

# Hours of Service: Trucking Carrier Fatigue is a Road Hazard, Major Public Safety Risk

**Trucking carrier fatigue** accidents post a serious liability issue to both the trucking carrier and the operator. According to the Department of Transportation, these accidents are responsible for 13% of all commercial motor vehicle-related collisions on the road. That's a staggering statistic! That's why the DOT is doing their part to enforce stricter regulations for operators of commercial motor vehicles (CMVs).

To do this, the Department of Transportation has imposed *Hours of Service*. This term can be easily misinterpreted in many ways. The DOT defines *Hours of Service* as follows:

## **Regulations issued by the Federal Motor Carrier Safety Administration (FMCSA) and govern the working hours of anyone operating a commercial motor vehicle (CMV) in the United States.**

On the **Shaked Law Blog**, we're dedicated to providing in-depth and informative articles that cover every aspect of personal injury law, from the perspective of a personal injury attorney that's seen it all firsthand. In part one of our trucking accident law series "*Truck Accident Law: What is it? (And Why it Matters!)*", we provided exclusive insight into truck accident law, and why not every personal injury attorney can take on your trucking accident claim. We informed readers that an attorney may act ready and willing to take your trucking accident claim, but many have never actually tried one in a court of law! We made our readers aware that this practice can be termed deceitful and, in the end, it can hurt the client.

Now, in part two of the series, this article will seek to provide a clear picture of both the safety risks and the preventative measures surrounding trucking carrier fatigue. It's important to take note that trucking carrier fatigue is preventable. By following the guidelines, rules, and regulations laid out in great detail by the FMCSA, the Department of Transportation, and the trucking carrier itself, a truck driver can keep themselves and others on the road safe while commuting.

## **Hours of Service: what does the DOT say?**

To ensure public safety as well as the safety of those who are employed to commute in commercial vehicles, the DOT has provided a thorough list of regulations that explicitly state the requirements that need be met to help trucking operators avoid carrier fatigue at all costs. The DOT lists everything from specific driving limits to mandatory rest breaks:

- **Property carrying drivers:** 11-hour driving limit; a driver may only drive a maximum of 11 consecutive hours, after 10 consecutive hours off duty.
- **Passenger carrying drivers:** 10-hour driving limit; a driver may only drive a maximum of 10 hours, after 8 consecutive hours off duty.
- **Rest break requirements:** a trucking operator may only drive if 8 hours or less have passed since end of driver's last "off-duty" or rest period (must be at least 30 minutes).

While these regulations may seem excessive, they are in place for a reason and when violated, pose a serious public safety risk. Drivers who are found to have neglected these regulations set forth for them can be found liable in a personal injury lawsuit for causing serious bodily injury or participating in other injurious behavior due to trucking carrier fatigue.

Trucking carrier fatigue can pose public safety risks, liability issues

As with any person who attempts to operate a motor vehicle while exhausted, there are serious and fatal consequences when a trucking operator attempts to drive on little or no sleep. Truck drivers, like all of us, are human and require proper amounts of rest, food, and exercise in order to avoid succumbing to exhaustion. If a truck driver finds themselves too fatigued to drive, but continues their commute regardless, they are at risk of being responsible for a serious road accident.

If this occurs, as it so often does, the driver would most likely be found liable for the negligent behavior on the road. Knowing one is tired but continuing to operate dangerous machinery regardless would not be considered a “reasonable” thing to do. The “reasonable” action in this instance, would be to find a safe place to pull in and take the amount of rest, break required by the Department of Transportation.

No truck driver should ever attempt to drive beyond the limits specified by law. They put themselves, their employer (the carrier is liable for their operators), and other drivers on the road at risk.

***A trucking company must monitor its drivers hours on the road!***

## **Symptoms of fatigue: what all drivers need to know about this deadly epidemic!**

Make no mistake, while fatigue isn’t fatal in itself, actions taken while suffering from exhaustion can be. We often think we can “fully function” while tired, but truth be told we take a risk with our safety and the safety of others when we act in this manner. It’s not only truck drivers who need be cautious and cease operating a vehicle while suffering from fatigue, but every licensed driver out on the road.

**Mayo Clinic defines “fatigue” as:**

*It’s a nearly constant state of weariness that develops over time and reduces your energy, motivation and concentration. Fatigue at this level impacts your emotional and psychological well-being, too.*

The symptoms of fatigue one should look for when beginning to feel unwell after a long period without rest range from lack of sleep to unhealthy eating habits. More specifically, some of the most serious symptoms of fatigue as laid out by Mayo Clinic are as follows:

- **Lack of sleep:** fatigue is known to be exhaustion beyond the point of simply feeling “tired”.
- **Certain medications can cause fatigue:** always speak with a medical professional such as your primary care physician, internist, or allergist before getting behind the wheel after being prescribed a new medication.
- **Lack of physical activity:** in the specific case of truck driving, remaining behind the wheel for long hours can become monotonous and therefore induce levels of exhaustion that become dangerous. Drivers must always remember to get enough physical exercise, even if it’s as simple as taking a short walk, stretching, or going for a jog during their off-duty hours.
- **Unhealthy eating habits:** this cause of fatigue is one of the most serious. Often, truck operators don’t make time to eat healthy, regular meals. Eating foods with an excess of sugar just because they’re convenient can cause serious health problems such as Diabetes, heart disease, and obesity. Truck drivers must always take care to eat the proper amount of nutrition to avoid developing life-threatening medical conditions.

**Contact us to schedule a complimentary consultation. There’s no obligation. Take the first step and call today: (877) 529-0080**