

INSURANCE INSTITUTE FOR HIGHWAY SAFETY

June 7, 2002

Joseph M. Clapp
Administrator
Federal Motor Carrier Safety Administration
400 Seventh Street S.W.
Washington, D.C. 20590

**Hours of Service of Commercial Drivers
Docket No. FMCSA 97-2350**

Dear Mr. Clapp:

The European Parliament and the Council of the European Union have passed a new directive that shortens permissible hours of service for commercial drivers. Attached is a chart comparing hours-of-service rules for commercial drivers operating in the European Union and the United States (European Union, 2002; U.S. Department of Transportation, 1968). In addition, the European Union is about to mandate digital tachographs on newly manufactured large trucks and intercity buses, starting in 2004. Digital tachographs are tamper-resistant electronic devices that record driving hours by using encoded cards for each driver. As noted in a previous letter to you (February 26, 2002), these devices are inexpensive; at least three manufacturers sell them for \$500 or less per vehicle.

Hours of Service

By March 2005, drivers of large trucks and intercity buses in E.U. countries will be limited to an average of 48 weekly work hours (driving and nondriving); this weekly limit may be averaged over a 4-month period. In contrast, U.S. drivers can work up to 70 hours over 8 days or 60 hours over 7 days. Another new E.U. provision addresses nighttime drivers, who will be limited to 10 work hours per 24-hour period.

Separate limits are applied to driving hours (European Union, 1985a). For many years, driving hour limits have been shorter for E.U. drivers than for U.S. commercial drivers, and those limits are still applicable (see chart for comparisons). A maximum of 56 driving hours per week is permitted, with a 2-week limit of 90 driving hours. Furthermore, E.U. drivers cannot operate vehicles for more than 6 work days per week and generally are limited to 9 hours of driving time per day (twice a week they may drive up to 10 hours per day). Over a 1-week period, drivers must be off duty an average of 11 consecutive

hours per day, with a minimum of 9 consecutive hours off during every 24-hour period. Between two consecutive work weeks, a driver must be off duty an average of 45 consecutive hours over a 4-week period, with no less than 24 consecutive hours off at the end of a work week.

Electronic On-Board Recorders

To promote compliance with driving hour limits, the European Union (1985b) has long required commercial vehicles to have mechanical tachographs. Digital tachographs are being mandated because they are more tamper-resistant, compared with mechanical ones, and easier for safety inspectors to read (European Union, 1998). In addition to tachographs to record driving hours, another aspect of the E.U. rules that discourages violations is that drivers are not permitted to be paid on the basis of distance driven or amount of goods carried. This means both driving and nondriving work hours are compensated. In the United States, many drivers omit full reports of their nondriving hours in their handwritten logbooks because they are not fully compensated for such hours, and they correctly perceive the nondriving hours as subtractions from the total legal time available to them for making money. E.U. drivers, in contrast, do not have strong financial incentives to fail to record nondriving hours. Violations of hours-of-service rules in the United States are common and are facilitated by the handwritten logbooks that usually are used by drivers to record work hours (Braver et al., 1992; Campbell and Belzer, 2000; McCartt et al., 2000; McKane, 1994).

Scientific Evidence

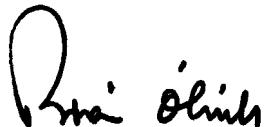
The new E.U. rules, as well as those previously in effect, recognize the safety risks of excessive driving and work hours. The aim is not only to reduce the risks but also to improve the quality of life for drivers of large trucks and buses. Specifically, the new E.U. rules are "intended to ensure the safety of transport and the health and safety of the persons involved" (European Union, 2002). There is ample scientific evidence that long work shifts are associated with substantial sleep loss and performance impairment (Baker et al., 1994; Rosa et al., 1989; Rosa, 1991; Rosa and Bonnet, 1993; Rosa and Colligan, 1988). In addition, permitting 12-hour driving shifts, as previously proposed by the U.S. Department of Transportation, would ignore the research indicating increased crash risk among drivers operating large trucks for more than 8-10 hours (Campbell, 1988; Frith, 1994; Harris, 1978; Jones and Stein, 1987, 1989; Kaneko and Jovanis, 1992; Lin et al., 1993, 1994; Mackie and Miller, 1978; National Transportation Safety Board, 1995; Saccomanno et al., 1995, 1996; Summala and Mikkola, 1994), even after controlling for the effects of time of day (Frith, 1994; Jones and Stein, 1987, 1989; Lin et al., 1993, 1994; Saccomanno et al., 1995, 1996). Increased crash risks associated with long hours of driving

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have been reported as twofold or higher (Frith, 1994; Jones and Stein, 1987, 1989; Lin et al., 1993, 1994; Saccomanno et al., 1995, 1996).

