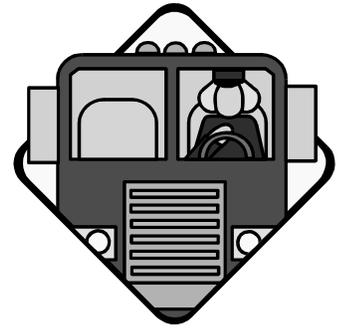


The Truck Safety Advocate



A publication of the Truck Safety Coalition
Parents Against Tired Truckers and
Citizens For Reliable And Safe Highways
working together to save lives!

Issue 1 ~ Winter 2003

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P.A.T.T. and CRASH are nationwide, grassroots non-profit organizations solely dedicated to improving truck safety in the U.S. and eliminating the unnecessary deaths and injuries caused by truck crashes each year by heightening public awareness of commercial motor carrier safety issues; working with legislatures to tighten regulations and enforcement; and lending support to the families and victims of truck crashes.

Landmark Lawsuit to Force U.S. DoT to Take Action on Truck Safety

P.A.T.T., CRASH, Public Citizen and Teamsters for a Democratic Union (TDU) filed a petition on November 26, 2002 with the U.S. Court of Appeals in Washington, D.C. against the U.S. Department of Transportation (U.S. DoT) for ignoring its legal duty to issue truck safety rules as required by Congress.

By failing to take appropriate action, the U.S. DoT is breaking the law. The goal of the petition is to have the federal court order the U.S. DoT to issue these truck safety rules that are years overdue and critical to making highways safer.

“Precious lives are being lost every day on our nation’s highways because the Federal Motor Carrier Safety Administration (FMCSA), a U.S. DoT division, has refused to take action about the unsafe conditions on our highways,” said Daphne Izer, P.A.T.T. Founder and Co-Chair. “It is far past time the FMCSA take real action to protect the American people -- the drivers, passengers and truck drivers themselves -- who use our roads.”

The rules that the U.S. DoT has failed to act on include:

◇ Truck driver fatigue and required rest periods, hours-of-service and other fatigue-related issues. Congress set a March 1, 1999 final rule deadline with the U.S. DoT, now nearly four years overdue. The U.S. DoT itself has estimated that 755 fatalities and 19,705 injuries occur each year on the nation’s roads because of fatigued drivers.

- ◇ Minimum training requirements for drivers of longer-combination vehicles (multi-trailer rigs). Congress set a Dec. 18, 1993 final rule deadline, now nine years overdue.
- ◇ Minimum training standards for entry-level drivers of commercial motor vehicles. Congress required the U.S. DoT to report on the effectiveness of private-sector training by Dec. 18, 1992, and to issue a final rule by Dec. 18, 1993. A report was submitted in February 1996 but the U.S. DoT never issued the rule to Congress, which is now nine years late.
- ◇ Requirements for authorization to transport hazardous materials. The U.S. DoT was required to issue this important security- and safety-related rule by Nov. 16, 1991, has done nothing and is more than 11 years overdue.
- ◇ Background checks for new commercial drivers, including what information prospective employers are required to obtain and what information prior employers are required to provide. Congress ordered the U.S. DoT to issue a rule first by Jan. 26, 1996, then by Jan. 31, 1999, but the U.S. DoT has taken no steps to issue this rule. This rule is almost four years late.
- ◇ Requirements for more truck safety inspectors at international borders. The U.S. DoT was ordered to issue this rule by Dec. 9, 2000, now almost two years overdue.

A copy of the suit is available at:
<http://www.citizen.org/documents/Petition%20Final.pdf>

NHTSA Releases 2001 Annual Crash Assessment Report

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) recently released its 2001 Annual Crash Assessment Report. Again, in the face of the horrible statistics reported, it is difficult to acknowledge any serious progress made towards safer commercial trucking on the part of the Federal Motor Carrier Safety Administration (FMCSA). Surprisingly, in a Department of Transportation press release, U.S. Transportation Secretary Norman Y. Mineta attempted to put a positive spin on the dismal figures.

