

Special issue: truck safety

# STATUS

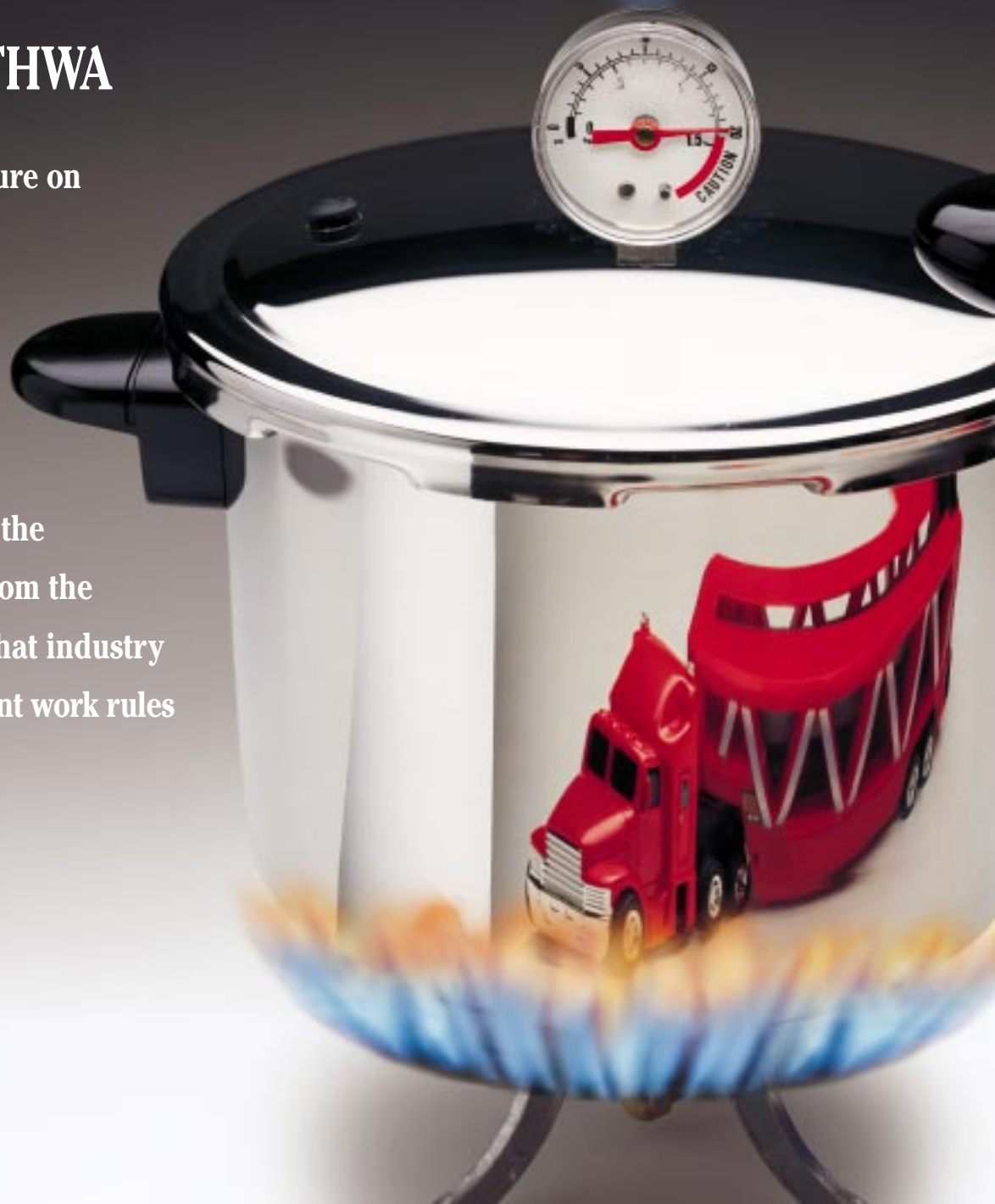
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# REPORT

INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY

## Pressure on FHWA

There's intense pressure on the Federal Highway Administration. The issue is how many hours truckers should be allowed to drive at a stretch, and the pressure is coming from the trucking industry. What industry leaders think of present work rules



for truckers was on display in March when the American Trucking Associations' new president, Walter McCormick, used the occasion of his first policy address to describe current federal hours-of-service regulations as "counterproductive," "outdated," and "fundamentally flawed." For good measure, he added "unscientific" and "ineffective."

