



October 10, 2018

Administrator Ray Martinez  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

Re: FMCSA-2018-0248 Hours of Service of Drivers

Dear Administrator Martinez,

The American Alliance for Healthy Sleep (AAHS) appreciates the opportunity to respond to the Federal Motor Carrier Safety Administration's advanced notice of proposed rulemaking in relation to hours of service for drivers.

The AAHS is a national non-profit membership organization comprised of patients with sleep disorders, medical providers and individuals with an interest in healthy sleep. The mission of the AAHS is to improve the lives of patients with sleep disorders through advocacy, awareness, education, and services that benefit the entire sleep community as well as advocate for policy that furthers healthy sleep for all. Many of the changes being proposed would affect both public safety as well as the sleep health and wellbeing of drivers.

As FMCSA has acknowledged in the past, human beings are controlled by a natural circadian rhythm that regulates the body's 24-hour sleep/wake schedule. To achieve an optimal level of health and alertness, it is recommended that adults achieve at least 7 hours of consistent sleep each night<sup>i</sup>; for drivers to achieve a sufficient amount of sleep to have peak performance and alertness, off-time must be structured in a way that allows for sufficient time to not only achieve at least 7 hours of consistent sleep but must also account for travel, meals, personal hygiene and time to prepare for bed and fall asleep. Generally, the AAHS is in favor of regulations and policies that allow drivers to obtain a sufficient amount of sleep (at least 7 continuous hours) to ensure both optimal sleep health for drivers as well as the safety of others on the road; therefore, the AAHS is opposed to any policy that would prevent this, including split breaks of 6/4 or 5/5 hours, until additional research on this is completed, specifically the FMCSA Flexible Sleeper Berth Pilot Program.

A National Transportation Safety Board (NTSB) study indicated that 31% of fatal crashes involving heavy trucks can be attributed to driver fatigue. This same study identified that the "most critical factors" in fatigue-related accidents are the length of the most recent sleep, the amount of sleep the individual had in the previous 24 hours and split sleep<sup>ii</sup>.

As stated above, the AAHS is in favor of allowing drivers the time to obtain sufficient sleep or rest to safeguard the wellbeing of drivers and others; specific portions of FMCSA's request that the AAHS would like to comment on include:

### 3.a 30-minute break in relation to fatigue

Studies have found that crash risks for drivers of articulated vehicles (including some trucks, buses and trains) are double compared to drivers that have driven less than eight hours<sup>iii</sup> but that naps and rest breaks (of at least 30 minutes) positively impact drivers' accident risk<sup>iv</sup>.

### 4.d Split Sleeper Berth – Safety benefits

Studies have shown that split sleep hinders a driver's ability to resume their usual performance level, and that drivers with schedule irregularities (e.g. split sleep, shifting sleep schedules) have a significantly higher propensity for fatigue-related accidents<sup>v</sup>. Allowing sleep time to be split into smaller portions of time (less than 7 hours each) invites an increase in accidents that affect not only drivers but other citizens on the road. More research is needed in this area, and as the FMCSA is currently completing the "Flexible Sleeper Berth Pilot Program", any changes to sleeper berth rules should wait until the completion and review of this study has been completed.

5. OOIDA Petition: Incorporating a three-hour rest break would extend the latest time a driver could drive after coming on duty to the 17<sup>th</sup> hour. Taking into account travel and preparation for work, this would put drivers on the road into their 18<sup>th</sup> hour of being awake without a full-night of sleep. Studies have shown that being awake for 18 hours is equal to having a blood alcohol concentration (BAC) of 0.05%<sup>vi, vii, viii</sup>. This negatively affects the driver's performance including reaction time, ability to multitask, and accuracy<sup>ix</sup>. Studies have also shown that sufficient sleep of at least 7 consecutive hours decreased the risk of a sleep-report accident or near miss accident by 40%<sup>x</sup>

Drivers' sleep health affects their daily performance on the job; as such, regulations should be instituted that allow drivers to obtain a sufficient amount of sleep to serve at their optimal level of alertness and focus. The AAHS supports any regulations that allow for this to occur.

Thank you again for the opportunity to comment on FMCSA-2018-0248 regarding hours of service for drivers. Please direct any communications to Melissa Clark, Managing Director, at (888) 787-2247 or [mclark@sleepallies.org](mailto:mclark@sleepallies.org).

Sincerely,



Patti Van Landingham  
Chair

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<sup>i</sup> American Academy of Sleep Medicine. 2015. *Health Advisory: Adult Sleep Duration*. Darien, IL

<sup>ii</sup> National Transportation Safety Board. 1995. *Factors that Affect Fatigue in Heavy Truck Accidents*. Safety Study NTSB/SS-95/01 and NTSB/SS-95/02. Washington, D.C.

<sup>iii</sup> Jones, I. S. and Stein, H. S. 1987. *Effect of driver hours of service on tractor-trailer crash involvement*. Washington, D.C.: Insurance Institute for Highway Safety.

<sup>iv</sup> Garbarino S, Durando P, Guglielmi O, et al. 2016. *Sleep Apnea, Sleep Debt and Daytime Sleepiness Are Independently Associated with Road Accidents. A Cross-Sectional Study on Truck Drivers*. Romigi A, ed. PLoS ONE. 11(11):e0166262. doi:10.1371/journal.pone.0166262.

<sup>v</sup> National Transportation Safety Board. 1995. *Factors that Affect Fatigue in Heavy Truck Accidents*. Safety Study NTSB/SS-95/01 and NTSB/SS-95/02. Washington, D.C.

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<sup>vi</sup> Williamson AM, Feyer AM. 2000. *Moderate sleep deprivation produces impairments in cognitive and motor performance equivalent to legally prescribed levels of alcohol intoxication.* *Occup Environ Med.* 57(10):649-55.

<sup>vii</sup> Dawson D, Reid K. 1997. *Fatigue, alcohol and performance impairment.* *Nature.* 388(6639):235.

<sup>viii</sup> Arnedt JT, Wilde GJ, Munt PW, MacLean AW. 2001. *How do prolonged wakefulness and alcohol compare in the decrements they produce on a simulated driving task?* *Accid Anal Prev.* 33(3):337-44.

<sup>ix</sup> Williamson, Ann & Feyer, Anne-Marie & Friswell, Rena. 2000. *Development of Measures of Fatigue: Using an Alcohol Comparison to Validate the Effects of Fatigue on Performance.*

<sup>x</sup> Johnson KD, Patel SR, Baur DM, Edens E, Sherry P, Malhotra A, Kales SN. *Association of sleep habits with accidents and near misses in United States transportation operators.* *J Occup Environ Med.* 2014 May; 56(5):510-5.