The NHTSA reported the following:

In 2001, there were over 457,000 crashes involving large trucks in the United States. These large truck crashes resulted in 5,082 fatalities and 131,000 injuries. These figures decreased from 2000 statistics, which reported 5,282 fatalities and 140,000 injuries.

Of the 5,082 large truck crash related fatalities reported in 2001, the victims are identified as follows:
- 704 were truck occupants, 13.9%

- 4,378 were non-truck occupants, 86.1%

In both 2000 and 2001, 12% of all traffic fatalities resulted from a collision involving a large truck, yet large trucks account for only 4% of all registered vehicles on our roadways.

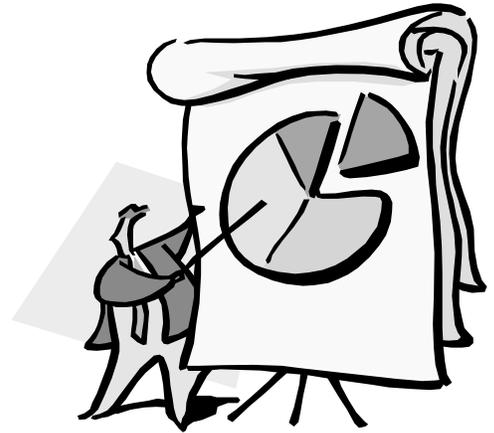
While the 2001 Annual Assessment is based on estimated numbers, if they are near correct, it is always heartening to see fatality statistics going down. If accurate, we hope the trend continues. However, we would like to see the FMCSA get serious about decreasing large truck crash related fatalities.

5,000+ deaths a year in heavy truck crashes is an outrage. If people died of the West Nile Virus at this rate it would be considered an epidemic and declared a national emergency.

What would be the government's reaction if 5,000 people died annually in plane crashes? That is nearly twice as many lives annually as were claimed on September 11, 2001 in the World Trade Center attack.

Pay by-the-mile for truck drivers will continue to claim the lives of 5,000+ Americans annually so long as this archaic, unfair and "cost of doing business" system is allowed to continue.

U.S. truckers continue to be one of the most oppressed professions in the nation. They are forced to "get the load delivered on time" at any cost with little compensation. They



are routinely coerced to falsify logbooks and bypass on board recording devices in order to circumvent laws that were specifically enacted to limit a driver's hours of service. The result is a fatigued and/or tired driver behind the wheel of an 80,000 - 100,000+ pound rig.

U.S. truckers are oftentimes forced to load their own loads. Why is it considered outrageous to think of a pilot loading his or her own cargo prior to departure, yet we think nothing of it when a trucker spends two hours loading a trailer, only to then face a 10+ hour drive?

In 2001, one out of eight traffic fatalities resulted from a collision involving a large truck. Consider this the next time a truck pulls behind you on the highway.

To view the entire NHTSA 2001 Annual Crash Assessment report, go to <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/AvailInf.html>. On the "Reports By Year" window, click the "2001 Annual Assessment of Motor Vehicle Crashes" link. This is a PDF file and will take a few minutes to download.

**Check us out at our
Web sites:**

**P.A.T.T.
www.patt.org**

**CRASH
www.trucksafety.org**

National Summit to Prevent Drowsy Driving Helps Americans Wake Up to Drowsy Driving Issues

Daphne Izer won't let the death of her son, Jeff, go unforgotten.

To many of you, her story is a familiar one. Nine years ago, a long-haul truck driver fell asleep at the wheel, and the 80,000-pound machine smashed into Jeff's car, killing him and his three teenage friends. The driver served only four months in prison and paid a \$1,000 fine for keeping a false logbook.

In Daphne's own words, "Out of grief, anger and hope for the future and not wanting other parents to go through what we are and always will be going through, we formed Parents Against Tired Truckers." P.A.T.T.'s mission, then and now, is to save lives by reducing heavy truck crashes resulting from truck driver fatigue.

