

STATUS REPORT

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More rest, less driving time for truckers, and a better way to monitor both

All three are needed but new federal rules

COME UP SHORT

Long-delayed federal rules setting work hours for commercial truckers will lengthen drivers' mandatory rest period by two hours but also let drivers stay on the road an extra hour at a stretch. The net effect gives little comfort to people concerned about highway safety, especially because the



Current and future work-hour rules for truckers

	Current rules	New rules (Jan. 2004) with changes in blue
Daily driving limits	10 driving hours after 8 off duty; up to 16 hours driving per 24-hour period	11 driving hours after 10 off duty; up to 14 hours driving per 24-hour period
Daily off-duty requirements	After driving 10 hours or working 15 hours, not allowed to drive again until after taking 8 hours off duty	After driving 11 hours or if 14 hours have passed since driver started duty, not allowed to drive again until after taking 10 hours off duty
Sleeper berth exception	Can split required 8 hours off duty into 2 periods in a sleeper berth (period must be 2 hours or more)	Can split required 10 hours off duty into 2 periods in a sleeper berth (period must be 2 hours or more)
"Restart" provision	No provision	Can restart official work week after 34 consecutive hours off
Weekly driving limits	60 hours in 7 days or 70 hours in 8 days	60 hours in 7 days or 70 hours in 8 days, but "restart" provision allows up to 77 hours in 7 days, 88 hours in 8 days
Work-hour limits	No daily work hour limits No weekly work hour limits	No change
Monitoring for compliance with rules	Handwritten logbooks; voluntary use of automated recorders permitted	No change

new rules fail to include a key provision to monitor driving hours.

Another change in-volves weekly driving limits. A trucker will be allowed to start over on a new work week anytime after taking 34 hours off. This "restart" provision effectively increases allowable driving hours in any 7- or 8-day period by 25 to 30 percent (see pp.4-5).

The Federal Motor Carrier Safety Administration (FMCSA) released the new rules in April. Enforcement will begin in January 2004.

"The most disappointing aspect is the lack of a provision for mandatory onboard recorders," says Anne McCartt, senior Institute researcher. Despite admitted problems with enforcement of truck drivers' work-hour rules, FMCSA decided against recorders, which are tamper-resistant devices that can monitor driving hours. Requiring them was a key aspect of the work-hour rules FMCSA proposed in 2000 (see *Status Report*, Oct. 21, 2000; on the web at www.highwaysafety.org). However, the agency dropped this provision from the final rules issued in April.





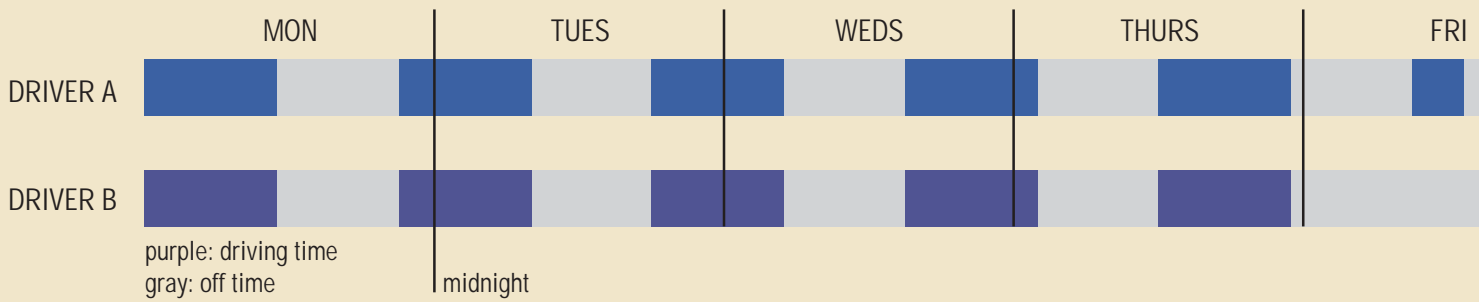
Admitting problems with enforcement of truck drivers' work-hour rules, FMCSA still decided not to require onboard recorders, which are tamper-resistant devices that can monitor driving hours. Requiring them was a key aspect of the rules FMCSA proposed in 2000, but the agency dropped this provision from the final rules issued in April.

