

Fatigued Driving Prevention: Rule Proposal

June 23, 2016

Why TLC is Addressing Fatigue

- **TLC reviewed the existing rule limiting taxi drivers to 12 consecutive hours of work and found the rules**
 - Only applied to one industry sector (yellow taxi drivers)
 - Allowed any break to reset the 12-hour clock, limiting the ability to enforce the rule
 - Focused on consecutive hours, which does not reflect the flexible schedules and split-shifting that are common today
- **In late 2015, TLC determined that research and development of a new strategy to combat fatigued driving would be one of the agency's 2016 Vision Zero projects.**



Fatigued Driving Research

Acute Fatigue: tiredness resulting from short-term lack of adequate rest.

- As driving time increases, so do the odds of being in a crash.
- Fatigue impairs performance of repetitive tasks, such as driving, by reducing vigilance, slowing reaction time, and creating deficits in processing information.
- Being awake for 18 hours produces impairment equal to blood alcohol concentrations (BAC) of .05 (considered driving while under the influence in New York) and .10 after 24 hours (1.25 times the 0.08 threshold for driving while intoxicated).

Chronic Fatigue: results from sustained acute fatigue over a period of days and weeks without time for the body to recover.

- Sustained reductions of daily sleep duration result in reliable cumulative deficits in cognitive performance, especially in attention, cognitive speed, and memory.

Comparable Regulations

Regulations addressing both acute and chronic fatigue are best practices.

Cities/Industries address Acute Fatigue in any 24-hour period:		Cities/Industries address Chronic Fatigue in any 7-day period:	
Chicago	➤ 12-hour driving limit for taxi drivers	Minneapolis	➤ 72-hour driving limit for taxi drivers
Nevada	➤ 12-hour driving limit for taxi drivers	Los Angeles	➤ 70-hour driving limit for taxi drivers
Philadelphia	➤ 14-hour driving limit for taxi drivers	Philadelphia	➤ 84-hour driving limit for taxi drivers
Los Angeles	➤ 10-hour driving limit for taxi drivers	Chicago	➤ 84-hour driving limit for taxi drivers
U.S. Department of Transportation	<ul style="list-style-type: none"> ➤ 11-hour driving limit for interstate truck drivers ➤ 10-hour driving limit for interstate bus drivers 	U.S. Department of Transportation	➤ 60-hour driving limit for interstate truck drivers

Fatigued Driving is a Problem Among Some TLC-Licensed Drivers

- **Crash Fatigue Correlation**

- Over 2014 and 2015, taxi drivers working more than 12 hours in a day were involved in injury crashes at a rate **23.8% higher** than those who worked 12 or fewer hours in a day.
- In the same period, taxi drivers working more than 72 hours in a week were involved in crashes at a rate **8.6% higher** than those who worked 72 or fewer hours in a week.

- **Consumer Complaints**

- Over 100 complaints of drivers falling asleep behind the wheel during trips since January 2015.

“ The driver continually kept pumping the brakes as he intermittently awoke from his sleep in the middle of our drive...On three occasions, he nearly hit another car in his blind spot. I was in utter shock.

[The] driver was falling asleep at traffic lights, fell asleep while driving, reducing foot pressure on the gas, drifting across lanes and missed the correct turn. This all occurred as it was raining and extremely dangerous.

Proposal To Combat Fatigued Driving

- **Daily Work Hour Limit**

- Driver can make pickups for-hire in no more than 12 hours in total in any 24-hour period.
- On a given day, **97% of drivers** already comply with this limit.
- Base can dispatch a driver to do pickups for-hire in no more than 12 hours in any 24-hour period.
- *Exception: The 12-hour clock resets after 8 consecutive hours with no trips.*

