

Previous Hours of Service Regulatory Impact Analyses Failed to Consider Important Economic and Safety Issues

The Regulatory Impact Analysis for the pending notice of proposed rulemaking corrects flaws in the 2008 Hours of Service (HOS) regulatory analyses by properly addressing two key issues - driver health and driver fatigue. Both critical issues had previously been ignored or underestimated by the Federal Motor Carrier Safety Administration (FMCSA).

Economic Issues:

According to Michael H. Belzer, Sound Science, Inc., the benefit/cost analysis of the Regulatory Impact Analysis [RIA] for the 2008 Interim Final Rule (IFR) suffered from obvious flaws:

“Not only does this analysis underestimate the safety effects because it ignores spillovers, but it completely ignores the costs associated with negative health effects on drivers and an estimate of the cost of early truck driver mortality caused by chronic long hours of work and driving. Without an analysis either of the health effects or of those macroeconomic effects, it is impossible to determine the true economic impact of the proposed regulation. The [2008] IFR RIA actually only leaves us with a one-sided operational cost analysis calculated only from the perspective of the motor carrier, and a limited and incomplete analysis of the safety cost of the longer work schedules in the current rules.”
Comments to FMCSA-2004-19608-3475.

Driver Fatigue Estimate:

According to Randy Whitfield, Quality Control Systems Corp., the Regulatory Impact Analysis for the 2008 IFR underestimated fatigue involvement in truck crashes by failing to properly adjust for coding and information collection problems in the Trucks In Fatal Accidents (TIFA) database:

Mr. Whitfield’s analysis illustrated that technical corrections to FMCSA’s method were required to account for “the large number of cases with unknown driving hours [which] raised the estimate of the relative risk of driving illegal hours for fatigue-coded crashes by approximately 28%.”

“The potential to underestimate the effect of Time on Task on fatigue coding should not seem surprising, given the resources for these data and the circumstances under which the data are collected. Our results show the need for a better source of unbiased data or a more robust methodology that would be better suited to the purpose intended by FMCSA.” Comments to FMCSA-2004-19608-3445.