

Facts Rebutting the Trucking Industry Myths about the Progress of Truck Safety and the Bush Administration Hours of Service (HOS) Rule

Myth: *Fatigue-Related Truck Crash Fatalities have decreased under the HOS rule.*

Fact: **This claim is false.** Data from the official government fatality database, the Fatal Analysis Reporting System (FARS), shows that while large truck crash fatalities decreased in 2006 from 2005,¹ this followed *increases* in truck crash fatalities in the 3 years immediately prior to 2006. Truck crash fatalities rose in 2003, 2004, and 2005² over each previous year. Notably, the increases in fatalities in 2004 and 2005 occurred during the first 2 years the Bush Administration HOS rule was in effect.

Fact: **Even the Federal Motor Carrier Safety Administration (FMCSA) does not assert that truck fatalities have declined as a result of the Bush Administration HOS rule.** FMCSA states only that the rule did not make things worse.³

Fact: **National motor vehicle fatality figures cannot be used to "prove" that any specific motor vehicle safety regulation among the hundreds that have been issued over the years is the single reason for any annual change in traffic deaths.**

Myth: *Truck fatality figures have improved in recent years.* The trucking industry asserts that because fatalities in truck-involved crashes was lower in 2006 (5,027 fatalities)⁴ than, for example, in 2000 (5,282 fatalities) that fatalities have decreased.

Fact: **FARS data shows that truck fatalities rose in 2003, 2004 and again in 2005 from each previous year.** Truck deaths over the 10-year span of 1997 through 2006 averaged over 5,000 per year, and dipped slightly below that total only in 2002 (4,939).⁵ (Recent annual fatality totals of less than 5,000 deaths due to the recession are explained below.)

Fact: **The relative risk of dying in a large truck crash has actually increased compared to fatalities in passenger vehicle crashes.** In 1995, the relative risk of a fatal truck crash per 100 million vehicle miles of travel (VMT) was *less than 20 percent greater* than the relative risk of a fatal passenger vehicle crash, but the relative risk of a fatal truck crash has risen sharply since 1995 so that now the fatality risk in fatal truck crashes is *55 percent greater than the fatality risk in passenger vehicle crashes.*⁶

Fact: **The proportion of truck crash fatalities to all annual motor vehicle fatalities has not changed.** In 2008, *one of every 9 traffic deaths were the result of large truck fatal crashes.* That proportion of traffic deaths has not changed for many years and is virtually constant from 1997 through 2008.⁷

Myth: *Recent decreases in national truck deaths in 2007 and 2008 (preliminary data) can be attributed to the Bush Administration HOS rule.*

Fact: **Recent decreases in overall fatality statistics in 2007 and 2008 reflect reductions in freight tonnage linked with the recessionary economy.** The sudden and precipitous decline in truck fatalities in 2007 and 2008 is linked with substantial reductions in both truck freight tonnage and a sharp drop in commercial vehicle miles of travel from the latter part of 2007 through 2008 due to adverse economic conditions.⁸ This reduces overall truck crash exposure. Similar declines in passenger vehicle fatalities are the result of reduced travel and commensurately reduced crash risk exposure.⁹

Fact: Historically, economic recessions have been accompanied by reductions in traffic fatalities.¹⁰ Every U.S. recession has coincided with a decline in motor vehicle fatalities. CNBC News reports that “fatalities fell more than 16 percent from 1973 to 1974 as the nation dealt with the oil crisis and inflation. Highway deaths dropped nearly 11 percent from 1981 to 1982 as President Ronald Reagan battled the recession.”¹¹

Myth: *Three-quarters of truck crash fatalities are "caused" by the drivers of passenger vehicles.*

Fact: There is no study proving that passenger vehicle drivers "cause" three-quarters of the fatalities in crashes involving passenger vehicles and large trucks.

The false claim by the trucking industry is a “junk science.” It is predicated on a deliberate misreading of studies that relied on descriptive “driver factor codes” reported by police at the crash scene and tabulated in FARS. These codes are after-the-fact notations often based on speculative information, as acknowledged by the U.S. Department of Transportation, and are not the product of in-depth crash investigations to accurately determine contributing factors that led to a particular crash.

Fact: The authors of both studies have stated that the study findings cannot be used to attribute “fault” or “causation” as the industry has asserted. The author of the 1998 study¹² on which the industry claim is based has stated that his study had been misused by the trucking industry and explained that the study could not be interpreted to assign fault or determine crash causation for the truck-passenger vehicle collisions he evaluated. The authors of the 2002 study¹³ disclaimed any causal connection between reported driver actions and crash outcomes. The industry claims are an intentional mischaracterization of the findings in these research reports.

