



## CAPTAIN'S CORNER

### **Distracted Driving “The Growing Epidemic”**

In the United States, there are approximately 4,000 to 8,000 crashes daily involving distracted driving, as reported by the University of North Carolina Highway Safety Research Center in conjunction with the National Highway Traffic Safety Administration (NHSTA).

With the introduction of vehicles to our roadways came distracted drivers and the crashes they cause. Distracted driving behaviors are numerous, but we can break them into three categories; visual – taking your eyes off the road, manual – taking your hands off the wheel, and cognitive – taking your mind off what you are doing. For most drivers, the use of a cell phone incorporates all three categories of distraction.

The NHSTA has documented through the Fatal Accident Reporting System (FARS) that cellular phones are a major contributor to these distracted driving crashes. This is shown in the FARS crash statistics. Fatal crashes in automobiles and commercial vehicles steadily declined from 1959 until approximately ten years ago, when the decline stopped. The reduction of fatal crashes has slowed significantly and appears to be in direct correlation with the large-scale introduction of cell phones being used by drivers.

Distracted driving is a growing epidemic. As law enforcement continues to address driver violations to reduce traffic crashes, officers need to be aware of the significant impact that distracted drivers have on the safety of the general motoring public, and they need the ability to recognize and enforce upon the dangerous behaviors displayed by the distracted driver.

With the understanding that ANY activity other than driving while behind the wheel is a distraction, it is important for officers to recognize the negative impact of a distracted driving and take appropriate enforcement action. While it may not be easy for officers to witness a driver texting behind the wheel, common violations associated with distracted driving such as following too close, speeding, lane usage, lane departure, disobeying traffic signals, and failure to yield are easily detectable and enforced. These bad driving decisions/behaviors, in association with traffic law violations, may be addressed under the careless driving section of the Michigan Vehicle Code. It is up to the officers to use sound discretion while determining the cause of all traffic violations.

As law enforcement officials, we provide an example to the motoring public. Remember when you operate a departmental vehicle or personal vehicle while talking on the cell phone, typing on your computer, or eating and drinking you are increasing your chances of being involved in a traffic crash. Good habits are hard to learn; but bad habits are harder to break.

# Commercial Vehicle Enforcement Quarterly

Winter 2012

## Michigan Commercial Motor Vehicle (CMV) Crash Data YTD FY2012,

In the first quarter of Fiscal Year (FY) 2012, there was a total of 947 CMV crashes reported. Of these crashes, 21 of the reported crashes resulted in fatalities, and 926 resulted in occupant injuries. The crashes reported involve vehicles meeting the definition of a CMV in the Federal Motor Carrier Safety Regulations (FMCSR). See the definition at bottom of the page for further explanation.

The information below illustrates types of roadways and the percentage of fatal CMV crashes reported to have occurred on them.

### Fatal Crash Accountability by Roadway Classification

Local Streets and County Roads	55%
Michigan Highways (M-Roads)	22%
Interstate (I-Roads)	12%
United States Routes (US-Routes)	7%

### CMV Fatal Crashes in First Quarter FY 2012 by County

1. Wayne County
2. Oakland County
3. Macomb County
4. Kent County
5. Washtenaw County

### The Definition of a CMV according to FMCSR Section 390.5

Means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle -

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

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## Final Rule on the Hours-of-service (HOS) Effective February 27, 2012

FMCSA's new HOS final rule re-defines "on-duty time," restricts the 34-hour restart to once per week and require 2 nighttime rest periods, requires a 30-minute break when driving more than 8 consecutive hours, provides more specific requirements for oilfield provisions, and provides for increased penalties for egregious HOS violations.

More specifically, the rule reduces by 12 hours the maximum number of hours a truck driver can work within a week. Under the old rule, truck drivers could work on average up to 82 hours within a seven-day period. The new HOS final rule limits a driver's work week to 70 hours.

In addition, truck drivers cannot drive after working eight hours without first taking a break of at least 30 minutes. Drivers can take the 30-minute break whenever they need rest during the eight-hour window. The final rule retains the current 11-hour daily driving limit. FMCSA will continue to conduct data analysis and research to further examine any risks associated with the 11 hours of driving time.

The rule requires truck drivers who maximize their weekly work hours to take at least two nights' rest when their 24-hour body clock demands sleep the most – from 1:00 a.m. to 5:00 a.m. This rest requirement is part of the rule's "34-hour restart" provision that allows drivers to restart the clock on their work week by taking at least 34 consecutive hours off-duty. The final rule allows drivers to use the restart provision only once during a seven-day period.

The rule provisions are provided at FMCSA's website <http://www.fmcsa.dot.gov/HOSFinalRule>

### Comparison of Current Rules and Final Rules

PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None.	(1) Must include two periods between 1 a.m. – 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions.	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]
PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE FEBRUARY 27, 2012
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a parked CMV. In moving CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth. Also applies to passenger-carrying drivers.

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<b>Penalties</b>	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.
<b>Oilfield Provisions</b>	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."

## **FMCSA Limited 90-day Waiver**

To allow automated on board recording devices (AOBRD) vendors (Peoplenet and Xata) additional time to modify their programs to meet the requirement of the new HOS rules, FMCSA has issued a limited 90-day waiver. Carriers using the Peoplenet or Xata AOBRD will not be required to be fully in compliance with the new hours of service rules regarding "on-duty" time that were effective February 27, 2012.