



ADVOCATES
for Highway & Auto Safety

Contact: Beth Weaver, Advocates, 301-814-4088, beth_weaver@verizon.net

NEW RULE ON TRUCK DRIVER HOURS STILL PUTS LIVES AT RISK AGENCY FAILS TO TAKE ACTION TO REDUCE DRIVER FATIGUE

WASHINGTON, D.C. (December 22, 2011) — The Obama Administration today issued a new rule for truck driver hours of service (HOS) that fails to make all of the improvements needed to protect the public from tired truckers. Although truck crash deaths rose in 2010 to 3,675 fatalities, and 100,000 people injured, at a cost to society of nearly \$42 billion, federal officials at the U.S. Department of Transportation (DOT) chose to keep in place unsafe and illegal driving limits initially adopted by the Bush Administration in 2003.

The new HOS rule adopts one of the most dangerous parts of the Bush-era rule, the 11 hour consecutive driving shift that allows drivers to stay on the road an extra hour compared to the traditional 10-hour limit which was the accepted limit for nearly 70 years. Driving for 11 consecutive hours has been shown to result in the highest levels of crash risk for truck drivers. The new rule fails to eliminate the 34-hour restart provision that allows drivers to work more hours instead of resting. However, the restriction of the use of the restart to only once a week, and requiring overnight sleep by drivers, is a step in the right direction for safety.

Keeping the 11 hour rule carries lethal consequences because studies sponsored by the Federal Motor Carrier Safety Administration (FMCSA), the DOT agency that is supposed to regulate truck safety, reveals that under the existing HOS rule two-thirds of truck drivers (65 percent) acknowledge that they drive while tired, and nearly half (48 percent) admit to falling asleep behind the wheel in the previous year. In addition, the agency estimates that nearly 500 people each year die in truck crashes in which driver fatigue is a causal factor, although other studies indicate that the real number of fatigue-related truck deaths may be higher. With fatalities in truck crashes once again on the rise, the decision to retain the unsafe 11 hour rule will lead to more highway truck deaths.

Advocates for Highway and Auto Safety (Advocates), along with Public Citizen, Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (P.A.T.T.), and the International Brotherhood of Teamsters, opposed this rule and sued to change it. In two separate decisions, the U.S. Court of Appeals in Washington, D.C. held that the Bush-era rule violated federal law and that the FMCSA had not shown that 11 consecutive hours of driving was based on the scientific research, evidence and data in the rulemaking record. The Court indicated that the 11 hour limit on consecutive hours of driving is illegal. Advocates is confident that the Court will reach the same result when this new rule comes before it for judgment.

Yesterday's release of the Federal Aviation Administration (FAA) hours of service rule for pilots stands in stark contrast with the rule issued by FMCSA today. Whereas the FAA rule carefully limits flying hours for pilots to nine hours or less, the FMCSA rule allows drivers of large trucks to continue to operate for 11 straight hours, exposing drivers to high levels of fatigue at the highest rate of crash risk. In the last five years there have been 110 commercial airline fatalities, but in 2010 alone, 3,675 people were killed in truck crashes—33 times the number of people killed in commercial airline incidents.

“The truck driver hours of service rule issued today by the U.S. Department of Transportation fails to reduce truck driver fatigue behind the wheel,” stated Henry Jasny, Vice President and General Counsel of Advocates. “Most truck drivers admit they drive while tired and nearly half said they fell asleep behind the wheel at least once in the previous year under the existing rule. By keeping the unsafe portion of the rule that permits truckers to drive for 11 consecutive hours, Department officials have broken their promise to make safety their number one priority. And since the Department estimates that 500 people are killed each year in truck driver fatigue-related crashes, leaving this provision in the rule is unconscionable.”

Formed in 1989, Advocates is a national coalition of leading consumer, health, safety and medical groups working with insurance companies and trade associations lobbying together for improved public policies governing auto, traffic and roadway safety. For more information, please visit www.saferoads.org.

###