This fall, FHWA is scheduled to make a major decision about whether to allow truckers more driving time than current regulations permit. If industry views prevail, many truckers will end up driving longer than they do now.

Commercial drivers presently aren't allowed to drive more than 10 hours or work more than 15 hours at a stretch without an 8-hour rest. These rules are so widely disregarded, however, that truckers refer to the logbooks they're required to keep to track their hours as "comic books" and "joke books."

It's no laughing matter. Large trucks are involved in more than their share of fatal crashes. On toll roads, they have higher overall crash rates than passenger vehicles (see p. 5). Collisions involving large trucks take about 5,000 lives each year and injure upwards of another 100,000 people. Studies show that driving more than 8 to 10 hours significantly increases the risk of a crash.

Still, trucking company officials generally have opposed efforts to improve the enforcement of hours-of-service rules. For example, a requirement to use automatic recorders to track driver hours has been successfully opposed for

more than a decade (see p. 4). Late last year, the industry filed a lawsuit to restrict FHWA's access to data in truck companies' global positioning systems (see p. 5). A few months later, there was a failed effort to get Congress to ban access to these data altogether.

"The industry is using every legislative opportunity to weaken FHWA's enforcement authority," says Judith Stone, president of Advocates for Highway and Auto Safety. "The ban they want is nothing more than an attempt to shield trucking companies that are violating federal laws and pushing their drivers to operate trucks for unsafe, excessive, and inhumane lengths of time."

The trucking industry puts muscle behind its voice with big political contributions. During 1997-98, for example, this industry has been among the top donors to candidates and political parties. Trucking groups are highly organized and know

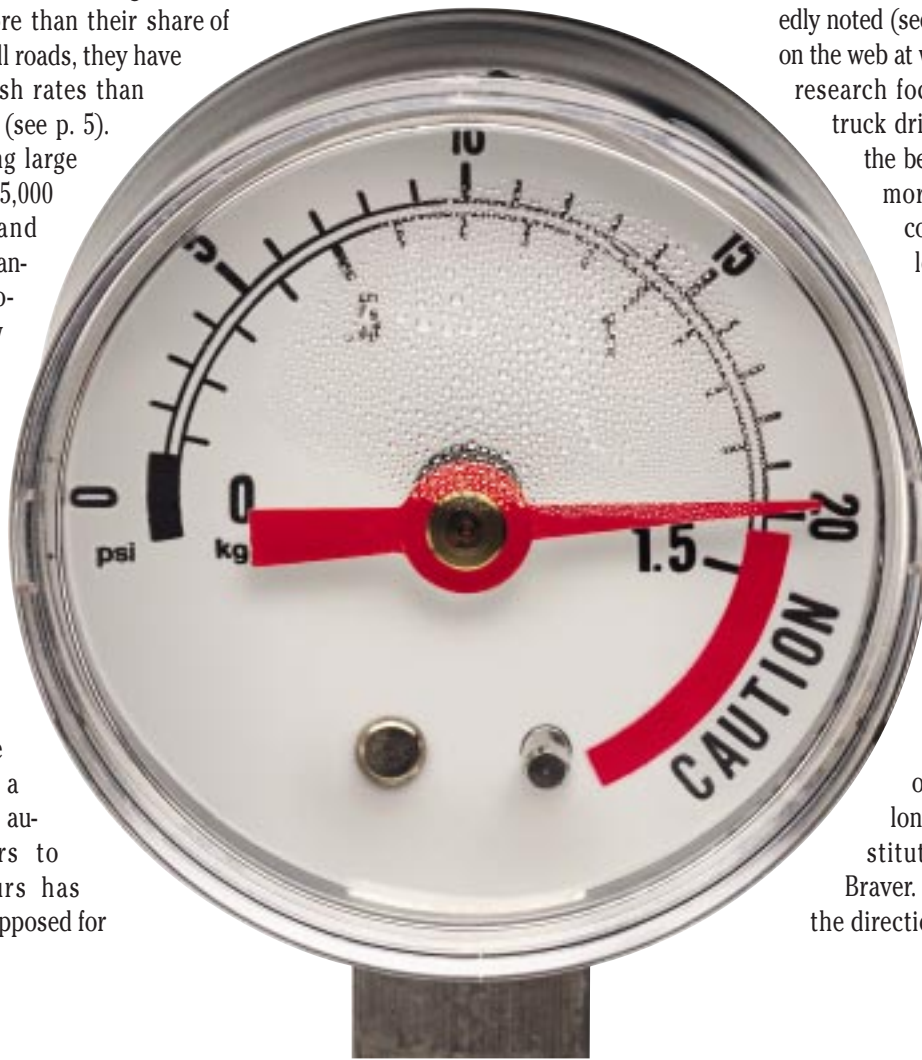
their way around the nation's capital. How else can it be explained that, since the early 1990s, Congress has earmarked millions of FHWA funds for studies by the Trucking Research Institute, the American Trucking Associations' nonprofit arm? Directed funds amounted to at least \$4 million in fiscal 1996.

