



Parents Against Tired Truckers and Citizens for Reliable and Safe Highways

February 21, 2013

Mr. Bill Graves, President and CEO
Mr. Dan England, Chairman
The American Trucking Associations
950 North Glebe Road, Suite 210
Arlington, VA 22203

Dear Mr. Graves and Mr. England:

We were appalled to see the American Trucking Associations (ATA) renew its fallacious attack on victims of truck crashes with the recent release of the *Relative Contribution/Fault in Car-Truck Crashes (Feb. 2013)* which blames passenger vehicle drivers for the majority of truck-car crashes. There is no scientific basis for the allegation that passenger vehicle drivers are the major reason for truck-car fatal crashes – there are no data and no studies which have shown this to be true. Nevertheless, the ATA recently issued this so-called report which rehashes and misuses old studies in order to blame the drivers of passenger vehicles for causing most two vehicle crashes between light passenger vehicles and large trucks.

As you well know, in 2010, 3,675 people were killed and 80,000 more were injured in truck-related crashes on U.S. highways. Fatalities in large truck crashes increased in 2010 by nearly nine percent, and then increased once again in 2011, while overall traffic fatalities decreased during both years. Large trucks are highly over-involved in severe and fatal crashes. Current figures from the U.S. Department of Transportation's (DOT) Fatality Analysis Reporting System (FARS) show that although large trucks are only four percent of the national vehicle fleet, they are involved in approximately 13 percent of all passenger vehicle occupant deaths. Even more startling is the fact that while large trucks comprise a very small portion of the traffic stream, 24 percent of all passenger vehicle occupant deaths in two-vehicle collisions involve large trucks (National Highway Traffic Safety Administration (NHTSA), FARS 2010). Moreover, when large trucks collide with passenger vehicles, 97 percent of the people who die are the occupants of the cars and light trucks (Insurance Institute for Highway Safety (IIHS), Fatality Facts 2010).

The ATA, however, continues to engage in the "blame game," asserting that about seven out of ten deaths resulting from truck-related crashes are the fault of passenger vehicle drivers. This claim has repeatedly been shown to be false, is based on misuse of past studies and data, and has been openly rejected by DOT and the Federal Motor Carrier Safety Administration (FMCSA). Even so, the ATA repeats this canard in its recent unscientific rehash and misuse of old studies including the University of Michigan Transportation Research Institute study (UMTRI; Blower, 1998, 1999).

The ATA misuses these studies by claiming they identify who is at fault in two-vehicle truck-car crashes which the studies did not do, and specifically claimed they could not do. These studies used data and information from the Fatal Analysis Reporting System (FARS), the Large Truck Crash Causation Study (LTCCS) or the Trucks in Fatal Accidents (TIFA) crash databases which do not assign fault, and specifically state that the data cannot be used for that purpose. The Federal Highway Administration (FHWA), the predecessor parent agency to FMCSA, stated in its publication, *McSafe* (May, 1996) that, "None of the available data addresses crash contributing factors, causation, or fault." In an earlier issue of *McSafe* (Nov., 1995), the FHWA also asserted that, "The FARS factors are those reported by police at the scene that *may* have played a role in the crash. **They are not based on in-depth crash investigations...aimed at determining crash contributing factors or fault.**" (Emphasis added).

More recently, Dr. Ralph Craft, FMCSA's primary agency representative on the causes of truck crashes, stated at the November 2005 *International Truck and Bus Safety & Security Symposium* that trucking industry representatives speaking at the conference were continuing to misuse FARS codes, and that there was no legitimacy to their claims based on FARS that car driver actions were the major cause of truck-car fatal crashes. At that same conference, Dan Blower of UMTRI, who authored a 1998 paper cited in the ATA report as supposedly showing that passenger vehicle drivers were the major source of truck-passenger vehicle fatal crashes, stated at an open session on the concluding day of the Symposium that his study had been misused by the trucking industry and that it could not be interpreted to show assignment of fault or crash causation for the truck-passenger vehicle collisions that he evaluated.