The Institute and other safety groups consider onboard recorders necessary for effective enforcement and have repeatedly petitioned the federal government to require them (see *Status Report*, July 26, 1997; on the web at www.highwaysafety.org).

Most sectors of the trucking industry support the new rules. In comments to *Transport Topics*, Burton J. Mallinger, a lawyer for Overnite Transportation Company, says "we've dodged a terrible bullet. This is something we can live with. I believe it will be virtually a non-issue."

FMCSA has estimated that 15 percent of large truck crashes involving deaths and

injuries are related to fatigue. More than one-quarter of truckers responding to a U.S. Department of Transportation survey said they'd fallen asleep at the wheel during the past month. FMCSA didn't dispute research findings by the Institute and others that crashes increase after 8 to 10 hours of driving. Still, the agency raised the limit for driving at a stretch from 10 to 11 hours.



FMCSA also announced an increase in mandatory time off between driving shifts — up 2 hours from 8 to 10. Truckers may not drive after 14 hours from the start of a shift. There's no overall daily or weekly limit on total working hours. Rules for commercial bus drivers won't change.

Under current rules, drivers cannot log more than 60 hours of driving time during 7 days or 70 hours in 8 days. These weekly limits remain the same. However, the addition of the "restart" provision will allow truckers to reset their driving hours to zero by taking 34 hours off duty. Then drivers can begin counting hours toward a fresh 7- or 8-day stretch. This major regulatory change raises the real weekly driving limit to 77 hours in 7 days or 88 hours in 8 days, which amounts to about a 25 to 30 percent increase in allowable driving time compared with what's allowed under current work-hour rules.

Assume, for example, a 7-day work week and continuous shifts of 11 hours of driving followed by 10 hours off duty. A driver would approach the 60-hour limit in fewer than 5 days. But with the "restart" provision, the same driver could get back on the road by the sixth day. Without this provision, the driver couldn't resume driving until the eighth day.

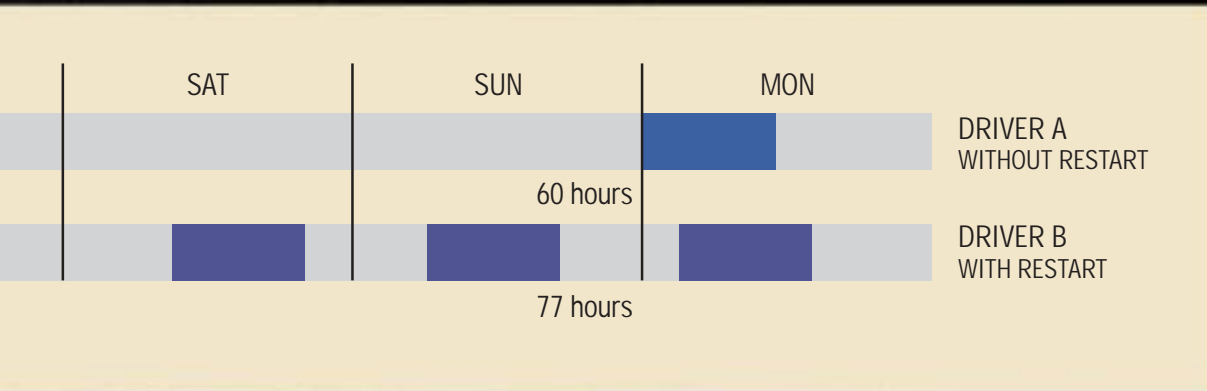
FMCSA claims the new rules will result in net economic benefits and 24 to 75 fewer highway deaths per year in fatigue-related truck crashes. The agency bases these predictions on the longer rest period that will be required and on a belief that the new rules will encourage truck drivers to adhere to a 24-hour cycle of working and resting.