One thing the industry and safety groups agree on is that it's time to re-examine hours-of-service rules, which first were formulated in 1939. Scientific knowledge of fatigue and driving performance has advanced since then. But the Institute and others oppose any extension of driving hours.

If FHWA does decide to relax hours-of-service rules, it will prominently cite a 1997 study it commissioned. The main conclusion is that the time of day when driving takes place — not the number of hours a trucker has been on the road — most influences driver fatigue.

But flaws in this study have been repeatedly noted (see *Status Report*, July 26, 1997; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)). The research focuses on unrepresentative truck drivers — the best ones from the best carriers — who drove no more than 52 hours per week compared with the 70 that are legal. There was no random assignment of drivers to different study groups. Faulty techniques were used to assess drowsiness, and drowsiness rates were understated because they were calculated incorrectly. Besides, this study wasn't properly designed to examine the effects of hours of driving while controlling for time of day.

"Neither this study nor other research justifies longer driving hours," says Institute senior researcher Elisa Braver. "Yet indications are, this is the direction the agency is heading."



## Truck driving hours could be extended under pilot program

While the Federal Highway Administration (FHWA) considers whether to relax hours-of-service rules across the board, it's already changing the rules for selected drivers and motor carriers under a congressional mandate to exempt medium trucks from some safety regulations. Participants in this pilot program would be allowed to drive longer, and they wouldn't have to keep logbooks.

It all began when snack and beverage carriers lobbied Congress for safety rule exemptions. FHWA then proposed a pilot program for medium trucks. But after only six carriers expressed interest, the agency had to find ways to make the program more attractive. A new proposal would allow drivers up to 12 hours on the road without a break. Carriers would be exempt from a slew of other safety rules including annual vehicle inspections.

FHWA says only fleets and drivers with exemplary records would be allowed in the program, but such records frequently are misleading. One reason is that truckers often travel across state lines, and while authorities are supposed to notify the state issuing a commercial license when a driver is convicted of a violation, this often isn't done. According to one study, about half of all citations issued to out-of-state drivers don't make it into state driving records.

Even when a driver is convicted of a serious moving violation in the state in which he's licensed, the offense doesn't always show up in the records. Of citations for serious offenses by in-state truckers, the study found about 25 percent didn't appear on the records a year later.