Fact: FMCSA studies and FMCSA officials have also repudiated this industry claim. According to FMCSA “driver factor codes” cannot be equated with fault.¹⁴

Fact: A number of studies contradict the claim that passenger vehicle drivers are to blame for most crashes involving both large trucks and passenger vehicles. These include studies that: found that truck drivers were primarily responsible for the majority of highway interchange crashes;¹⁵ found that nonfatal lane change crashes on the Washington, D.C. Capital Beltway (I-495) were twice as likely to be the result of a tractor-trailer changing lanes rather than a light vehicle lane change;¹⁶ found that in all crashes between trucks and light vehicles, trucks were more likely to be the “contributor” to the crash than light vehicles by 48 percent to 39 percent, and trucks were more responsible than light vehicles in backing, rear-end, right-turn, left-turn, and sideswipe collisions.¹⁷

Endnotes:

¹ *Traffic Safety Facts 2006 Data: Large Trucks*, DOT HS 810 805, National Highway Traffic Safety Administration (NHTSA) (Updated March 2008).

² *Traffic Safety Facts 2007 Annual Report*, p. 30 Table 11, DOT HS 811 002, NHTSA.

³ The best that FMCSA can do to support its rule is to state that the Bush Administration HOS rule “has not had a negative impact on safety; large truck safety has not been compromised by the 11-hour limit or the 34-hour restart.” Hours of Service of Drivers, Interim Final Rule, 72 FR 71247, 71259 (Dec. 17, 2007).

⁴ *Traffic Safety Facts 2007*, *op cit.*; *Traffic Safety Facts – 2008 Data: Large Trucks*, DOT HS 811 158, NHTSA.

⁵ *Traffic Safety Facts 2007*, *op cit.*

⁶ *Motor Vehicle Traffic Crash Fatality Counts and Estimates of People Injured for 2006, Based on the Fatality Analysis Reporting System (FARS) and the National Automotive Sampling System General Estimates System (NASS GES)*, 2006 Annual Assessment of Motor Vehicle Crashes, DOT HS 810 837, NHTSA (Updated Jan. 18, 2008); Insurance Institute for Highway Safety (IIHS), *Fatality Facts 1996-2007*.

⁷ *Traffic Safety Facts 2007*, NHTSA; *Traffic Safety Facts – 2008 Data: Large Trucks*, *op cit.*

⁸ See, e.g., <http://www.glgroun.com/News/Leading-Indicator---2008-North-America-Freight-Market--Truck-Build-Numbers-Down---2009-Predicted-To-Be-Worse-With-2010-30689.html>, demonstrating 7 consecutive quarterly declines in truck freight tonnage through the third quarter of 2009. Also see, <http://www.ttnews.com/articles/basetemplate.aspx?storyid=22609>, "ATA's Costello Hopeful Freight Levels Have Bottomed Out," *Transport Topics*, Aug. 27, 2009, and a similar, earlier report in *Transport Topics*, March 2, 2009.

⁹ *Traffic Safety Facts 2006, 2007, 2008*.

¹⁰ Percent Difference in Large Truck Fatalities From Year Prior to a Recession to the First Year of a Recession (data obtained from NBER, NHTSA, and FHWA).

No Recession	Recession Year	Large Truck Fatalities
1972	1973	N/A
1979	1980	10.91% decrease
1980	1981	02.76% decrease
1989	1990	04.00% decrease
2000	2001	03.23% decrease
2006	2007	04.36% decrease

Large Trucks Fatalities and Injuries and U.S. Recessions, Fact Sheet, compiled by Advocates for Highway and Auto Safety (2009).

¹¹ *Id.*

¹² Blower, D., “The Relative Contribution of Trucks Drivers and Passenger Vehicle Drivers in Truck-Passenger Vehicle Traffic Crashes,” Center for National Truck Statistics, UMTRI 98-5, University of Michigan Transportation Research Institute (June, 1998).

¹³ *Identifying Unsafe Driver Actions That Lead to Fatal Car-Truck Crashes*, AAA Foundation (April 2002).

¹⁴ *Large Truck Crash Causation Study*, FMCSA (2006); see also, *Motor Carrier Safety Analysis, Facts, & Evaluation (MCSAFE)*, 2:I (Oct. 1996); 2:II (Nov. 1996); and see, *Driver-Related Factors in Crashes between Large Trucks and Passenger Vehicles*, FHWA-MCRT-99-011 (April 1999).

¹⁵ Shao (1986).

¹⁶ Preusser (1994).

¹⁷ Council, *et al.* (2003).