While the ATA report claims that the "critical reasons," also called driver factor codes, assigned in the studies for each crash is the same as fault, the fact is that the concept of "critical reason" is not the same as causation or fault. The two terms are not equivalent. The user manuals for the databases on which the studies are based state quite clearly that assigning a "critical reason" to a particular driver or crash is not the same as, or equivalent to, crash preventability, crash accountability, or crash causation or fault.

Many studies contradict the industry claim and reach the opposite conclusion. For example, a recent analysis of truck crash data from Kansas found that 73 percent of the nearly 19,000 crashes studied over a five-year period involved truck driver-related contributory causes, primarily failing to be attentive to driving tasks such as switching lanes and passing other vehicles, as well as speeding, failing to yield right of way, following too closely and improper lane changes (Dissanayake and Kotikalapudi, 2012). Other studies that focus on truck crashes with findings that contradict the ATA report include:

- Council *et al.* (2003) 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;
- Preusser (1994) found that nonfatal lane change crashes on the Washington, D.C. Interstate Capital Beltway were twice as likely to be the result of a tractor-trailer changing lanes rather than a light vehicle lane change;
- Wolfe and Carsten (1986) found equal apportionment of fault assignment in nonfatal crashes, but car drivers were assigned fault 3 times as often as tractor-trailers drivers, overwhelmingly on the basis of surviving truck driver claims; and,
- Shao (1986) studied highway interchange crashes and found that truck drivers were primarily responsible for the majority of these collisions.

These findings and most of these studies were excluded from the ATA's flawed report.

At the heart of the issue about the misuse of the findings and conclusions of the studies cited in the report, is the ATA's push to remove crash data from the FMCSA's Compliance, Safety, Accountability (CSA) database. ATA would have the FMCSA delete crash records based solely on the information contained in Police Accident Reports (PARs). But PARs do not supply sufficient information for determining crash causation. One reason for this is that since passenger vehicle occupants comprise 97 percent of all fatalities in truck-car crashes, the truck driver is often the lone survivor of such crashes. Even when the passenger vehicle occupant does survive, they are often unconscious, severely injured, in shock, or unable to communicate their account of the crash at the scene. The police officers at the crash scene do a tremendous job, but they are necessarily limited in their ability to investigate beyond basic information due to their extensive crash-scene duties. It is not the responsibility of the police officer at the scene of the crash to determine fault, and in fact there is no place on the PAR in many states for this information. As a result of these factors and others, the investigating officer often codes the crash, and any critical factors, based entirely on the representations of the surviving truck driver.

In addition to missing and incorrect information on PARs, the PAR often fails to indicate whether other truck problems contributed to the crash causation. For example, improperly adjusted brakes or undetected truck driver

fatigue, among many other reasons, may have contributed to the crash, but these factors are often undetected or concealed and not reported. It is only in the cases in which a thorough investigation by a qualified crash expert is conducted, a process that can often take days, weeks or months to complete, that the actual cause, or causes, of the crash is revealed. The information, or lack of information, in PARs contributes to why the studies the ATA uses to support their erroneous claim cannot be, and clearly say that they cannot be, used to determine crash causation or fault. This is the reason PARs should not be used as the sole determination to delete truck crashes from the CSA data.

It is deeply troubling to families who have had their loved ones killed in truck crashes, or themselves been injured, that the ATA continues to misuse data and studies to blame the victims of truck crashes. The ATA's continued reliance on this completely unsupported claim and consistent disregard of the results of countervailing studies with contradictory findings is irresponsible and callous in the extreme.

It is long past time for the ATA, and the trucking industry as a whole, to stop the cruel public relations game of shifting attention away from the unacceptable death toll caused by big trucks on our nation's roads. In 2011, truck crash fatalities increased for the second consecutive year, in spite of an overall decrease in traffic fatalities. We would all be better served if the time and ample resources of the ATA were used to make advances in safety programs, technology, laws and regulations to protect, both truck drivers and the motoring public, rather than continuing to blame the victims of preventable truck crashes. When fatal crashes decrease, the ATA is at the front of the line to take credit, but when fatalities in truck-involved crashes increase, or in this case when the ATA is unhappy with effective compliance programs, you only seek to blame others.