Daphne's message was just one of 30-plus voices

who spoke at the National Summit to Prevent Drowsy Driving, spearheaded by the National Sleep Foundation (NSF), on November 20 and 21, 2002 in Washington, D.C. The two-day event focused on making drowsy driving prevention a national public health and safety priority.

The National Highway Traffic Safety Administration conservatively estimates that 100,000 police-reported crashes are the direct result of driver fatigue each year, representing more than 1,550 deaths, 71,000 injuries and \$12.5 billion in economic costs.

According to results from the NSF's 2002 Sleep in America poll, in the past year:

- ⇒ Fifty-one percent of all adult drivers said they have driven a vehicle while feeling drowsy.
- ⇒ Seventeen percent of all adult drivers admitted to dozing off at least once while driving.

(continued on page 4)

Global Transportation Update



Digital Tachographs Rule For The European Union Finally Published

In 1998, the European Union announced it would require digital tachographs on new commercial vehicles as soon as agreement was reached on technical specifications.

On June 13, after years of debate about the best means of accomplishing this, EU finally adopted the proposed technical specifications. These tachographs will be tamper-resistant electronic recorders that show

driving time. Each driver will have an encoded smart card and the components (cards, recorders, printers) will be interchangeable among different manufacturers so motor carriers can mix and match.

The effective date for the rule will be August 25, 2004 (the rule was published in the Official Journal of the European Communities on August 5, 2002). Whether this requirement will be extended to vehicles already on the road is unknown. The older vehicles still need at least mechanical tachographs, which are hard to read and subject to tampering.

The specs are 252 pages long, but if you are interested in glancing at them, the link is: http://europa.eu.int/eur-lex/en/dat/2002/l_207/l_20720020805en00010252.pdf.

Joseph Clapp, Administrator of the FMCSA, Resigned

In a press release in November, 2002 that surprised many members of the safety community, U.S. Transportation Secretary Norman Y. Mineta today announced that Joseph M. Clapp, administrator of the Federal Motor Carrier Safety Administration (FMCSA), will leave the U.S. Department of Transportation next month.

"Joe Clapp has been an outstanding member of our team at DoT. As the leader of the FMCSA, he brought considerable private-sector experience to bear on a number of key issues facing the industry at a critical time in our Nation's history, and I am deeply grateful for his contributions," Secretary Mineta said. "I truly appreciate the service Joe has so generously given the country, and while we will miss his counsel, I know he is looking forward to resuming the retirement he was

enjoying before his call to service."

Secretary Mineta also announced that Annette Sandberg, who has served as deputy administrator of the Department's National Highway Traffic Safety Administration since February 11, 2002, is FMCSA's Acting Administrator, effective today.

"Annette Sandberg brings vast experience and savvy to a job that will continue to be challenging," Secretary Mineta said. "The



Annette Sandberg
Acting Administrator

leadership she demonstrated in NHTSA helped improve highway safety in this country and now we are asking her to help reduce truck-related fatalities."

Sandberg was the chief of the Washington State Patrol for six years and is a nationally recognized expert on law enforcement and traffic safety. She spent more than 17 years in law enforcement, supervisory and administrative posts - some of which included responsibility for motor carrier safety- with the Washington State Patrol.

"We can only hope that the pending and upcoming personnel changes within the FMCSA will help move the agency forward on the truck safety regulations it was created to enforce," said Russell Swift, Co-Chair of P.A.T.T.

Drowsy Driving Summit

(continued from page 3)

Strength in Variety

A diversity of about 250 people from around the country came to the nation's capital to hear representatives from the academic and scientific communities as well as government officials' and victims' perspectives. Some of the topics presented included the availability of rest stops and safe parking areas, the role of sleep disorders, and the search for ways to measure fatigue.