The Portland Press Herald



**When tired truckers stay on the road too long, the results can be deadly. In 1993, for example, police concluded that a trucker fell asleep, crashing and killing four teenagers (above). Parents Against Tired Truckers, a group working to strengthen enforcement of work-hour rules, was formed after this tragedy occurred in Maine. Fatigue also is suspected in this Washington, D.C. area crash (left) in which 10 people were injured. Eight lives were lost in an Arizona collision (below) involving a trucker thought to have been on the road 2-1/2 hours longer than the 10-hour legal limit.**



Mark Heinle, The Arizona Republic

# Asleep at the wheel

## FHWA stalls on mandating electronic recorders, settles for study that yields no new information

Technology to accurately monitor truck drivers' time behind the wheel has been available for more than a decade. Still, the Federal Highway Administration (FHWA) hasn't decided whether to mandate electronic recorders.

Instead, the agency commissioned a study of recorders. This long-awaited survey adds little new information, so it provides no basis for quick action.

It's not that the agency hasn't been asked. The Institute has petitioned four times since 1986 to mandate recorders in the trucks FHWA regulates (see *Status Report*, Aug. 12, 1995). The National Transportation Safety Board also has called for recorders.

So far, all FHWA has done is permit — not require — motor carriers to use recorders instead of the notoriously inaccurate logbooks now used to track hours.

The new study surveys motor carriers about electronic recorders. Carriers who responded generally agree the devices cost too much and contribute few safety benefits. But "there's no good reason for

this survey to have been conducted," says Institute President Brian O'Neill. "We already knew the industry didn't want FHWA mandating recorders."

What would have been useful information is how many carriers voluntarily use electronic recorders and what their experience has been. But only 12 percent of 10,591 carriers responded to the survey, prompting the authors to say the "results should not be considered representative of the national population."

For a copy of "Electronic Recorder Study" by K.L. Campbell et al., write: University of Michigan Transportation Research Institute, 2901 Baxter Rd., Ann Arbor, Michigan 48109.