Sincerely,

Daphne Izer, Founder, *Parents Against Tired Truckers*
Steve Izer, Board Member, *Parents Against Tired Truckers*
Lisbon, Maine
Son Jeffrey and three other teenagers were killed in a crash caused by a tired trucker.

Jane Mathis, Board Member, *Parents Against Tired Truckers and Member, FMCSA's Motor Carrier Safety Advisory Committee*
St. Augustine, FL
Son David and his wife Mary Kathryn were killed when a truck driver, who had fallen asleep behind the wheel, rear-ended their car setting it on fire.

Jennifer Tierney, Board Member, *Citizens for Reliable and Safe Highways*
Kernersville, NC
Father James Mooney was killed when he crashed into a semi blocking the roadway on a dark, rural road. The semi did not have working lights, reflector tape or underride guards.

Tami Friedrich Trakh, Board Member, *Citizens for Reliable and Safe Highways*
Corona, CA
Sister Kris, Brother-in-law Alan, Niece Brandie and Nephew Anthony were killed when a tanker truck overturned on the 10 freeway in Claremont, CA.

Dawn King, Board Member, *Citizens for Reliable and Safe Highways*
Davisburg, MI
Dawn's father, Bill Badger, was killed by a tired trucker who fell asleep at the wheel and crashed into his car.

Ed Slattery
Baltimore, MD
Wife Susan and sons Peter and Matthew were hit by a truck driver who had fallen asleep behind the wheel. Susan was killed and Peter and Matthew were critically injured.

Lawrence Liberatore, Board Member, *Parents Against Tired Truckers*
Severn, MD
Son Nick was killed by a fatigued truck driver who veered across 3 lanes of traffic and ran over his car.

Roy Crawford
Whitesburg, KY
Son Guy was killed in a crash with a coal truck that was driving under the speed limit and lacked proper rear lights and reflectors.

Marchelle and Frank Wood
Falls Church, VA

Daughter Dana and Dana's friend were killed when a tired trucker driving on a suspended license slammed into their car.

Crystal Renner
Cleveland, TN

Family members James Whitaker, Anthony Hixon and Amber Hixon were killed when a speeding truck crossed the centerline and crashed into their pickup.

Melissa Gouge
Washington, DC

Cousin Amy Corbin was killed in an underride crash with a tractor trailer which was blocking both lanes of the roadway and did not have reflective tape.

Jackie Novak
Edneyville, NC

Jackie's son, Charles "Chuck" Novak, was one of five people who died when a speeding tractor-trailer crashed into a line of cars stopped due to an earlier crash. The truck did not slow down, or brake, and there were no skid marks on the road.

Michelle Novak
Franklinville, NY

Michelle's nephew, Charles "Chuck" Novak, was one of five people who died when a speeding tractor-trailer crashed into a line of cars stopped due to an earlier crash. The truck did not slow down, or brake, and there were no skid marks on the road.

Kate Brown
Gurnee, IL

Son Graham was hit by a drunk, drugged and fatigued truck driver who fell asleep and swerved into the oncoming lane, hitting Graham's car and sending it airborne into a field where it rolled over. Due to many life threatening injuries, Graham underwent 22 different surgeries, and is now permanently, partially disabled.

Julie Branon Magnan
South Burlington, VT

Julie was severely injured and her husband David was killed in a truck crash when an eastbound semi trailer crossed the highway median into the westbound lane and collided with the Magnan's car.

Cindy Whitaker
Cleveland, TN

Husband James Whitaker, brother-in-law Anthony Hixon and niece Amber Hixon were killed when a speeding truck crossed the centerline and crashed into their pickup.

CC: Anne Ferro, Administrator, Federal Motor Carrier Safety Administration

The Honorable Frank Lautenberg, Chairman, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, U.S. Senate Committee on Commerce, Science and Transportation

The Honorable Roy Blunt, Ranking Member, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, U.S. Senate Committee on Commerce, Science and Transportation

The Honorable Tom Petri, Chairman, Subcommittee on Highways and Transit, U.S. House of Representatives Committee on Transportation and Infrastructure

The Honorable Peter DeFazio, Ranking Member, Subcommittee on Highways and Transit, U.S. House of Representatives Committee on Transportation and Infrastructure