There is no reason why U.S. truck drivers and those who share the roads with them should receive less protection from fatigue-related safety risks than our European counterparts. The Federal Motor Carrier Safety Administration should recognize the scientific evidence relating to the risks of long work and driving hours and move forward to strengthen existing hours-of-service rules. Limiting daily driving hours to 10 and weekly driving hours to 50, as well as mandating automated tamper-resistant recording devices to ensure compliance with driving hour limits, would be reasonable and would not pose an undue financial hardship on motor carriers.

Sincerely,



Brian O'Neill
President

cc: Docket FMCSA-97-2350

Comparison of Hours-of-Service Rules for Commercial Vehicles in Europe and the United States, 2002 (new European provisions in **boldface)**

Work Rule Category	E.U. Rules ¹	U.S. Rules ²
Daily driving limits	Driving time limited to 9 hours per day. Twice a week may drive up to 10 hours.	Driving limited to 10 hours after having 8 hours off duty. Can drive up to 16 hours per 24-hour period (10 driving hours + 8 hours off + 6 driving hours = 24 hours).
Weekly driving hour limits	Weekly driving hour limit of 56 hours and 2-week limit of 90 driving hours.	Nothing comparable except weekly work hour limits
Night shift provisions	If doing night work, daily work time cannot exceed 10 hours.	Nothing comparable
Weekly work hour limits	Average weekly work time not to exceed 48 hours. Can go up to 60 hours only if, over 4 months, a weekly average of 48 hours is not exceeded. A work week can consist of no more than 6 daily driving periods.	Weekly work time limited to 60 hours in 7 days or 70 hours in 8 days.
Breaks	Driving time limited to 4.5 hours at a stretch, followed by a break of at least 45 minutes. Work time (driving and nondriving) limited to 6 hours without a break. If working between 6 and 9 hours, then must have at least a 30-minute break. If working more than 9 hours, then must have at least a 45-minute break. Breaks can be divided into 15-minute intervals.	Nothing comparable
Daily off-duty requirements	Must be off duty an average of 11 consecutive hours of every 24, but 11 hours is extended to 12 if off-duty time is broken into 2 or 3 separate periods, which must contain an 8-hour consecutive stretch. Minimum of 9 consecutive hours off duty (no more than 3 times a week). Rest is averaged over 1-week period. Vehicles must be stationary during off-duty time.	Must be off duty 8 hours before driving 10 hours. Off-duty time can be broken into two periods. If driver is part of team, vehicles can be moving while one driver is taking mandatory off-duty period in sleeper berth. There is no overall daily work hour limit. If have worked 15 hours (driving and nondriving tasks), cannot drive until have had 8 hours off duty.

continued

Work Rule Category	E.U. Rules ¹	U.S. Rules ²
Minimum time off between work weeks	Must be off an average of 45 consecutive hours between 2 consecutive work weeks minimum of 24 consecutive hours off. Time off between work weeks is averaged over 4 weeks.	Nothing comparable
Monitoring of compliance	Vehicles must have tachographs (mechanical devices that record driving hours and speed). In the near future, rules are expected to be published stating that digital tachographs (tamper-resistant electronic devices with printers and encoded cards for each driver) will be required by 2004 on newly-manufactured large trucks.	Automated tamper-resistant recorders are not required. Drivers must have either handwritten logbooks, which often are falsified, or onboard recorders (few motor carriers use onboard recorders to monitor driving hours). One carrier uses its global positioning system for this purpose.
Payment methods	Cannot be paid on basis of distance driven or amount of goods carried.	Usually paid by mile or by percent of revenue.

¹ Applies to vehicles exceeding 7,700 pounds. Local buses are not covered by these rules. By March 23, 2005, E.U. countries must adopt laws to comply with directive to reduce weekly work time to 48 hours, limit work time for night shift drivers, and mandate breaks for given number of work hours or ensure that their country's motor carriers and unions have reached agreements that will result in compliance with these rules. Self-employed drivers have until March 23, 2009 to comply. Digital tachographs are expected to be required by June 2004.

² Applies to vehicles exceeding 10,000 pounds. Logbooks not required for drivers operating within 100 miles of normal work location who return to same location within 12 hours.

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