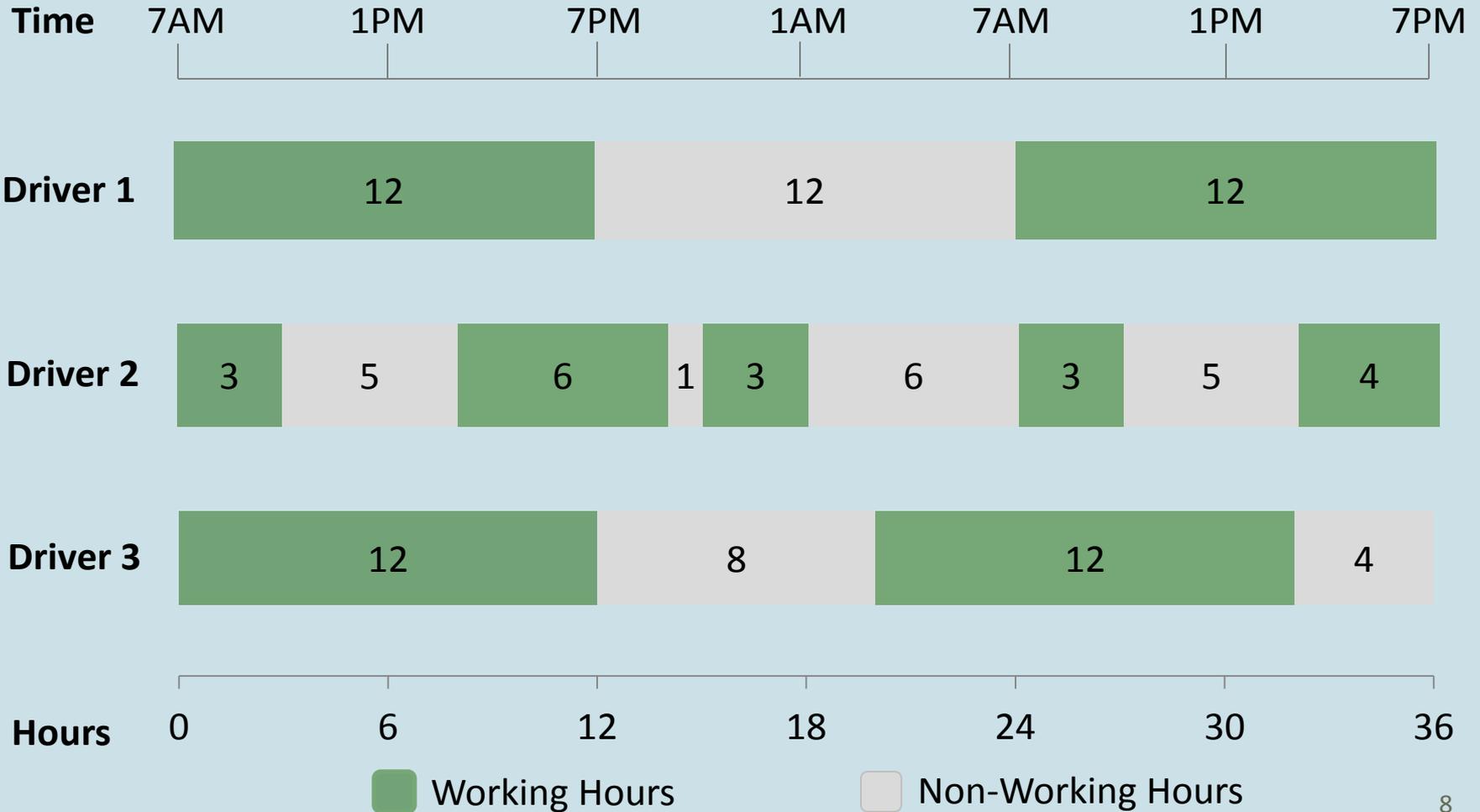
- **Weekly Work Hour Limit**

- Driver can make pickups for-hire in no more than 72 hours in total in any seven-day period.
- In a given week, **93% of drivers** already comply with this limit.
- Base can dispatch a driver to do pickups for-hire in no more than 72 hours in any seven-day period.