However, maximizing driving time under the new rules will encourage drivers to live according to a 21-hour schedule. Coupled with the "restart" provision, this schedule will allow truckers to pack 5 shifts of driving into every 4 days. It's a



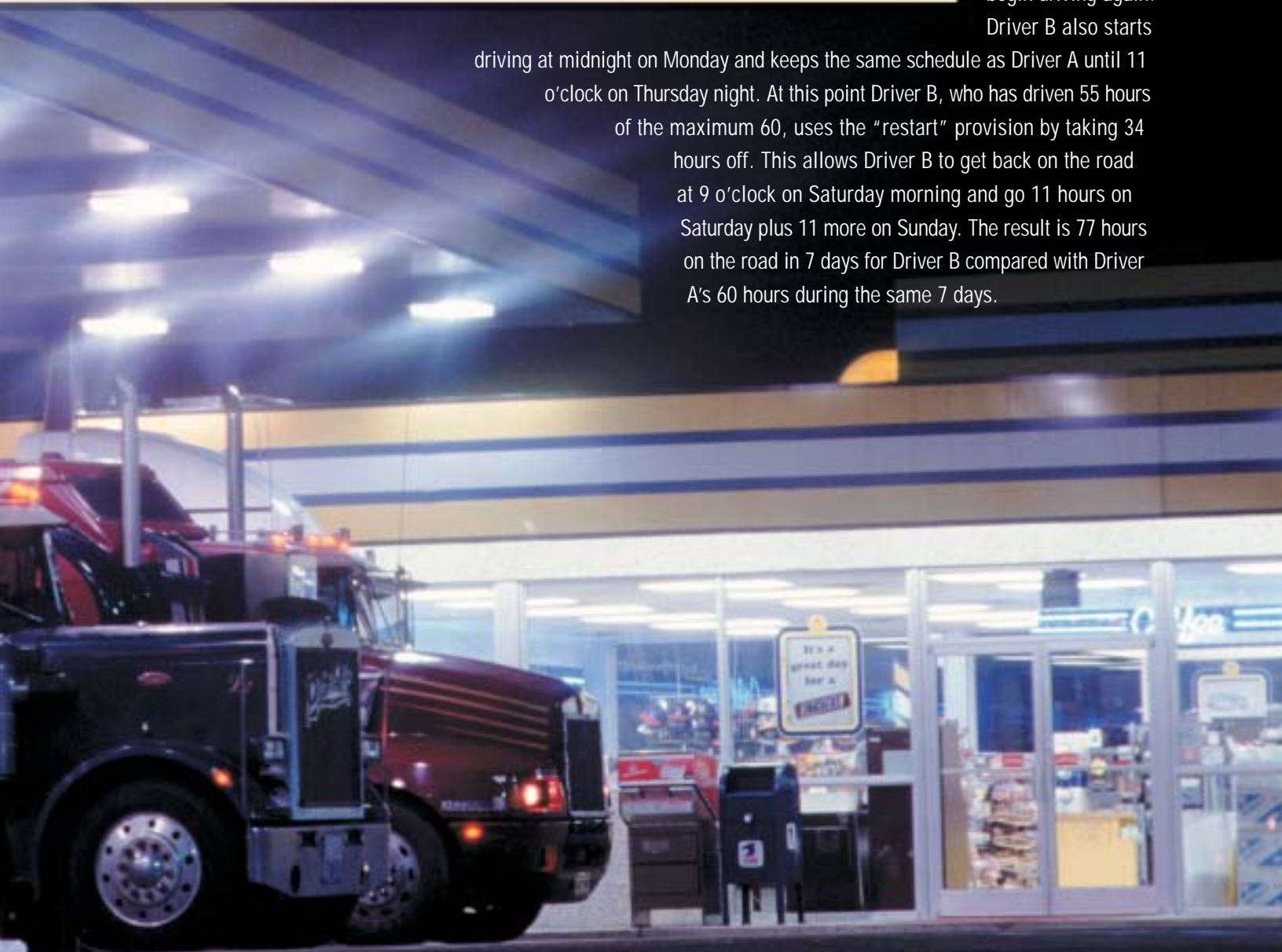
"RESTART" PROVISION IS TRUCK-SIZE LOOPHOLE

