



THE TRUCK SAFETY ADVOCATE

Fall 2013

The Truck Safety Coalition (TSC) is a partnership between **The Citizens for Reliable and Safe Highways (CRASH) Foundation**, and **Parents Against Tired Truckers (P.A.T.T)**. The Truck Safety Coalition is dedicated to reducing the number of deaths and injuries caused by truck-related crashes, providing compassionate support to truck crash survivors and families of truck crash victims, and educating the public, policy-makers and media about truck safety issues.

TSC Holds Successful Sorrow to Strength Conference



This past May, TSC held its biennial Sorrow to Strength Conference in Washington, D.C. Families and friends of truck crash victims and truck crash survivors participated in over 100 meetings with Members of Congress and DOT agencies, held a press conference and logged numerous interviews to advocate for truck safety improvements. At the news

conference, we announced the re-introduction of the Safe Highways and Infrastructure Preservation Act (SHIPA, S. 880 and H.R. 1906), sponsored by the late Senator Frank Lautenberg (D-NJ) and Representative James McGovern (D-MA), which will freeze current federal truck size and weight limits, close existing loopholes

that allow operation of overweight trucks, and establish an enforcement program to ensure accountability. Conference attendees also participated in workshops, networking activities, and a Remembrance Ceremony in honor of loved ones lost. For more information on the conference, click [here](#).



TSC Volunteer Advocates Meet with New US DOT Secretary

On September 12, 2013, TSC Volunteer Advocates traveled to Washington D.C. to meet with the new Secretary of Transportation, Anthony Foxx. At the meeting, Jane Mathis (St. Augustine, FL), Jennifer Tierney (Kernersville, NC), Marianne Karth (Rocky Mount, NC), Jackie Novak (Edneyville, NC) and Jeff Burns (Kansas City, MO) urged the Secretary to move forward with the vital truck

safety provisions that were in Moving Ahead for Progress in the 21st Century Act (MAP-21) and to make needed safety advancements now that will save countless lives. More information about the meeting can be found by clicking [here](#).

Secretary Foxx was sworn in as the 17th Secretary of Transportation on July 2, 2013. Prior to being sworn in as Secretary, Foxx served as Mayor of

Charlotte, North Carolina from 2009-2013.

Secretary Foxx has vowed to make his primary goal "to ensure that America maintains the safest, most efficient transportation system in the world." He replaces Ray LaHood. More information on Secretary Foxx can be found by clicking [here](#).

Twenty Years Later: Daphne and Steve Izer Remember the Crash that Led to P.A.T.T.



On October 10, 1993, Daphne and Steve Izer's lives were forever changed when a truck driver fell asleep at the wheel of his 80,000 pound rig, killing four innocent

teenagers and seriously injuring one other. One of those killed was their son Jeff. The Izers were devastated when they learned that truck driver fatigue had been a known truck safety issue for decades and that there were hundreds of thousands just like them -- parents, brothers and sisters, grandparents, aunts and uncles, neighbors, co-workers and friends who had lost loved ones in preventable truck crashes.

Steve and Daphne formed Parents Against Tired Truckers (P.A.T.T.) in May of 1994, to try to make a difference and protect other families from what they had gone through. P.A.T.T. has grown from a Maine grassroots group meeting around the Izer's kitchen table to a nationally recognized organization. To learn more, please click [here](#).

Legislation to Keep Highways Safe and Protect Victims' Rights is Introduced in the House

On July 18, 2013, Rep. Matt Cartwright (D-PA) introduced H.R. 2730, the Safe and Fair Environment on Highways Achieved through Underwriting Levels Act (SAFE HAUL Act). The minimum level of insurance to be applied to motor carriers of

property was set by Congress more than thirty years ago at what was then considered the absolute minimum of \$750,000 per crash and has not been adjusted since then. The SAFE HAUL Act calls for an increase in minimum insurance

requirements for motor carriers from \$750,000 to \$4.42 million. To read more about the SAFE HAUL Act, click [here](#).

Truck Safety Advocates Represented in FMCSA Committee

Jane Mathis, board member for Parents Against Tired Truckers (P.A.T.T.), Tami Friedrich Trakh, board member for the Citizens for Reliable and Safe Highways Foundation (CRASH), Jennifer Tierney, board member for the CRASH Foundation and John Lannen, Executive Director of the Truck Safety Coalition, all serve as appointed members of the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety

Advisory Committee (MCSAC). MCSAC is charged with providing advice and recommendations to the FMCSA Administrator on motor carrier safety programs and motor carrier safety regulations. Trakh, Tierney, Lannen, and TSC Volunteer, Ed Slattery (Cockeysville, MD) also serve on the Compliance, Safety, Accountability (CSA) Subcommittee for MCSAC. In addition, Frank and Marchelle Wood (Falls Church, VA),

TSC Volunteers, have been designated as official substitutes for safety members on both MCSAC and the CSA Subcommittee. Our volunteers and boards members participation in MCSAC ensures that truck safety advocates have input on the issues being reviewed by our governmental leaders. To learn more about what the committee does, click [here](#).

