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Truckers Resist Rules on Sleep, Despite Risks of Drowsy

LIZABETH A. HARRIS JUNE 16, 2014



... accident near Miami, Okla., in which 10 people died. Investigators said the 76-year-old Oklahoma Highway

driver of the semi, which plowed into stopped and slowed traffic, had probably fallen asleep. Patrol

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The tractor-trailer set off at 2:30 a.m. from Springfield, Mo., the usual time and place. Nearly 11 hours later, along the Will Rogers Turnpike in Oklahoma, fatigue caught up.

At mile marker 321.5, near the town of Miami, the semi plowed into a line of cars stopped on the highway. Ten people were killed. The 76-year-old truck driver, who survived, had probably fallen asleep, federal investigators later concluded.

What is remarkable about these events, which took place five years ago this month, is how common such accidents are. For decades, federal authorities have tried to ensure that truck drivers get adequate rest. But in a business

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that lives by the clock, miles mean money. Commercial truck operators have resisted, arguing, in effect, that Washington cannot regulate sleep.

But now sleep-deprived driving — an open secret among truckers — has once again come to the fore, after the June 7 accident involving the comedian Tracy Morgan on a dark stretch of the New Jersey Turnpike 45 miles south of New York City. Prosecutors say the Walmart truck driver whose tractor-trailer slammed into a van carrying Mr. Morgan, critically injuring him and killing another passenger, had not slept in more than 24 hours.



A row of trucks parked in Jessup, Md. New rules require more rest for drivers of these types of vehicles. Times
J.M. Eddins Jr. for The New York

Drowsy driving is a leading cause of crashes and highway fatalities, according to federal officials. Just this month, driver fatigue has been cited in deadly accidents in Madison County, Ohio; Austin, Tex.; and Marseilles, Ill. In all, more than 30,000 people die on highways annually in the United States; crashes involving large trucks are responsible for one in seven of those deaths.

Federal rules last year reduced the maximum workweek for truckers to 70 hours, from 82 hours. Drivers who hit this limit can start their workweek only after a mandatory 34-hour resting period. Under the new rules, this “restart” must include two periods between 1 a.m. and 5 a.m., to allow drivers to rest at least two nights a week. Drivers cannot drive for more than 11 hours a day and must have a 30-minute break in their schedule.

But the trucking industry has been battling to get the new nighttime-break regulations repealed. On June 6, Senator Susan Collins, Republican of Maine, pushed an amendment through the Senate Appropriations Committee that would freeze the rules, pending further studies. Ms. Collins said the administration had failed to take into account that the new rules would put more trucks on the roads during peak traffic hours.

Trucking officials and executives also said that drivers needed to be afforded maximum flexibility in their work and should not be told when to rest.

“Many of the anti-truck groups have mischaracterized the extent to which fatigue is a part of our traffic problem,” said Bill Graves, the president of the American Trucking Associations and a former governor of Kansas. “I don’t know how the federal government polices sleep,” he added.

Brian Fielkow, president of Jetco Delivery, a company based in Houston

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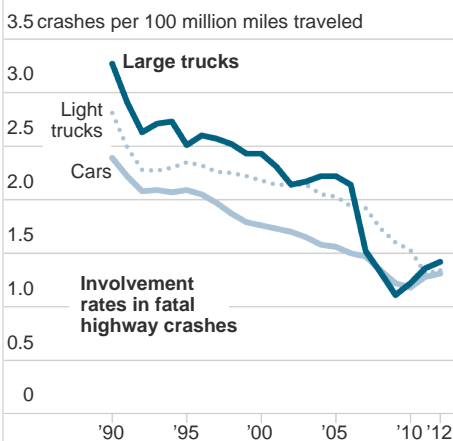
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that operates about 100 trucks, said the hours regulations that went into effect last year reduced productivity in the industry by putting more trucks on the road in times of heavy traffic without addressing the safety issues.

“The new rules certainly didn’t protect against the tragedy we’re talking about today,” he said.

Deadly Accidents

The most serious highway crashes have been steadily declining, but they have risen in the most recent years for which data is available, especially among large trucks.