Under federal work-hour rules, both Driver A and Driver B are limited to 60 hours of driving in a 7-day period. But the new rules that take effect in January will introduce a loophole — a "restart" provision that will allow truckers to drive more than 60 hours in 7 days. For example, Driver A (without the "restart" provision) begins driving at midnight on Monday and alternates the maximum of 11 hours driving with 10 hours off duty, thus spending the most legally allowable time on the road and reaching the 60-hour driving limit at 2 o'clock on Friday afternoon. This driver then must wait until midnight Monday to begin driving again.



Driver B also starts driving at midnight on Monday and keeps the same schedule as Driver A until 11 o'clock on Thursday night. At this point Driver B, who has driven 55 hours of the maximum 60, uses the "restart" provision by taking 34 hours off. This allows Driver B to get back on the road at 9 o'clock on Saturday morning and go 11 hours on Saturday plus 11 more on Sunday. The result is 77 hours on the road in 7 days for Driver B compared with Driver A's 60 hours during the same 7 days.

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prospect that troubles people concerned about truck safety.

"There's no scientific evidence that 34 hours off will be enough to recover from many long work days in a row. Nor is there evidence that lengthening the off-duty period will make it safer to drive 11 hours at a stretch," McCartt says. "The agency claims the new rules are going to improve safety, but in fact they're likely to have the opposite effect. They're likely to worsen the hazards."

All of the purported safety benefits assume full compliance with the new rules. The problem is that compliance is difficult to verify. Truckers must keep paper logbooks to record their work and rest hours, but "monitoring drivers' compliance with these logbooks is outdated and ineffective. Paper documents are too vulnerable to falsification. Without the tamper-resistant automated recorders, rampant violations are going to continue," McCartt points out.

The Institute has petitioned the U.S. Department of Transportation to mandate the

U.S. FALLS FURTHER BEHIND E.U.

Months before new U.S. rules on work-hours for truckers were issued in April, the European Union announced a requirement for digital tachographs in new trucks starting in August 2004. The tamper-resistant devices will use smart card technology to monitor compliance with driving rules. Older vehicles can be retrofitted with digital tachographs, but they'll only be required to use mechanical ones. With this step Europe will move further ahead of the United States in monitoring and enforcing measures to reduce truck driver fatigue. European truckers already work shorter weeks and fewer hours per day (see *Status Report*, June 8, 2002; on the web at www.highwaysafety.org).

"In 40 years, the Federal Motor Carrier Safety Administration hasn't substantially changed how truckers keep track of driving hours, and now this agency has declined, yet again, to require onboard recorders," senior Institute researcher Elisa Braver points out.

recorders four times since 1986. The European Union, which puts stronger limits on truck driving hours than in the United States, has required mechanical tachographs to monitor driving time for years and will move to digital tachographs in new trucks next year.

Acting FMCSA Administrator Annette M. Sandberg said that, although the proposed U.S. rules called for an onboard recorder requirement, the agency dropped this provision for lack of safety and economic data needed to justify it. As of now, FMCSA "plans to investigate this important area."

Senator Olympia J. Snowe protested the decision in a letter to Transportation Secretary Norman Y. Mineta, pointing out several of FMCSA's own findings — that drivers' logbooks are "widely falsified," onboard recorders would improve compliance with work-hour rules, and "improved compliance ... would help reduce fatigue-related crashes." Snowe asked Mineta to "reconsider" and possibly to "revise the FMCSA regulations accordingly." The Institute has provided the agency with several lists of tamper-resistant onboard recorders that are affordable and would meet enforcement requirements.

