



National Association
of Independent Insurers

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ADMINISTRATION

Docket Clerk
Federal Highway Administration
Department of Transportation, Room 4232
400 Seventh Street, SW
Washington, D.C. 20590

RE: **FHWA Docket No. MC-96-28**
ANPRM — Hours of Service of Drivers

The National Association of Independent Insurers is the largest property and casualty insurance trade association of its kind. Its more than 560 member insurance companies provide insurance for one-third of the large trucks in the nation. Highway safety issues are of vital interest and concern to our members

We know that tired commercial motor vehicle (CMV) drivers are a menace on the highways. They inadvertently kill or severely injure innocent victims, they contribute to their own death or injury, they damage the highway infrastructure, they damage or destroy vehicles and other property, and hazardous material haulers release pollutants into the environment when material containment is compromised. The ideal solution therefore is an HOS rulemaking that mitigates these life safety, environmental, and infrastructure damage threats.

There is a wealth of information that has been published about the consequences of driver fatigue. Researchers, safety advocates, and government agencies, relying upon studies and body of data generally oppose any 'solution' that allows tired drivers more road time or that further disrupts a natural circadian rhythm. Trucking interests however seem to dispute reputable findings and recommendations in order to advance self-serving economic agendas. NAI advocates caution. Driver fatigue is a killer. Safety issues must not be compromised in any way in order to earn the support of various motor carrier voices regarding a proposed 'solution' to the hours-of-service issue.

A reading of the ANPRM, especially I. Purpose of This Rulemaking, seems to place the conflicting burden upon the FHWA of stimulating motor carrier productivity, efficiency and profitability and at the same time enhancing safety

We are encouraged by the following quotes from the ANPRM:

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“The FHWA’s major focus has been, and will continue to be on, motor carrier safety. . .

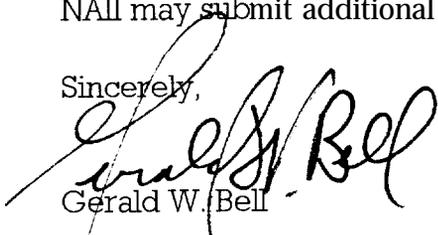
“The FHWA has been considering modifications to its HOS regulations to be more responsive to its goal of reducing highway crashes involving CMVs.

“The provision of the Act concerning an HOS ANPRM is a catalyst to enhance safety. . .”
(emphasis added)

NAII is fully cognizant and appreciative of the economic issues involving the motor carrier industry. Nonetheless, it is essential that there be no sacrificing of lives for dollars. The rulemaking must in no way permit CMV drivers to operate vehicles at fatigue levels greater than allowed under current rules.

NAII may submit additional comments for the NPRM at a future date.

Sincerely,



Gerald W. Bell

cc: Terry E. Tyrpin
Charles A. Taylor, III

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Truckers Get a Wake-Up Call on Fatigue, Washington Post, June 22, 1995

"...traffic safety experts, who say that more than 10 percent of truck drivers violate the limits and that such truckers cause a disproportionate number of serious accidents.

"We've got some very tired guys barreling down the road at 70 miles an hour" said Robert J. Neal, a U.S. DOT official.

"Driver fatigue is a factor in 30 percent to 40 percent of all truck accidents, according to a study conducted by the National Transportation Safety Board."

Summary of Medium & Heavy Truck Crashes in 1990, U.S.
DOT, NHTSA (DOT HS 807 953)

Table 7. reports that 29 fatalities and 1,500 injury crashes were attributable to drowsy, sleepy, asleep, or fatigued drivers.

Accidents Reported by Motor Carriers of Property 1990, U.S. DOT, FHWA, Office of Motor Carriers (FHWA/MC-93/011)

See copies of pages 16-18, attached.

Time of day cited in trucker fatigue, Journal of Commerce, January 14, 1997

Among the findings from a long-awaited eight year study jointly sponsored by the Federal Highway Administration, Transport Canada and a research foundation funded by the trucking industry is the following: "The strongest and most consistent factor influencing driver fatigue and alertness in this study was the time of day. Peak drowsiness occurred during the eight hours from late evening until dawn. ."

Dangerous dozing, USA Today, January 20, 1995

" The National Transportation Safety Board reported this week that truck driver fatigue may be a factor in 30% to 40% of all heavy truck accidents, not the less than 2% previously reported.

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“Napping truckers may take the lives of 1,000 innocent people this year.

“The NTSB found that drivers killed in fatal crashes typically had slept only 5.5 hours in their most recent rest period. So the safety agency proposes rules requiring truck drivers to take more time off between shifts. It says the eight hours current regulations demand aren't enough for eating, cleaning up, relaxing *and* sleeping.

“The nation's highways are dangerous enough without 18-wheelers careening down them, tended by drivers ready for bed.”

