

# FALLING ASLEEP AT THE WHEEL

Training, wellness programs are key to curbing fatigue-related accidents

BY COLLEEN SHEPHERD

**D**river fatigue is an issue at the forefront of the transportation industry. While plaintiffs' attorneys continue to exploit driver fatigue for financial advantage—contributing to the large verdicts against transportation companies in recent years—regulators are no stranger to the party.

The National Transportation Safety Board (NTSB) has placed “reduce fatigue-related accidents” at the top of its 2016 most wanted list of transportation safety improvements, opining that “fatigue-related accidents can be avoided with a combination of science-based regulations, comprehensive fatigue risk management programs, and individual responsibility.”

Likewise, the debate continues with regard to the Federal Motor Carrier Safety Administration's (FMSCA)

2013 changes to the 34-hour restart rule, mandated within the hours-of-service (HOS) regulations.

This rule was suspended in 2014 as part of the Consolidated and Further Continuing Appropriations Act of 2015. It remains suspended while Congress awaits the findings of a commercial motor vehicle (CMV) driver restart study, which it mandated in the appropriations act, before deciding whether to enforce the new rule.

Many may gloss over the potential importance of the CMV driver restart study, simply assuming that its findings will be used solely to determine whether the new 34-hour restart rule will ever be enforced. For those paying closer attention, however, the study has the potential to be much more far-reaching.

Namely, Congress has not limited the study's considerations to driver

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work schedules and critical safety events. Instead, Congress has specifically mandated that the study also assess a host of other factors related to driver fatigue, including driver health and data from onboard monitoring systems and/or electronic logging devices.

This means the CMV driver restart study could arm regulators with credible data connecting the dots between driver fatigue, driver wellness and in-cab technology, thereby bolstering the platform for future regulation beyond mandating how drivers maintain their logs and into how transportation companies monitor driver wellness and in-cab technology.

In other words, the very “scientific-based regulations” that the NTSB has highlighted as part of its recipe for reducing fatigue-related accidents may have another catalyst to get some traction. What should you do about it? Aside from staying informed, consider the following tips to help you curb fatigued driving within your fleet.

### KNOW THE HOS RULES—TRAIN AND AUDIT

Fully understanding and training your crews on the HOS regulations is the foundation to preventing fatigue-related accidents. While this seems simple enough, the rules are anything but. The HOS regulations have five primary components for property-carrying drivers:

- The 11-hour driving limit.
- The 14-hour limit.
- The rest breaks provision.
- The 60/70-hour limit (or 34-hour rule).
- The sleeper berth provision.

The tricky part is understanding how all five of these moving parts work together. The first two components are arguably the most problematic for movers. An interstate property-carrying driver can drive a

maximum of 11 hours after 10 consecutive hours off duty, and may not drive beyond the 14th consecutive hour after coming on duty. Off-duty time does not extend the 14-hour limit.

For movers, these two components are of utmost importance, as movers do far more than just drive when they are on duty. Thus, the key is ensuring that your drivers, dispatchers and safety managers know what constitutes “on duty” versus “off duty.” In short, a driver is not considered on duty *only* when driving. Rather, on-duty time includes performing tasks such as loading and unloading.

To have 10 consecutive hours off duty before the clock starts on the 11-hour driving limit, a driver must have truly been off duty for 10 consecutive hours before getting on the road. Loading a shipment until 9 p.m., then hitting the road at 6 a.m. is not compliant with the rules, as that is only nine consecutive hours off duty.

Assuming a driver has been off duty for 10 consecutive hours, then a 14-hour window exists to max out the 11-hour driving limit. Again, that includes on- and off-duty hours within the 14-hour window. For example, if a driver has driven for seven consecutive hours, then stops and unloads at a residence for five consecutive hours and logs one hour off duty after unloading, the driver only has one hour of driving time left before maxing out the 14-hour limit. The fact that the driver took an hour off does not extend the 14-hour limit.

Investing in a comprehensive training program for both seasoned and new drivers will save you dollars in the long run, as it will prevent fatigue-related accidents, as well as log errors discovered during roadside inspections. The more you educate, train and audit your fleet, the safer your operation will become.

### IMPLEMENT DRIVER WELLNESS PROGRAMS

Even the best-trained crews with impeccable logs may still be at risk for fatigue-related accidents from sleep apnea. Constant interruptions during sleep can impair drivers’ daytime alertness and slow their reaction time in critical circumstances, sometimes causing fatigue-related accidents. Sleep apnea has many causes, including weight, facial structure, genetics and diabetes. A healthy diet can go a long way toward combatting some of these causes. By acknowledging the sedentary nature of a driver’s lifestyle and helping to promote driver wellness, movers can help combat sleep apnea and hopefully avoid fatigue-related accidents.

There are many cost-effective, simple ways to implement a driver wellness program for your fleet. Some companies bring a nurse on-site to measure blood pressure and cholesterol levels, while others offer physical therapists to assist with minor health issues before concerns become severe.

Even something as simple as stocking vending machines with healthy snack options and alternatives to soda (such as tea, water and diet drinks) is a good way to promote a culture of wellness. Remind drivers to pack healthy foods and plenty of water, and suggest they consider an in-cab minifridge and/or microwave to avoid the need to purchase less-healthy meals. Encourage drivers to try to stretch and walk during stops and to keep portable exercise equipment, such as resistance bands, in their trucks.

Recommend that drivers download free or low-cost workout applications; many display easy-to-follow exercises that can be done in as little as seven minutes without formal exercise equipment. Lastly, offering financial incentives for drivers who actively participate in your wellness program and lose weight could help spread awareness and increase participation. ■

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*Colleen Shepherd is assistant vice president of claims for Vanliner Insurance Co.*