One of the key points discussed by Mark Rosekind, PhD, president and chief scientist for Alertness Solutions, during the summit was how the definition of shift work has changed in our society. Many areas of employment operate all-day long, including

trucking companies who have drivers and other employees working around the clock.

Dr. Rosekind believes the current national estimate of 25 million shift workers should be higher.

Action Plan

The NSF plans to release a specific drowsy driving action plan tailored to what the different interest groups can do to address the problem.

Daphne agrees that the problem of drowsy driving isn't going to disappear right away or be solved overnight, yet that won't stop her from trying. "There's a lot of work to do," she said. "Fatigue has to become a household word."

2002 Contributions to Federal Candidates and National Parties Made by the Top 20 Trucking Companies and the American Trucking Association (ATA)

Political Party	PAC	Soft
Overall Totals to Dems	\$836,454	\$275,750
Overall Totals to GOP	\$2,197,443	\$1,321,175
Overall Totals (Combined)	\$3,033,897	\$1,596,925

ATA	PAC	Soft
ATA to Dems	\$81,999	\$110,750
ATA to GOP	\$436,727	\$517,100
ATA Totals	\$518,726	\$627,850

Company	PAC	Soft
UPS to Dems	\$397,655	\$55,000
UPS to GOP	\$900,066	\$453,526
UPS Totals*	\$1,297,721	\$508,526
FedEx to Dems	\$323,500	\$110,000
FedEx to GOP	\$739,000	\$261,469
FedEx Totals*	\$1,062,500	\$371,469
Ryder Systems to Dems	\$3,000	\$0
Ryder Systems to GOP	\$13,050	\$20,000
Ryder Systems Totals*	\$16,050	\$20,000
CNF Inc. to Dems	\$14,500	\$0
CNF Inc. to GOP	\$28,500	\$0
CNF Inc. Totals*	\$43,000	\$0
Penske Truck Leasing to Dems	\$0	\$0
Penske Truck Leasing to GOP	\$0	\$0
Penske Truck Totals*	\$0	\$0
Yellow Corp. to Dems	\$9,550	\$0
Yellow Corp. to GOP	\$61,500	\$25,000
Yellow Corp. Totals*	\$71,050	\$25,000
Roadway Corp. to Dems	\$3,000	\$0
Roadway Corp. to GOP	\$3,500	\$5,000
Roadway Corp. Totals*	\$6,500	\$5,000
US Freightways Corp. to Dems	\$0	\$0
US Freightways Corp. to GOP	\$0	\$2,000
US Freightways Totals*	\$0	\$2,000
Schneider National Corp. to Dems	\$0	\$0
Schneider National Corp. to GOP	\$0	\$0
Schneider National Totals*	\$0	\$0
Exel to Dems	\$0	\$0
Exel to GOP	\$0	\$0
Exel (Americas) Totals*	\$0	\$0

The ATA and other major trucking companies have contributed millions of dollars in campaign funds these past two years in order to advance their plans in a high stakes game that results in over 5,000 fatalities and over 130,000 injuries annually.



And with the results from the 2002 congressional and gubernatorial elections, the political stage is set for the trucking industry to bully its agenda through our legislative bodies. We cannot allow this to happen.

