Waking up to the risks of drowsy driving

Law cracks down as act equated to being drunk

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After she dozed off while driving and drifted into another lane, a school administrator sought treatment this week from a sleep specialist at The Valley Hospital in Ridgewood, alarmed that she may have put herself and others in danger.

In the Bergen County Prosecutor’s Office, experts are preparing for the trial of a North Bergen truck driver indicted on charges of vehicular homicide after he fell asleep and ran down a 63-year-old Carlstadt business owner.

The case will be prosecuted under Maggie’s Law: New Jersey was the first state to establish that a sleepy driver is reckless and can be convicted of death by auto, a statute other states have copied.

And in another reminder of the perils of fatigued driving, the National Transportation Safety Board this week cited a Walmart truck driver’s sleepiness as the chief cause of a crash on the New Jersey Turnpike last year that killed one man and seriously injured four others, including comedian Tracy Morgan.

The National Highway Traffic Safety Administration estimates that 100,000 police-reported crashes are the direct result of driver fatigue every year. Up to 6,000 fatal crashes each year may be caused by drowsy drivers.

Multiple studies show what experts in sleep science, courtroom and safety investigations encounter on a daily basis: Although the public is well-versed in the dangers of drinking and driving, they are still taking risks with sleepiness on the road, which can impair driving as much as or more than alcohol.

“The fact is, sleepiness and driving is a dangerous combination,” says Jeffrey P. Barasch, medical director of The Center for Sleep Medicine at The Valley Hospital. “I see people every day with this problem.”

Risky as driving drunk

Studies show drowsy driving is as dangerous as driving drunk; being awake for 18 hours produced an impairment equal to a blood-alcohol content of 0.05 percent. After 24 hours without sleep, a driver is as impaired as someone with a reading of 0.10 — more than the limit to be legally drunk in New Jersey, according to the Rwj Health & Nutrition Foundation Center for Disease Control and Prevention.

Like alcohol, sleepiness slows reaction time, decreases vigilance and impairs judgment, all of which increase your risk of crashing. During even a brief lapse of attention, a vehicle can move into another lane, off the road, or into oncoming traffic. This can occur even without the driver closing his or her eyes or being aware of falling asleep, Barasch said.

The National Sleep Foundation found that 18 percent of train operators and 14 percent of truck drivers polled in a 2012 survey reported near misses at work due to sleepiness.

In fact, the automobile industry has even beefed up safety technology by installing warning systems in several makes and models, mindful that nearly four in 10 fatalities are caused by running off the road. For example, in a 2015 Honda Odyssey, drivers have the option of having a camera mounted between the windshield and the rearview mirror that determines if the vehicle drifts from the center of a detected lane while driving between 40 and 90 mph. If lanes are crossed without the driver using a signal, a message appears and a beep sounds. Some makes go even further: Toyota has a system that helps the car stay on course near the center of the lane by continuously applying a small amount of counter-steering force if a car deviates from the lane without signaling.

Having such a safety feature may have been what prevented Barasch’s new patient, a woman in her 50s who commutes 50 minutes to work, from crashing, Barasch said. At the very least, it made the woman call Barasch to be evaluated after her new car signaled her when she drifted, Barasch said. “She wasn’t even aware of how sleepy she was,” he said.

More sleep patients

The center at Valley is seeing an increase in patients: So far this year, there were 1,188 sleep studies completed, compared with 734 for the same period last year, according to a hospital spokeswoman.

Studies show that the less sleep people get, the more likely they are to crash. People who sleep six to seven hours a night are twice as likely to get involved in a crash as those sleeping eight hours or more, according to the AAA Foundation for Traffic Safety. People sleeping less than five hours increased their risk four to five times, the study found.

If you’re traveling 60 mph, you are moving 88 feet per second, Barasch said. Normally a blink is a fraction of a second, but if you’re sleepy it could be longer. “That’s a fair amount of distance to be driving while dozing off,” he said.

The truck driver in the Tracy Morgan crash, was driving 65 mph, moving 90 feet per second, authorities said. “If you fell asleep for 2 or 3 seconds you have moved a lot of distance without being awake,” Barasch said. “You can fall asleep with your eyes open. That is why people are often unaware they have a problem.”

The day before the crash that seriously injured Morgan in June 2014, the driver made an 800-mile overnight drive from his home in Georgia to his workplace in Delaware, and then reported for
duty without sleeping, according to the NTSB.

"Hours of service rules cannot address what drivers do on their own time," said NTSB Chairman Christopher A. Hart. The driver had been on duty 13½ hours of a 14-hour workday, but had been awake more than 28 hours at the time of the crash, Hart said.

Sleep specialists in North Jersey routinely include questions about driving fatigue when they conduct an initial evaluation that may or may not lead to a sleep test at home or in a lab. They ask patients if they get fatigued when they drive for more than 30 minutes or if they doze off in heavy traffic or if they doze off when they are a passenger.

"Sometimes the patients are brought in by family members who say they are falling asleep when they drive," said Dr. John Villa, a sleep specialist at Hackensack University Medical Center.

Experts like Villa say they are obligated to tell patients about Maggie's Law, which was adopted in 2003 and makes offenders liable to be prosecuted as reckless under death-by-auto statutes. "That is a crime equal to drunk driving," Villa said.

**Maggie’s Law**

The death-by-auto statute was changed to include fatigue as a reason a person could be charged with recklessness. It makes it easier to prosecute the cases and penalties are up to 10 years in prison, said Martin Delaney, assistant Bergen County prosecutor and chief of the fatal accident squad.

The law was named for Maggie McDonnell, a 20-year-old college student from Gloucester County who was killed in a head-on crash in 1997 when a dozing driver in a minivan crossed lanes and hit her Hyundai. The other driver admitted he hadn’t slept for 50 hours before the crash.

Under the provisions of the law, Kevin Roper, the driver charged in the accident that involved Morgan, risks penalties of up to 10 years in prison and $100,000 in fines if convicted.

And experts are preparing the case of Joseph Eizaguirre, a 24-year-old North Bergen man who was driving a bread truck when he fell asleep behind the wheel last summer. Authorities allege he struck and killed 63-year-old Boro Atanasoski in Carlstadt in front of Atanasoski’s landscaping business.

"A judge will tell a jury at trial that you can presume the driver was reckless if he was asleep or hadn’t slept for 24 hours," Delaney said. "It makes it easier for a jury to convict.”
The truck driver who was involved in the deadly 2014 turnpike crash that injured Tracy Morgan had allegedly been awake for more than 28 hours.