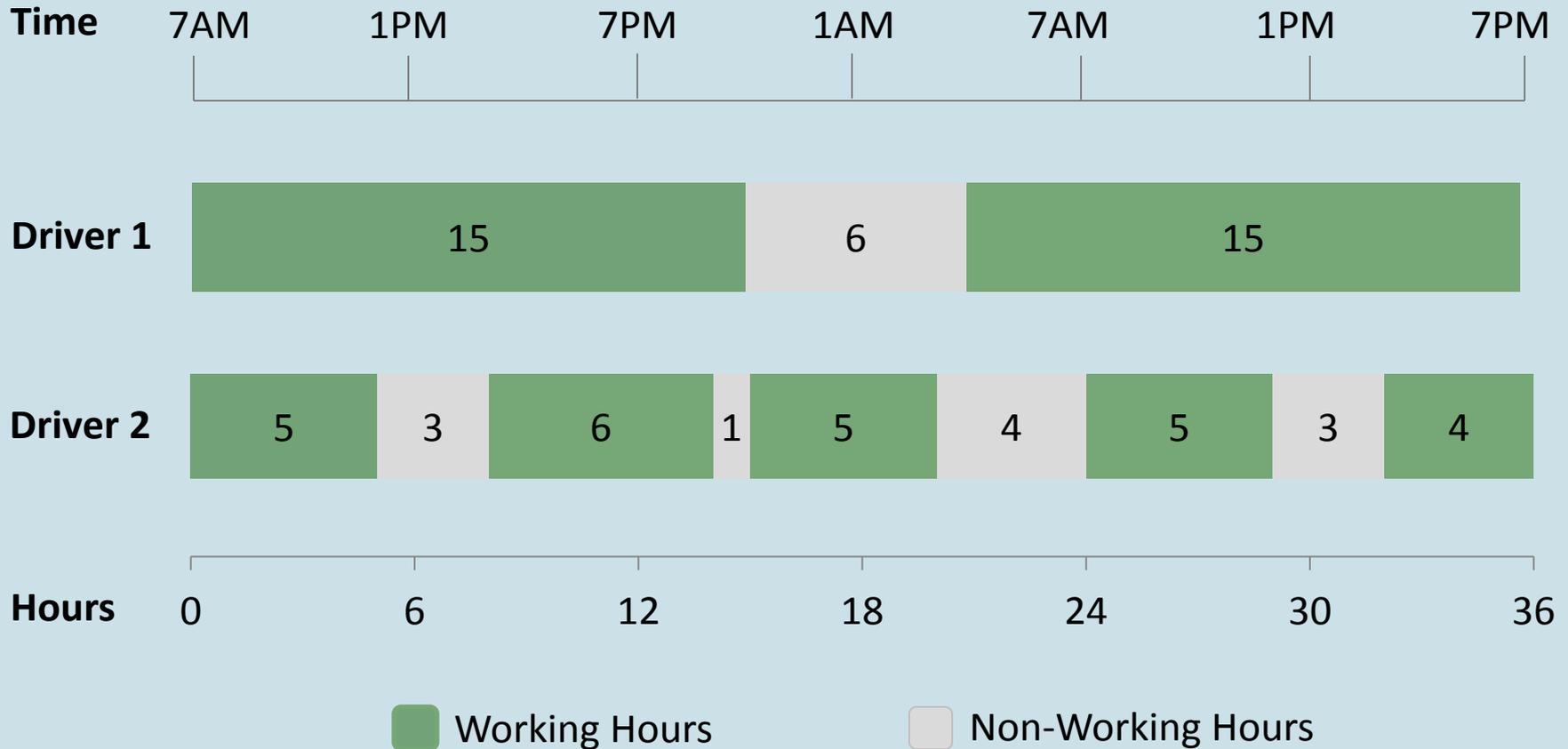
Proposal To Combat Fatigued Driving

- **Working Hours**
 - Only hours when a driver picks up a passenger count toward the hour limits
 - TLC will monitor via trip records
- **Non-Working Hours**
 - Hours without pickups **do not count** towards either limit. Includes mid-day breaks and rest periods
- A base is only responsible for trips it dispatches—not trips dispatched to an affiliated vehicle by another base or green taxi street hails.
- No specific break times required. However, an 8-hour consecutive break can be used to add some flexibility to the 12-hour rule.