Sleep disorder found in 18% of long-haul truckers, USA Today,
May 12, 1995

“Some degree of sleep apnea — in which breathing problems cause brief awakenings many times a night — was found in nearly 8 out of 10 longhaul truckers tested by Stanford University researchers. ‘It's an amazingly high prevalence’, says researcher Dr. William Dement. ‘When 78% of the people coming toward you on the road in 40-ton trucks have such a disorder, you have a problem.’ ”

Rule Changes For Truckers Are Coming, The New York Times,
July 28, 1995

“The issue is important to everyone, according to the safety board (i.e. National Transportation Safety Board), which said in a study in January that 750 to 1,500 people die every year in accidents in which the fatigue of truck drivers is a factor. The board's chairman, James Hall, said the research convinced him that truck drivers were simply not getting enough rest. ”

Managing Fatigue In Transportation, a multimodal symposium
co-sponsored by the National Transportation Safety Board and NASA
Ames Research Center, November 1-2, 1995

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The symposium was conducted to address what the co-sponsors identified as 'A Problem' in the brochure. The problem is defined in part as follows: " The National Transportation Safety Board (NTSB) has investigated accidents in every mode of transportation in which the effects of fatigue, circadian factors and sleep loss have been found to be causal or contributory. The Safety Board has issued nearly 80 fatigue related Safety Recommendations since 1072 to the modal administrations in the Department of Transportation, ."

Hours of Service of Drivers; On-Duty Time, FHWA Docket No. MC-92-30, Insurance Institute for Highway Safety, November 4, 1992

The NAII strongly supports this well documented docket statement.

Petition to Require Electronic Onboard Recording Devices for Motor Carriers, Insurance Institute for Highway Safety, August 3, 1995

The NAII strongly supports this well documented petition.

Tired Drivers, Wake Up!, Safety & Health, National Safety Council, February 19 9 6

"Many experts rank driver fatigue as the nation's top concern in truck safety.

"A 1990 NTSB study found that 31 percent of heavy truck crashes in which the driver died involved fatigue. A 1995 NTSB report concluded that fatigue was a factor in 58% of the 100 single-truck, nonfatal collisions studied

"NTSB criticizes regulations for failing to consider time needed for travel, hygiene, eating and so on

"NHTSA's Ronald Knipling describes them as akin to taking the red eye to Europe two or three days in a row. Human organisms just can't do that.

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"A 1992 study by the Insurance Institute for Highway Safety found that 73% of the 1,247 drivers interviewed at truck stops and checkpoints admitted they violated hours-of-service regulations in the preceding month. And two-thirds said they'd routinely violated the weekly maximum. Nearly a fifth said they'd fallen asleep at the wheel.

"Even if a driver follows the rules, however, fatigue is inescapable in a 24-hour-a-day business like trucking. Sleep is a basic need like food or air. The body's internal clock dictates two sleep periods, generally from 3 to 5 p.m. and 3 to 5 a.m., says NASA's (Dr. Mark) Rosekind. You're vulnerable if you're working at those times, he says."

Factors That Contribute To Nighttime Accidents, Safety & Health, National Safety Council, October 1996

"Fatigue: Exhaustion dulls drivers' concentration and slows their reaction time, and the later it is, the more tired drivers will be. The Bureau of Motor Carrier Safety reports that drivers are least likely to be alert between 3 a.m. and 7 a.m. because of the body's normal sleep rhythms."

Large Trucks, Insurance Institute for Highway Safety, various dates.

"Among drivers studied in 1984-86, those behind the wheel for longer than 8 hours were almost twice as likely as those who were rested to be involved in crashes. On a route from Washington State to Minnesota (1,200 miles), researchers estimated that more than half of the tractor-trailer drivers violated hours-of-service regulations.

"One study on truck crashes concluded that the relative risk of crash involvement for drivers whose time behind the wheel exceeds eight hours is almost twice that for truckers who have driven less than two hours.

"...the causal relationship between driver fatigue and truck crashes is strong. Research shows that truck crash risk increases along with driver hours behind the wheel, that crash risk is highest between midnight and 6 a.m., and that rotating-shift workers — truckers among them — are involved in significantly more crashes than others. The long hours truck drivers work cause sleep deprivation, circadian desynchronization, and fatigue. "

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Study says most truck drivers need to get more zzzzs,Journal of Commerce, January 15, 1997

“A long-awaited government study found that most of the long-haul truck drivers examined were driving without enough sleep, are not good judges of when they are tired and showed signs of fatigue about 5% of the time, or about 30 minutes out of each lo-hour shift.

“Sleep is the principal countermeasure to fatigue.