Company	PAC	Soft
SIRVA, Inc. to Dems	\$0	\$0
SIRVA, Inc. to GOP	\$0	\$0
SIRVA, Inc. Totals*	\$0	\$0
Consolidated Freightways to Dems	\$2,500	\$0
Consolidated Freightways to GOP	\$1,500	\$5,000
Consolidated Totals*	\$4,000	\$5,000
Swift Transportation to Dems	\$0	\$0
Swift Transportation to GOP	\$0	\$31,780
Swift Transportation Totals*	\$0	\$31,780
J.B.Hunt Transportation to Dems	\$0	\$0
J.B.Hunt Transportation to GOP	\$0	\$0
J.B.Hunt Totals*	\$0	\$0
UniGroup, Inc. to Dems	\$0	\$0
UniGroup, Inc. to GOP	\$0	\$300
UniGroup, Inc. Totals*	\$0	\$300
Pacer International to Dems	\$0	\$0
Pacer International to GOP	\$0	\$0
Pacer Int'l Totals*	\$0	\$0
Arkansas Best Corp. to Dems	\$500	\$0
Arkansas Best Corp. to GOP	\$7,600	\$0
Arkansas Best Corp. Totals*	\$8,100	\$0
Landstar Systems to Dems	\$0	\$0
Landstar Systems to GOP	\$0	\$0
Landstar Systems Totals*	\$0	\$0
Werner Enterprises to Dems	\$250	\$0
Werner Enterprises to GOP	\$6,000	\$0
Werner Enterprises Totals*	\$6,250	\$0
Overnite Transportation to Dems	\$0	\$0
Overnite Transportation to GOP	\$0	\$0
Overnite Trans. Totals	\$0	\$0

For 2003, the American Trucking Association (ATA) and the trucking industry are prepared to push an anti-safety trucking agenda through Congress and the U.S. Department of Transportation that will severely impact the safety of the American families traveling on our streets and highways.

The cornerstone of their proposal is to nullify the significant achievements made by CRASH and other truck safety groups in past years by advancing an agenda that will expand the number of hours already fatigued truck drivers must spend behind the wheel of a big rig.

Motor Freight Carriers Association (MFCA) Gets \$400,000 Contract To Document Driver Fatigue

The Motor Freight Carriers Association (MFCA) announced in late October 2002 that it was awarded a \$400,000 contract from the U.S. Department of Transportation (U.S. DoT) to assist in its efforts to address driver fatigue and alertness. As part of the contract, MFCA will conduct a nationwide survey of Teamster company drivers who have logged at least one million miles of accident-free driving to identify the various strategies and techniques employed to manage fatigue, particularly during nighttime operations.

A research team will survey Teamster drivers who regularly operate on overnight runs to collect detailed information on such items as the nature of their job, the challenges, what helps them cope, how much and how long they sleep, their physical condition, the use of naps and the impact of other road users on their alertness. The results will be a compendium of recommended practices for managing truck driver fatigue -- based on real world experience -- that will be applicable to other motor vehicle operators who must drive at night.

At first glance this appears to be a step towards improving truck and highway safety. But examine closely.

First, understand what the MFCA is and its interests. Formed in 1997, the MFCA is the national trade association representing the unionized general freight carriers and consisting of six carriers: Air Freight System, Inc., Airborne Express, New Penn Motor Express, Inc., Roadway Express, Inc., USF Holland and Yellow Transportation. Its very own mission, found in its own literature, is to promote the **economic interests of unionized motor freight carriers**. Not highway safety, not truck driver safety, but economic interests.

In the MFCA news release announcing this contract, Timothy P. Lynch, President and CEO of the MFCA, said, "the Teamster workforce offers a tremendous untapped source of knowledge about techniques and lifestyle practices that are used to manage fatigue during night operations. By surveying our drivers with excellent safety records, we are in essence using the knowledge and experience of the best to teach the rest."

Mr. Lynch went on to say, "Nighttime operations are certainly no secret to the unionized Less Than Truck Load (LTL) industry. Our companies and their

drivers have a demonstrated record of compliance with the hours of service regulations and for operating in a manner that encourages driver alertness. We have more than 10,000 drivers who have logged more than one million accident-free miles."



LTL's are truckloads that contains shipments to multiple delivery points on a route.

Some points that Mr. Lynch failed to mention include:

- Union truck drivers represent under twenty percent of the industry, thereby limiting the pool of "test" candidates.
- LTL drivers are not the typical truck drivers envisioned by the American public.
 - LTL drivers have the same route every day, are not away from home for days at a time and are usually home every evening.
- In contrast, TL drivers are not part of the study.
 - TL drivers do not have the same route every day, are not home every evening and spend days at a time on the road.