## Satellite information available now to track driving hours, but FHWA backs away

### After lawsuit, agency stops examining carriers' data

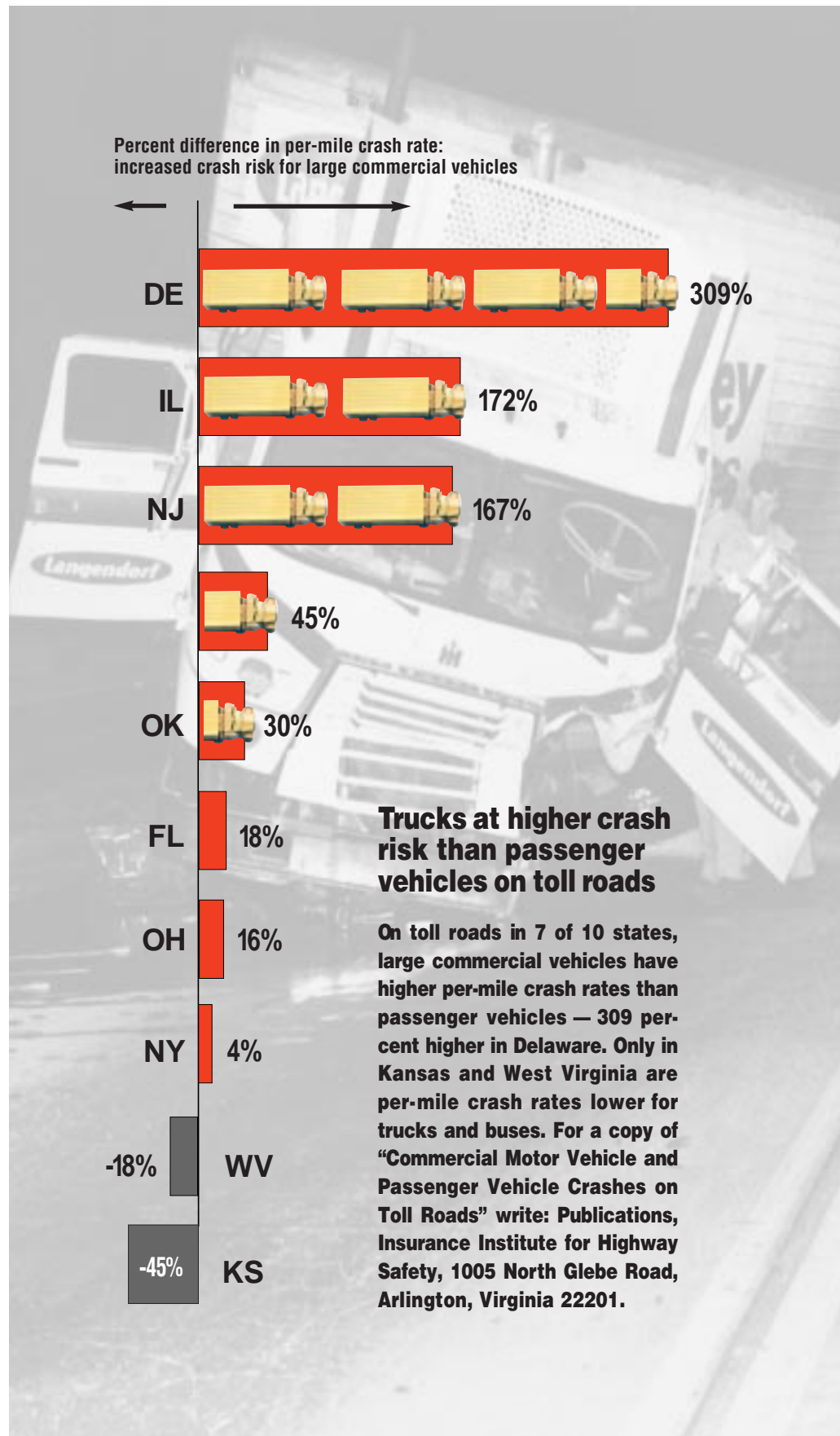
Besides electronic recorders, there's another way the Federal Highway Administration (FHWA) could accurately verify drivers' work hours. Some motor carriers use space-age technology like global positioning systems to track the locations of their trucks. Since 1996, FHWA occasionally has asked carriers to provide data from these systems to check truckers' hours.

Not anymore. Since a lawsuit was filed by several trucking industry groups, agency officials no longer are asking to review satellite data, even though this information can be used to compute driving hours with complete accuracy.

Before the lawsuit, federal investigators examined electronic data only when paper records appeared deficient — and then only with permission from an FHWA regional director. But trucking industry groups argued that the policy discouraged fleet owners from acquiring the tracking equipment. They said companies with this sophisticated equipment were scrutinized more closely than competitors without it.

Global positioning systems help carriers assign loads more efficiently and keep customers informed about shipments in transit. Some in the trucking industry want these economic benefits, but they want to restrict how FHWA uses the data to monitor compliance with driving limits.

This matter was settled when FHWA agreed that carriers don't have to retain electronic records for the six months they have to keep trucker logbooks and supporting documents. The electronic records may be discarded within days. FHWA will continue to rely on paper documentation instead of the satellite systems' more reliable data.



## Not all bad news: new proposals are truck safety pluses

Extending the hours truckers are allowed to drive wouldn't be good from a safety standpoint, but some good news is coming from the Federal Highway Administration (FHWA). Three proposals, if adopted, should improve truck safety.

**Underride guards:** These devices, designed to prevent a smaller vehicle from going under the rear of a large trailer, improved in 1998 under federal requirements that supplanted a 1953 standard (see *Status Report*, March 2, 1996). Now FHWA is proposing a further improvement — motor carriers would be required to maintain these guards in good condition. The National Highway Traffic Safety Administration requires the guards to be installed, but rigs come under FHWA rules once they're on the road.