To safety advocacy groups, however, Ms. Collins’s amendment would be a dangerous setback. Fred McLuckie, director of the department of federal legislation at the Teamsters union, said efforts to roll back fatigue regulations come after 25 years of work to reach an effective compromise on driving time. Mr. McLuckie said that not only has fatigue long been underreported at accident scenes, it has also become a more pressing issue in recent years.

“Congestion on the highways is greater than ever, there are more vehicles on the road than ever before, and drivers have to be more attentive than ever,” Mr. McLuckie said. “Fatigue is even more of a concern now than it has been, and drivers need to get proper rest to do the job that they do.”

Henry Jasny, the vice president of Advocates for Highway and Auto Safety, acknowledged that it was often difficult to find evidence that

fatigue directly caused an accident. But repealing the rule would mean that drivers would most likely spend longer weeks on the road and could possibly become more fatigued.

“If it weren’t for the fact that an entertainer, Tracy Morgan, was the victim of a crash, this would have gone unnoticed, but it happens day in and day out,” Mr. Jasny said.

Safety investigators said that sleepy or drowsy driving was a far more common problem than most people think it is. Drivers who begin their workweek with just one nighttime period of rest instead of two were more likely to have lapses in attention and to deviate from their lanes while driving.

But how extensive the problem is remains a matter of debate, because it is difficult to obtain evidence that drivers fell asleep. In 1990, a National Transportation Safety Board study of 182 heavy-truck accidents in which the truck driver died concluded that fatigue played a role in 31 percent of the cases, more than alcohol or drugs.

The Department of Transportation based its new rules on a lower estimate, saying it believes that fatigue-related causes accounted for 13 percent of all trucking accidents. That figure comes from a 2006 project known as the Large-Truck Crash Causation Study. Federal officials cautioned that fatigue was often underreported in crash investigations because truck drivers do not want to acknowledge being sleepy, lest they be seen as at fault.



A truck driver returning to his rig in Jessup, Md. New rules require truckers to take one 30-minute break per 11-hour day.
J.M. Eddins Jr. for The New York Times

Trucking industry officials rely on cases in which fatigue has been positively established as a cause of a crash. The American Trucking Associations said that a federal database of fatal crashes cited fatigue in less than 2 percent of police reports about accidents involving trucks. A more accurate estimate, the group said, is that driver fatigue plays a role in about 7 percent of truck crashes.

“Until we have a blood test for determining fatigue, all estimates are likely going to underreport fatigue, because the dead don’t speak and the living often plead the Fifth, especially if they are facing criminal charges,” said Deborah A. P. Hersman, the former chairwoman of the N.T.S.B. and now the president and chief executive of the National Safety Council.

The Transportation Department has proposed that all interstate commercial truck and bus companies be required to use electronic logging devices to increase compliance with driving-hour rules. Paper logs are easier to manipulate and more difficult for law enforcement officials to verify. The comment period for the rule is scheduled to end this month.

Some commercial truck fleets already such devices. For instance, Walmart’s trucks have GPS and electronic logging systems, which track where the vehicles are and what they are doing.

A Walmart spokeswoman said the truck involved in the accident that injured Mr. Morgan, who remains in a New Jersey hospital, was also outfitted with anti-collision technology, which is supposed to alert drivers if there is a car in a neighboring lane when they activate their turn signal, for example. It is also supposed to slow the truck down automatically if it is approaching slow-moving or stopped traffic.

Citing the incomplete investigation, Walmart declined to provide specifics on the accident or the driver’s schedule in the days leading up to the crash. A spokeswoman said, however, that the company believes the driver had not gone over federal guidelines.

Still, truckers work under enormous pressure. Independent drivers are paid by the mile and therefore have big incentives to drive as much as possible.

“It’s no day at the park,” said Calvin Simon, of Manchester, Ga., who has











driven a truck for seven years. "I'm still always moving, and when I'm sleeping, I'm usually sleeping in my truck. But I enjoy it."

When it comes to fatigue, Mr. Simon said, he doesn't take any chances: "If I get tired, I pull over and stop. It's that simple."

Aaron Kessler contributed reporting.

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

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