

U.S. DEPARTMENT OF TRANSPORTATION
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STATEMENT OF J. THOMAS TIDD, ACTING GENERAL COUNSEL, BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION OF THE SENATE COMMITTEE ON COMMERCE, MARCH 24, 1971, REGARDING S. 697 AND S. 904, IDENTICAL BILLS TO AMEND THE UNIFORM TIME ACT TO ALLOW AN OPTION IN THE ADOPTION OF ADVANCED TIME IN CERTAIN CASES AND S. 664, A BILL TO SHORTEN THE ANNUAL PERIOD OF ADVANCED TIME.

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss S. 697 and S. 904, identical bills to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases and S. 664, a bill to shorten the annual six-month period of advanced time to the period between Memorial Day and Labor Day.

The basic authority for the establishment of United States time zones is contained in the Act of March 19, 1918, which authorized the Interstate Commerce Commission to establish zones and define and modify their limits from time to time "having regard for the convenience of commerce and the existing junction and division points of common carriers engaged in interstate and foreign commerce".

The duty to carry out the laws concerning time zones and standards of time was transferred to the Secretary of Transportation when the Department of Transportation was established on April 1, 1967, which was the same day that the Uniform Time Act of 1966 became effective.

Before the Uniform Time Act of 1966, the individual States and, in some cases, political subdivisions of States exercised their own discretion not only as to whether or not to observe daylight saving time but also as to what dates would control the annual commencement and termination of daylight saving time. The establishment and use of a State standard of time different from the prevailing Federal standard time under the 1918 Act was construed by the Supreme Court in 1926 as not in conflict with the Federal standard.

The Uniform Time Act of 1966 changed this by establishing a national policy to "promote the adoption and observance of uniform time" within the Federally established standard time zones. Specifically, the Uniform Time Act provides that all observance of daylight saving time (which the Act calls "advanced" time) shall commence at 2 a.m. on the last Sunday in April and end at 2 a.m. on the last Sunday in October. The Uniform Time Act also expressly supersedes "any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in [the Act]".

However, the Uniform Time Act allows any State to exempt itself from observing advanced time, but only if the State, through legislative action, "provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable".

To date four States have enacted laws exempting themselves from the observance of advanced time. Each of three of those States (Arizona, Hawaii, and Michigan) lies entirely within one of the eight United States standard time zones. Both Arizona and Michigan are located on the western edge of their respective time zones. During the period that time is advanced elsewhere, the clocks in those two States, although an hour out with the rest of their respective zone, coincide with the adjacent time zone to the west. For example: Arizona, which is in the western part of the mountain time zone, has the same clock setting as the other States in that zone during the nonadvanced months of the year. When the clocks in the surrounding States are advanced, Arizona will be one hour behind its neighboring States of Utah and New Mexico in the mountain zone, but on the same clock time as its Pacific time zone neighbors in California and Nevada.

The fourth State that has enacted an exemption law (Indiana) is one of 12 States that straddle time zone boundaries. The effect of State-wide exemption in a split State brings disorder and confusion to the logical time pattern that the Uniform Time Act otherwise created.

While it might be theoretically tidier to set time zone boundaries so that they coincide with State boundaries, such an arrangement is not always practically feasible. Because of strong external social and economic influences, the eastern and western portions of a given State

frequently justify dividing that State between time zones. Sometimes a State's size or physical shape is such as to require a time zone boundary to cut through rather than around it.

In a split State, advanced time is generally popular in the western part of the State, which is at the eastern edge of its respective time zone. However, in the eastern part of the State, which is at the very western edge of its time zone, advanced time is generally less popular. The eastern residents find that sunrise and sunset occur quite late in the day without advancing their clocks. Notwithstanding the fact that they are in the time zone of their preference during the nonadvanced months, when they are required to go on advanced time in the spring they often view it as "double daylight time".

When the legislature in a split State considers whether or not to exercise the exemption option, the considerations are far different than those for a State lying entirely within one time zone. The adoption or rejection of State-wide exemption in a split State can only satisfy the needs of one geographic section of the State. Moreover, if State-wide exemption is adopted, it will transform the western part of the State into an isolated time pocket during the period of advanced time. The exempt western part will remain one hour out of time with the eastern part of the State, two hours out of time with other States to the east,

and one hour out of time with western neighbors who are usually on the same time. For example, under the Indiana exemption law, which will be in effect when we commence advanced time on April 25, Evansville and Gary will be two hours behind Cincinnati and Louisville and one hour behind Indianapolis, Detroit, Chicago, and St. Louis. They will officially be on the same clock time as Denver, Colorado; Boise, Idaho; and Vale, Oregon!

With respect to the Indiana exemption law, I should point out that the Indiana legislature has included a provision in that law which would limit the exemption to the eastern time zone part of the State if the amendment under consideration today is enacted.

Although Indiana is the only split State that has exercised the exemption option granted by the Uniform Time Act, similar legislation is possible in other split States.

To obviate the difficulties involved, the Department recommends enactment of S. 697, or its identical companion S. 904, so as to allow a split State to exempt the entire area of the State lying within a given time zone. The amendment would not change the exemption option available to the nonsplit States. It would, however, afford each of

the split States a more workable means of accommodating the majority of its population and avoid the confusion and hardship associated with isolated summertime pockets such as those that will otherwise be created around Evansville and Gary next month.

S. 664 is a bill which would amend another feature of the Uniform Time Act. The Act now provides for the advanced time to be observed for the six-month period between 2 a.m. on the last Sunday in April and 2 a.m. on the last Sunday in October. S. 664 would reduce that period to a little over three months between Memorial Day and Labor Day.

The Senate Committee on Commerce in reporting on the six-month advanced time provision of the Uniform Time Act stated:

"The committee has approved the April to October dates for daylight saving time because, among other reasons, those are the dates currently in use by 90 percent of the 100 million Americans who observe daylight saving time. The remaining 10 percent of those who have daylight saving time use a wide variety of dates both for beginning and ending its observance. The committee also noted that California citizens, in a 1962 referendum, selected the April to October dates by a 3-to-1 margin."
(S. Rep. No. 268, 89th Cong., 1st Sess. 4 (1966)).

The six-month period specified in the Uniform Time Act has now been applicable on a national basis for four years. During that time, the overwhelming majority of the States have observed advanced time from the last Sunday in April to the last Sunday in October. The exceptions, of course, are the States that have passed exemption laws.

The Department feels that a shortening of the annual advanced time period would be contrary to the evidence that initially persuaded the Congress that the national preference was a six-month April to October period.

Thank you for the opportunity to present the Department of Transportation's views on the proposed amendments. If there are any questions, I will be glad to answer them.