“All drivers need to ensure that they obtain adequate sleep. Drivers must also be afforded the opportunity to obtain adequate sleep

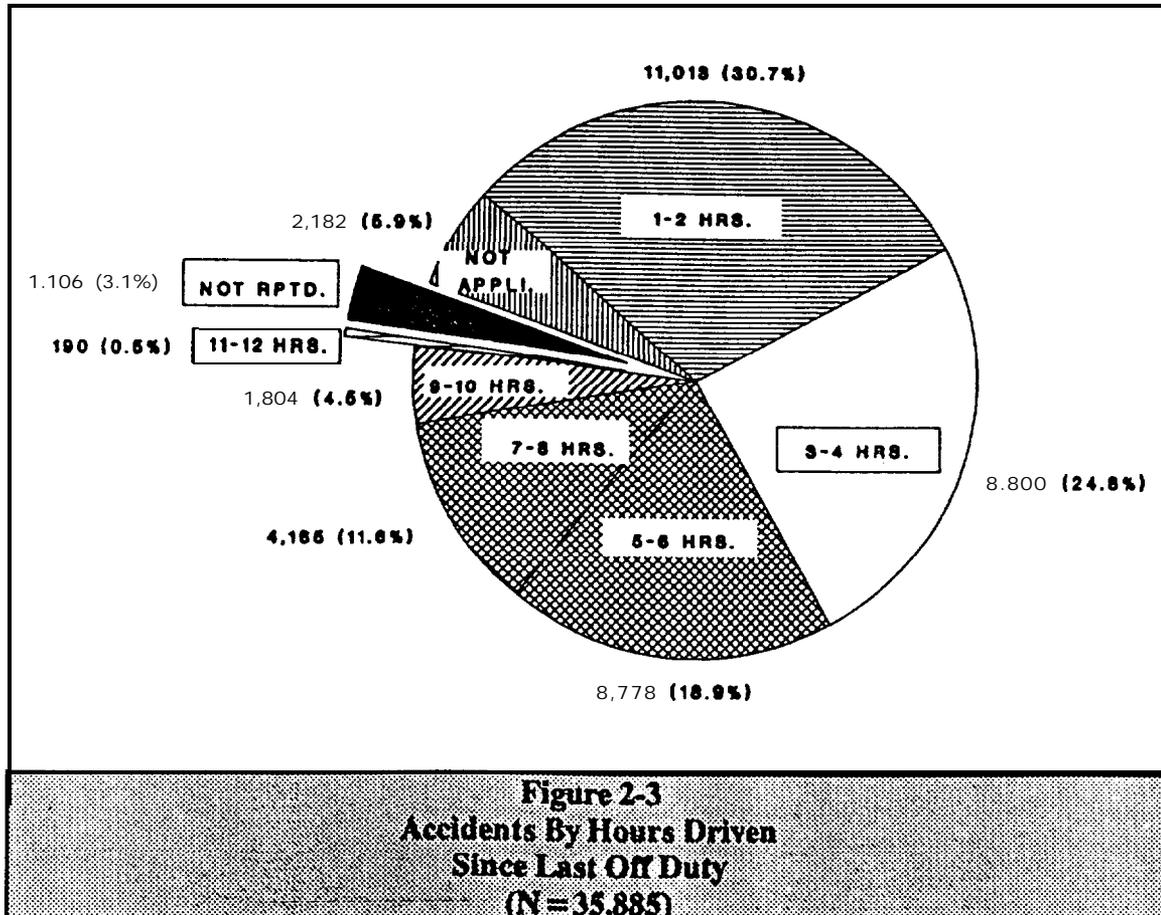
“I haven’t seen the raw data, but it is counterintuitive to me (i.e. Jack Rendler, Executive Director, Citizens for Reliable and Safe Highways) that drivers driving 10 hours during the day and getting 5.4 hours of sleep would have the same symptoms of drowsiness as drivers driving 13 hours at noight and getting 3.4 hours of sleep.

“Russ Swift, co-chairman of Parents Against Tired Drivers, stated: ‘You can see that people who had eight hours off had only four or five hours’ sleep’, he said. ‘That’s at least two hours less than ideal, and the difference between ideal and not ideal can be the difference between life and death.’”

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ACCIDENTS AND HOURS DRIVEN

As driving time increased, total accidents reported declined (Figure 2-3). Hence, 31 percent of all accidents occurred within 1-2 hours after the last eight-hour period off-duty, 25 percent within 3-4 hours, 19 percent within 5-6 hours, etc.



