

Jason's Law for Improved Highway Safety: Addressing Truck Driver Fatigue

Addressing Truck Driver Fatigue caused by insufficient truck parking, not allowing drivers to comply with Hours of Service Federal Regulations, therefore preventing them to receive receive rest after driving 11 hours.

Federal Regulations continue to be placed on Commercial Drivers, however, the causes for Truck Driver Fatigue are continually not addressed. Besides an Hours of Service Ruleset in place by the FMCSA, which has in many drivers opinions INCREASED their fatigue.

Truck driver Jason Rivenburg, kissed his 2-year old son and pregnant wife good-bye on Wednesday, March 4, 2009. He dropped a load in Virginia and then headed off to his second delivery in South Carolina. He was 12 miles away from his destination when he needed to pull off the road. He was ahead of schedule and trucks are not allowed to show up at delivery sites early. The only place he had to park was an abandoned gas station – he'd heard through the grapevine it was safe.

The grapevine was wrong. Jason was [murdered in his truck](#) that night. His killer stole \$7.00. Thirteen days later, his wife Hope gave birth to twins.

Jason's Law, to allow for more safe truck parking, received bi-partisan support in both the Senate and the House. [H.R. 1803](#) .sponsored by U.S. Reps Paul Tonko (D-NY) and Erik Paulsen (R-MN), with signatures from 26 supporting congressman. In the Senate, Senators Charles Schumer and Kirsten Gillibrand of NY brought forth S 1187.

Jason's Law was passed and made law in the 2012 Transportation Bill: Map 21. As of this date there has been no significant addition of Truck Parking. The widow of Jason Rivenburg who has tirelessly fought for more safe truck parking initiated the National Truck Parking Survey which has been presented to the Department of Transportation (DOT).

Lack of parking has been a major complaint for truckers for decades, confirmed though extensive research and funding by branches of the Department of Transportation, including the FMCSA.

Because of a sluggish economy, many more parking facilities are closing down, increasing the need for more government awareness and public concern for the problem.

What many do not realize is that the lack of truck parking facilities poses an **extreme danger to the general public** as well as professional truck drivers. The problem with inadequate truck parking affects **everyone** driving the highways:

- **A MUST READ [TRUCK PARKING SPECIAL REPORT](#)**

Drivers are strictly regulated by law on how many hours they are allowed to drive

- Drivers are allowed to drive only 11 hours/day ([Hours of Service Regulations set by Federal Government](#)). Knowing this, a driver must plan their trip accordingly in order to comply with regulations, not exceeding their driving limits. The Hours of Service rule for truck drivers contains an 11-hour daily driving limit and 14-hour work day limit.

Note that this is strictly enforced and a driver who violates HOS receives a violation. Since the FMCSA inception of [CSA](#) (Compliance Safety, and Accountability), these violations can prove to be damaging to both the driver and the carrier, as all violations will be recorded and maintained. If a driver cannot find parking to rest, he/she not only risks receiving a violation, but more importantly risks the lives of those sharing the highways with them.

- **[Sleep is the cure for fatigue](#)**- A truck driver's job is demanding, and the lack of rest can cause serious ramifications in regards to highway safety. If a driver plans his/her trip and there is no adequate parking available in either the rest area or truck stop, he/she is forced to move on, many times driving fatigued, looking for an available spot, whether that be legal or illegal parking.

The fact that truck drivers many times are forced to drive fatigued because of a lack of parking is a contradiction to the goal of improving safety set by the FMCSA.

- **Forced to Park Illegally**- Because of the combination of lack of truck parking and the HOS of service rule, which prevents truckers from driving after their allowed hours of driving time, truckers at times are forced to pull over on the side of a road to rest, many times on an exit or entrance ramp, causing severe highway safety risks for themselves and the general public.
- **Forced to Park in unsafe surroundings** - Drivers are forced many times to park in unsafe surroundings in order to get their much needed rest. This was the case for Jason Rivenburg, who parked in an abandoned gas station which resulted in his violent death. Jason was an open target for predators as he parked in an isolated area and was shot and killed before he could make his early morning delivery.

- **Shippers and Receivers** - According to the data of the [2013 Truck Parking Survey](#), a major problem drivers are faced with is their pick up and deliveries at shippers and receivers. Many time drivers arrive early and are not allowed to park on the property of either, even though many facilities have ample parking available. Again this was the case for Jason Rivenburg who parked in a nearby abandoned gas station.

One solution suggested by SBTC is [the Community Oriented Approach](#).

Recently, on June 26th 30 year old OTR trucker [Michael Boeglin of Ferdinand, IN. was shot and killed in his truck](#) as he parked at an abandoned building waiting to pick up a load from the nearby ThyssenKrupp steel plant.

- According to the data of the [2013 Truck Parking Survey](#), it has come to our attention that law enforcement, including DOT, has been waking drivers up for ID, inspections, or asking them to move. Drivers are mandated to REST as part of the Hours of Service Regulations of the FMCSA ([Hours of Service Regulations set by Federal Government](#)). This behavior is unacceptable and unlawful, adding to the already serious concern of truck parking shortages resulting in lack of or interrupted sleep for driver. It also compromises safety of the highway for all as it encourages fatigued drivers to drive, ironically by those who are sworn to secure our safety.

One solution has been brought up by SBTC, who is calling on law enforcement agencies to engage in sensitivity training to stop the unlawful practice of waking drivers up during the federally mandated sleep periods currently plaguing drivers. SBTC has determined there is a mechanism to report those local law enforcement agencies that habitually interfere with federally mandated sleep to the U.S. Department of Justice and we are inviting truckers to file [Sleep Interference Complaints](#) with the SBTC.

- **There are many other reasons which affect Truck Driver Fatigue, however, we must address the Issue of “Allowing Drivers to Sleep” if we are ever going to “cure” this problem.**

- **RESULTS for Truck Parking Survey**
Open Comments Downloadable Links:

- *“What are the circumstances and how often does it take 60 minutes or more to locate truck parking to comply with your federally mandated hours of service (HOS) rest break?”*

Click [Here](#) for PDF

- *“States that need most improvement.”*

Click [Here](#) for PDF

- *“Please identify which Ports and/or surrounding facilities have an inadequate amount of safe parking.”*

Click [Here](#) for PDF

- *“Cities most mentioned that need more truck parking.”*

Click [Here](#) for PDF

- *“Shippers and Receivers that detain drivers but do not allow them to remain parked safe on their properties.”*

Click [Here](#) for PDF

Read more information via:

- [Truck Parking Special Report : PDF](#)
- [Trucker Shooting Rekindles Plea to Officials for More Safe Truck Parking](#)



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- [AskTheTrucker](#)
- [Truth About Trucking Live](#)