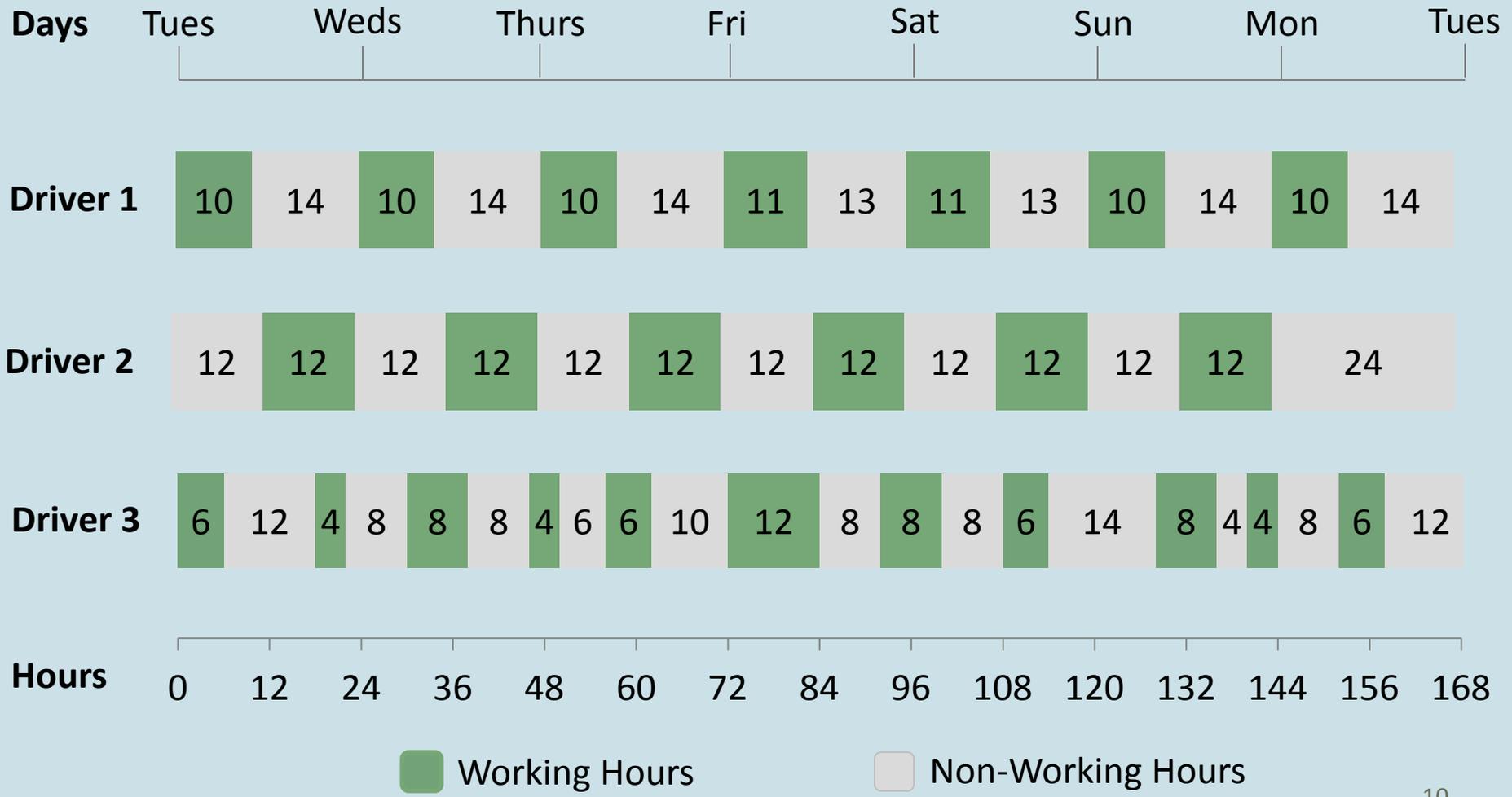
Example: Compliant Daily Work Schedules



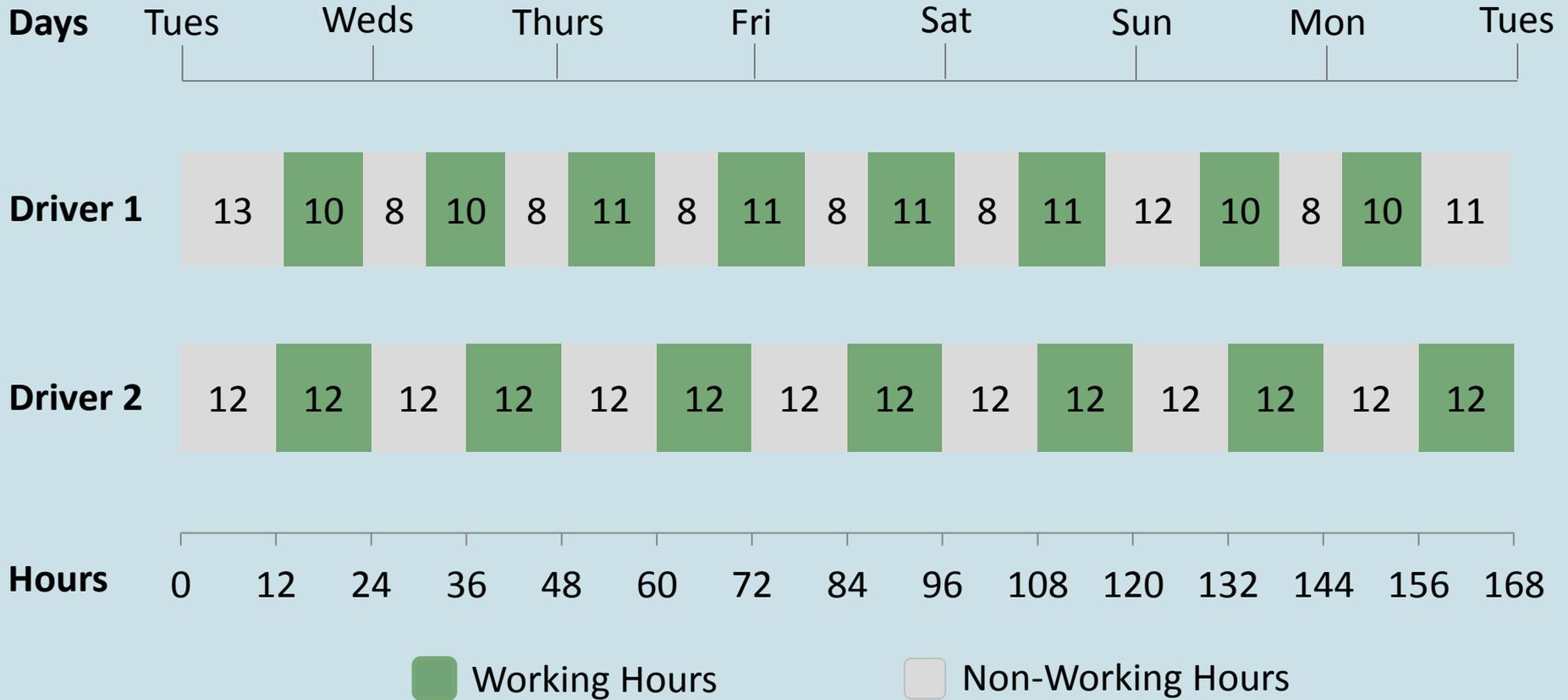
Example: Non-Compliant Daily Work Schedules



Example: Compliant Weekly Work Schedules



Example: Non-Compliant Weekly Work Schedules



Outreach and Enforcement

Outreach

Work with industry members to spread the message about how to follow new rules and provide guidance to drivers

TLC Education: Required driver courses, Vision Zero meetings with drivers, emails and text messages

TLC will begin with a warning period before enforcement

Proposed Enforcement

Drivers		
Hours above Daily or Weekly Limit	Plead Guilty Before Hearing	Plead Guilty After Hearing
1-2	\$75	---
3-4	\$175	\$250
5+	\$300	\$400
*15-day suspension: If guilty of 2+ violations during the past year for exceeding the daily or weekly limit by 3+ hours		
Bases		
\$200 Per Violation		

Policy Benefits

Safety

- Addresses the dual problems of acute and chronic fatigue, keeping our streets and licensees safer

Industry-Appropriate

- Targets most dangerous behaviors only occurring among a small percentage of TLC-licensed drivers

Consistency

- Consistent rules across all TLC-licensed industry sectors

Flexibility

- Provides flexibility for diverse industry sectors and drivers

Engaging

- Paired with increased education and outreach on the risks of fatigued driving and tips to reduce fatigue.