Many carrier fleets already have equipment that tracks the movement of trucks and could be used to monitor compliance with driving limits. An estimated 70 percent of long-haul trucks have onboard Global Positioning Systems, according to the American Trucking Associations. A manufacturer of onboard computers says 30 percent of motor carriers already have these in their trucks. However, few of the carriers use the technology for compliance. Instead, they prefer for their drivers to stick with the paper logbooks that are so easy to falsify.

"There's no need for further study. Automated onboard recorders clearly are economically feasible. Safety would be well served by truly effective methods of limiting driving hours," McCartt concludes.

Institute survey: 3 of 4 Ford drivers say they like being reminded to buckle up

A recent survey of drivers of Fords equipped with Belt Minder™ systems found favorable reviews. Most of the drivers said they like the reminder and want a system like it in their next car. Many drivers said they're buckling up more often, confirming results of an earlier observational study conducted by the Institute (see *Status Report*, Feb. 9, 2002; on the web at www.highwaysafety.org).

Beginning with 2000 models, Ford began equipping vehicles with the reminders. When a driver fails to buckle up, the system activates a flashing light on the dashboard and sounds a chime for 6 seconds, followed by a 30-second pause. This sequence is repeated for up to 5 minutes if the driver doesn't respond. It's a much longer reminder sequence than the 4- to 8-second audible and visual warnings required in all cars.

Interviewers questioned 405 drivers at Ford dealerships in the Boston area. Sixty-seven percent of the drivers said they had activated the reminder by failing to buckle up one or more times. Of this group, 73 percent said they buckled up the last time this happened. Almost half of all drivers reported an increase in their own belt use since they began driving a Ford equipped with the reminder.

Overall, when asked if they liked having the belt reminder system, 78 percent of respondents said yes. Seventy-nine percent said they would like to have a reminder in their next car.

Safety belt reminder systems are especially targeted to people who forget to buckle up or, for whatever reason, use a belt only occasionally. The premise is that at least some of these motorists would welcome being reminded.

"There's evidence that this group is responding," says Allan Williams, the Institute's chief scientist. "Seventy-six percent of

those who said they usually, but not always, buckle up reported that their buckle-up rates had increased."

The reminder system isn't universally favored, and it hasn't convinced most nonusers of safety belts to change their ways. Five percent of the respondents to the Institute survey spontaneously said the system is an especially disliked feature. The 7 percent of drivers who reported that they never, or only occasionally, use their belts were unlikely to do so in response to the reminder. Only 1 in 5 of these drivers said they buckled up the last time the reminder activated, and fewer than 1 in 10 said their belt use had increased as a result of reminder system.

Belt use among drivers of pickup trucks is known to be lower than among drivers of other types of passenger vehicles. According to the survey, 47 percent of pickup drivers always use their belts. This compares with 68 percent of passenger car drivers and 77 percent of SUV drivers. However, the pickup truck drivers were just as likely to report increased belt use because of the

reminder system — 45 percent reported higher belt use compared with 46 percent of drivers of all other types of vehicles.

"Belt reminders of various types are going to show up in more vehicles in the near future," Williams says. "It's important to know how people will respond to them, and this survey suggests the overall response will be positive."

For a copy of "Drivers' Assessment of Ford's Belt Reminder System" by A.F. Williams and J.K. Wells, write to Publications, Insurance Institute for Highway Safety, 1005 North Glebe Road, Arlington, VA 22201, or email publications@iihs.org.

"BASED ON YOUR PERSONAL EXPERIENCE, WHAT DO YOU THINK ABOUT THE BELT REMINDER SYSTEM?"

When this question was asked of drivers at Ford dealerships, most of the responses to the Institute survey were positive:

- 73% POSITIVE
 - 25% said belt reminders are helpful
 - 22% said they're a good idea
 - 9% said they "annoy me into using a belt"
 - 16% other
- 19% NEGATIVE
 - 13% said belt reminders are annoying
 - 6% other
- 7% NEUTRAL

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