for that matter) to stop.

Although HOS rules provide drivers with the ability to record time driving beyond the allowable time limits as “personal conveyance” without violating the rules, the agency has declined to provide any guidance or interpretation of how many miles of personal conveyance is permitted by the rules (*see [Hours of Service of Drivers of Commercial Motor Vehicles: Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Personal Conveyance](#)*, 83 Fed. Reg. 26,377 (June 7, 2018); Mark Schremmer, *[FMCSA Denies CVSA’s Personal Conveyance Petition](#)*, LAND LINE (Oct. 2, 2020)). Therefore, drivers use the personal conveyance status without full confidence that they will not be cited for violating the rules.

Congress also mandated that trucks install an electronic logging device (ELD), purportedly to record a driver’s HOS compliance. Motor carriers can use these devices to monitor their drivers’ HOS status. This capability may, at first blush, seem like a beneficial feature to ensure drivers are complying with the HOS rules. Some motor carriers, however, use ELDs to monitor their drivers’ work to ensure they maximize their driving time. If a driver feels too fatigued or unwell to drive safely, they may pull off the road to rest. But then the ELD gives the motor carrier notice that its driver has stopped, and it is not uncommon for the carrier to phone or message the driver to demand they get back on the road so as to use all their driving time under the rules. Not only does this force fatigued or unwell drivers back on the road (in violation of 49 C.F.R. § 392.3), creating a safety hazard, but it also puts the driver back onto the synchronous schedule and competition with other drivers for parking.

Truckers want more flexibility in the rules to allow them to park and rest when they need to without penalty under the rules. The HOS rules do not permit drivers to stop the 14-hour clock for any reason. Many truck drivers faced with particularly bad traffic congestion or hitting rush hour would gladly exit the highway in the middle of their day to avoid such delays, and they would likely receive universal appreciation from automobile drivers for doing so. Such flexibility in the rules would also allow drivers to take advantage of available truck parking during times of less demand. But such proposals to change the rules have been consistently rejected by the DOT.

The Solution Is More Truck Parking

Truckers try their best daily to find truck parking to comply with the rules. And although there are many variables that exacerbate the truck parking shortage, the simplest, most direct solution would be the creation of thousands of more parking spaces. Due in large part to the work of the Owner-Operator Independent Drivers Association, there have been some initiatives to address this problem.

Current DOT Grants

Using undesignated infrastructure funds authorized under the Bipartisan Infrastructure Law, DOT Secretary Pete Buttigieg has announced \$80 million in grants to improve the electronic communication of nearby available parking spaces to truck drivers and to build more truck parking spaces in Caldwell County, Texas (\$22.9 million); Caldwell Parish, Louisiana (\$10.5 million); along I-4 between Tampa and Orlando, Florida (\$15 million); and near Memphis, Tennessee (\$22 million) (Press Release, Fed. Motor Carrier Safety Admin., [Biden-Harris Administration Announces More Than \\$80 Million in Grants to Improve Highway Safety, Including Better Access to Truck Parking](#) (Sept. 13, 2023)).

More Funding on the Horizon for Truck Parking—Perhaps?

A bill in the current (118th) Congress proposes making \$755 million in federal grants available specifically for more truck parking. Introduced by Representative Mike Bost (R) from Illinois, H.R. 2367 has 35 cosponsors from both parties. A companion bill was introduced in the Senate by Senators Cynthia Lummis (R) from Wyoming and Mark Kelly (D) from Arizona. The bill even has the support of the National Association of Truck Stop Operators. Although the bill was voted out of the House Committee

on Transportation and Infrastructure unanimously, 60-0, in May 2023, there has been no floor action in the House and no committee consideration in the Senate.

If passed, this legislation would be a significant investment in truck parking. The specific designation of funds for truck parking removes from state or local officials the choice of using their infrastructure funds on other projects that would be more popular (and less controversial) to their constituencies. This legislation may not address the local aversion to truck parking across the country, but it at least provides forward-thinking jurisdictions the funds to start to remedy this problem.

Federal officials, particularly in the executive branch, are less beset by parochial interests and have a broader, more national perspective that allows them to initiate and support more truck parking. Addressing the truck parking shortage is probably the most significant step the government could take to help remedy driver fatigue. It will continue to take the leadership at the federal level to ensure that truck parking is established where it is needed for both truck drivers' health and public safety.

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