The Federal Motor Carriers Safety Administration (FMCSA), along with the National Transportation Safety Board (NTSB), Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA), have all identified driver fatigue as a major problem. Unfortunately, they continue to fund what can only be termed "bogus programs" with organizations that have vested interests and incentives to produce results that are in conflict with truck safety regulations.

If the U.S. Department of Transportation really wants to produce results that reflect the needs of the American public in being safe on our highways, it should carefully examine the interests of those doing safety and security surveys.

Frequently Asked Questions

Far too often, at least a half a dozen times each week, P.A.T.T. and CRASH receive requests from citizens asking for information on reporting a dangerously operated commercial truck. We encourage the following:

- ⇒ Attempt to record the DoT number and company name located on the vehicle for reporting purposes.
- ⇒ Report the details of the incident to your state office of the Federal Motor Carrier Safety Administration. You can find their number at the FMCSA's Web site, <http://www.fmcsa.dot.gov>.
- ⇒ Report the incident to the federal office of the U.S. Department of Transportation at 1-888-DOT-SAFT.
- ⇒ Contact the U.S. DoT Inspector General's office at 1-800-424-9071.
- ⇒ Report the incident to your State Highway Patrol office as quickly as possible. It may just save a life.
- ⇒ Contact the company employer whose name was on the truck.
- ⇒ Many trucks have a "How's My Driving" decal. Call that number.
- ⇒ If the incident occurred on a county or city maintained road, the local authorities should also be informed.



Write to as many interested parties as possible, giving them complete details, where, when, how, who, etc. If you do not hear back from the company employer, report that as well. Send registered letters, return receipt requested, so you have a record of the letters you send and when they were received.

You can also send letters to your Members of Congress. You never know how strong the ripple effect of your actions will be, but it can be substantial. If you don't know who they are or need addresses, visit the CRASH Web site and use the "Write Your Rep!" or the "Write Your Senator!" links located on the CRASH Links page. Tell them you are a constituent and are deeply concerned for the safety of all motorists.

If you have the name of the trucking company you might be able to find additional information by searching at www.safersys.org. This is a fee-based service that maintains motor carrier safety profiles containing the safety ratings of companies, along with accident summaries and inspection results. At least it would give you a better idea of the how the company operates.

You can also try looking into the SafeStat System (short for Safety Status Measurement System). It was developed in the early 1990s to keep records on every one of the estimated 450,000 interstate trucking operations in the U.S. The U.S. DoT uses the system to target carriers for safety audits. It's accessible on the Internet at www.ai.volpe.dot.gov.

Finally, to protect your rights, if you require expert legal or investigative referrals please give us a call at (888) 353-4572. We maintain lists of firms recommended by members of the CRASH Survivors Network.

By the way, we would also like to extend to you an invitation to join our Survivors Network. Our most active volunteers come from this group. They find it helpful to involve themselves in our programs of compassionate service and truck safety activism. It helps to restore balance in their lives.

For More Information

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Baum, Hedlund, Aristei, Guilford & Schiavo

Visit us on the Web at:

P.A.T.T. ~ www.patt.org ~ PATT@patt.org
CRASH ~ www.trucksafety.org ~ CRASH@trucksafety.org

Or call us at 888-353-4572

A Life Saving Membership Form

Yes! I want to be a partner in fight to make trucking and our highways safe and secure. I wish to join:

Parents Against Tired Truckers

The CRASH Foundation

\$500 - Founder's Circle Member

\$150 - Platinum Member

\$100 - Gold Member

\$50 - Silver Member

\$35 - Advocate Member

Other \$ _____

Name

Spouse's Name (if different)

Street Address

City, State, Zip Code

Phone Number

E-Mail Address

Enclosed is my check made payable to P.A.T.T. or the CRASH Foundation.

I wish to make my contribution in memory of _____

My / my spouse's company will match my gift.

Company name: _____

Visit your company's Human Resource office to complete the necessary forms to ensure we receive your matching gift.

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