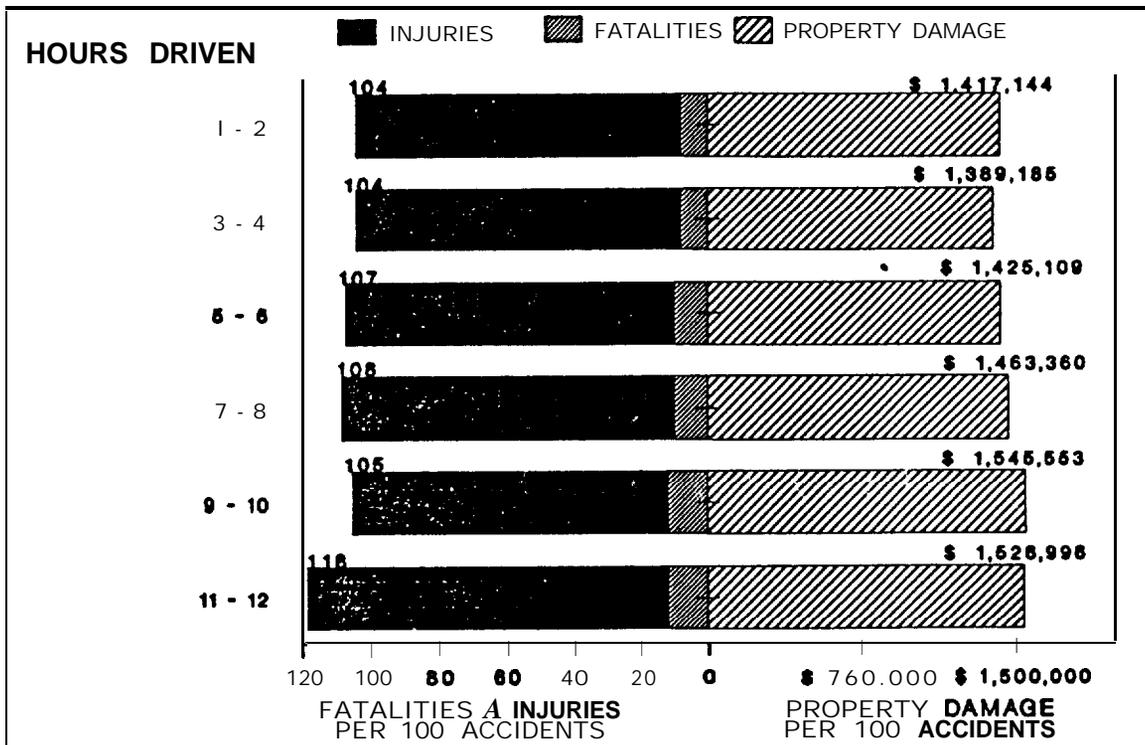
Accidents were included in the "Not Applicable" category (Figure 2-3) if the last eight hours off-duty were accumulated in two separate rest periods (49 CFR 394.20(a), Item 11E).

Figure 2-4 compares the effect of hours driven on accident severity. In general, fatality rates increased as hours driven escalated: accidents involving truck drivers on the road for 4 hours or less resulted in 8 fatalities per 100 accidents; the fatality rate increased to 10 fatalities per 100 accidents when driving time stretched from 4-8 hours, and to 12 fatalities when driving time went from 8-12 hours. In other words, accidents were 50 percent more likely to be fatal when truck hours driven exceeded 8 than

when driving time was 4 hours or less.

Even though the relationship between hours driven and the incidence of injuries was much less pronounced, it cannot be totally ignored; accidents were 10 percent more likely to result in non-fatal injuries when truck hours driven exceeded 10 than when driving time was 4 hours or less.

Table 2-3 compares the incidence of collision and non-collision accidents relative to hours driven. In 1990, the incidence of non-collision accidents increased by 14 percent as hours driven grew from two hours or less to 11 hours or more.



**Figure 2-4
Accident Consequences
By Hours Driven**

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Accidents Reported by Motor Carriers of Property 1990

Table 2-3 Accident Type By Hours Driven								
HOURS DRIVEN	COLLISION ACCIDENTS		NON-COLLISION ACCIDENTS		NOT REPORTED		TOTAL ACCIDENTS	
	#	%	#	%	#	%	#	%
1-2 HOURS	8,868	80.5	2,142	19.4	5	0.0	11,013	100.0
3-4 HOURS	7,082	79.6		20.4	5	0.1	8,900	100.0
5-6 HOURS	5,392	79.6	1,379	20.4	5	0.1	6,776	100.0
7-8 HOURS	3,333	80.0	828	19.9	4	0.1	4,166	100.0
410 HOURS	1,271	79.2	332	20.7	1	0.1	1,604	100.0
11-12 HOURS	146	77.9	42	22.1	0	0.0	190	
NOT APPLICABLE	1,720	80.7	410	19.2	2	0.1	2,132	100.0
HOURS NOT RPTD.	835	75.6	266	24.3	2	0.2	1,105	100.0
TOTAL	28,647	79.8	7,214	20.1	24	0.1	35,885	100.0

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