**Trailer visibility:** FHWA is proposing that truck trailers already on the road be retrofitted with reflective materials to improve visibility to match that of newly

manufactured trailers. The conspicuity-enhancing materials cost only about \$100 and don't take long to apply.

**Logbook accuracy:** A third proposal would require motor carriers to establish self-monitoring systems capable of verifying drivers' hours. "It's a good idea," says Institute senior vice president Stephen Oesch. "It should improve enforcement of the rules, which now are flouted because it's so easy to falsify the logbooks drivers use to record work hours."

Motor carriers would use the same documents they collect during the course of ordinary business — dispatch records, bills of lading, receipts, etc. — to comply with the new standard. This way, the burden of extra paperwork would be minimal.



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## Good news: move afoot to shift truck regulation away from FHWA

A proposal has been advanced in Congress that would move the Federal Highway Administration's (FHWA) Office of Motor Carriers, which regulates trucks, to the National Highway Traffic Safety Administration (NHTSA). The matter likely will be settled this month.

Part of the reason for the move would be to consolidate truck safety responsibility in one agency. NHTSA already sets safety standards for new commercial trucks, while FHWA oversees the safety of trucks and drivers once they're out on the road.

Another reason for consolidating agency functions is that the proposal's sponsor, Rep. Frank Wolf of Virginia, considers NHTSA the stronger regulatory agency with a better enforcement record than FHWA.

"The Office of Motor Carriers never has been a perfect fit in FHWA," says Institute President Brian O'Neill. "The agency's main function is to build highways."

Besides, O'Neill points out, the split responsibility between the two agencies has resulted in some uncoordinated actions. There was a one-year delay, for example, between the effective date of NHTSA's rule requiring antilock brakes on all new tractors and FHWA's compliance date for in-service antilock brake maintenance.

Many in the trucking industry oppose the transfer. A call for congressional hearings has come from the American Trucking Associations, which says the move to NHTSA would be "a disaster." Wolf also has received a barrage of form letters from trucking company executives contending that NHTSA lacks experience in truck safety enforcement.

"What nonsense," O'Neill counters. "NHTSA has a long history of enforcing safety regulations. The only change this move involves is a good change — the Office of Motor Carriers' experienced staff would be working for an agency whose primary mission is safety."

"The Office of Motor Carriers never has been a perfect fit in FHWA. The agency's main function is to build highways."

Brian O'Neill



## Customers aren't demanding tight delivery schedules, dispatchers say

The trucking industry says some customers demand unrealistic delivery schedules, necessitating illegal driving hours to meet client demands. But a new Institute study suggests that customers have little to do with tight schedules.

To learn more about how truckers' schedules are set, drivers traveling through Wyoming and Tennessee were surveyed at weigh stations and asked who had arranged their loads.

Based on the truckers' responses, 270 dispatchers were interviewed by phone. They reported that most customers allow

enough time for drivers to adhere to both hours-of-service rules and speed limits. Only 17 percent of the dispatchers said any shippers ever demand insufficient time for pickup and delivery.

Fourteen percent of the dispatchers said they expect drivers to travel faster than 60 mph, on average. Because it's sometimes impossible to average this speed, truckers may have to put in more hours to cover the distance on schedule.

About 20 percent of drivers reported penalties imposed by their motor carriers for making late deliveries.

Revenue may be a factor. "Neither a trucker being paid by the mile nor a motor carrier makes any money when a truck isn't moving," Institute senior researcher Elisa Braver points out. "Government agencies should direct their efforts toward the carriers, not toward the shippers, to relax schedules."

For a copy of "How Motor Carriers Determine Truck Driver Work Schedules: The Role of Shipper Demands" by E.R. Braver et al., write: Publications, Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, Virginia 22201.

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