University of California Honors Tami Friedrich Trakh

Tami Friedrich Trakh was recognized by the University of California Riverside for her work to promote highway safety and her perseverance in the face of personal loss. Tami has spent the past 24 years advocating on behalf of victims of truck crashes after

losing her sister, her brother-in-law, her niece, and her nephew in a horrific crash. John Lannen, TSC Executive Director said, "Tami is passionate and effective. She embodies the whole thought of Sorrow to Strength, taking a tragic

loss and making a difference through hard work and outreach. And she is a great example to families of what they can do to overcome their loss and prevent this from happening to anyone else." To read the article, click [here](#).

TSC Advocates Appointed to National Freight Advisory Committee

In February of 2013, the Office of the Secretary, U.S. Department of Transportation (DOT), issued a notice in the Federal Register regarding the establishment of the National Freight Advisory Committee (NFAC) to help with the implementation of the freight transportation requirements in Moving Ahead for Progress in the 21st

Century Act (MAP-21) (P.L. 112-141). Joan Claybrook, Chair of CRASH Foundation, President Emeritus of Public Citizen and former Administrator of NHTSA and Jeff Burns, Board Member for CRASH and P.A.T.T. were selected for membership on the NFAC. The NFAC will provide advice and

recommendations to the Secretary on matters related to freight transportation in the United States to help the DOT promote a safe, economically efficient, and environmentally sustainable freight transportation system. More information on the Committee can be found [here](#).

Surface Transportation Legislation Update

Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141) was signed by President Obama on July 6, 2012. TSC has been working with officials at the Department of Transportation and Members of Congress to ensure that these important advances are completed and seen through.

On September 30, 2013 the FMCSA announced that it would be issuing a Final Rule making several provisions from Map-21 effective immediately as of October 1, 2013. This process does not require public input, and therefore can be implemented in less time than the regular rule making process.

These important provisions include:

- Safety fitness of new operators: Reduces the length of time from 18 to 12 months for new entrant safety reviews.
- Increased penalties for operating without registration: Increases the penalties for violating the reporting (from \$2,000 to \$10,000) and recordkeeping (from \$500 to \$1,000) requirements.
- Revocation of registration and other penalties for failure to respond to subpoena: Increases the civil penalties and authorizes the Secretary to suspend, revoke, or amend the registration of a

motor carrier, broker, or freight forwarder.

- Fleetwide out-of-service order for operating without required registration: Allows the entire motor carrier to be put out of service for operating vehicles without registration.
- Employer responsibilities: Prohibits employers from allowing employees to drive when the employer knows or should know that drivers CDL is suspended or revoked.
- Penalties for violation of operation out of service orders: Adds a \$25,000 penalty for motor carriers operating CMVs in violation of an out-of-service order issued following a determination that the carrier is unfit or an imminent hazard.
- Increased penalties for evasion of regulations: Increases penalties against motor carriers for operating following a determination of unfitness.
- Civil penalties: Provides for penalties of up to \$75,000 for violations of regulations related to the transportation of hazardous materials and \$175,000 in the event of death, serious illness, severe injury or substantial destruction of property.

- Inspection demand and display of credentials: Clarifies FMCSA's authority to demand to inspect a motor carrier or broker's land, building, equipment and records.
- Violations relating to commercial motor vehicle safety regulation and operators: Removes "ability to pay" from the list of considerations in determining penalty levels.
- Emergency disqualification for imminent hazard: Changes the meaning of "imminent hazard" to include any condition of vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately.
- Financial security of brokers and freight forwarders: Sets a minimum financial security of \$75,000 and extended the bond requirement to freight forwarders.
- Waivers, exemptions, and pilot programs: Requires FMCSA to publish notices of pilot programs on the Agency's website, but removed the requirement that they be published in the Federal Register.
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Several truck safety provisions remain active and TSC continues to monitor their progress. They include:

- Electronic On-board Recorders (EOBRs): Now referred to as Electronic Logging Devices (ELDs). The rule requiring ELDs in all commercial motor vehicles involved in interstate commerce has been delayed to address enforcement implementation, and is now expected by the fall of 2014.
- Truck Size and Weight Study: The two-year comprehensive truck size and weight (CTSW) study is currently on schedule and expected to be completed toward the end of 2014. TSC

continues to monitor the progress of the CTSW and the manner in which it is being administered.

- Entry Level Driver Training: DOT has withdrawn the proposed rule and is significantly behind schedule on issuing a new rule. The agency claims it needs to complete a study on the benefits of training before it can proceed.
- Drug and Alcohol Clearinghouse: The proposed rule is expected to be completed soon. TSC also continues to advocate for hair testing and the inclusion of schedule II drugs.
- National Freight Policy: TSC Advocates Jeff Burns and Joan

Claybrook have been appointed to the Safety Subcommittee for the National Freight Advisory Committee.

- Minimum Insurance: DOT is significantly past the date mandated by Congress, but the required study is expected soon.

This legislation expires on October 14, 2014 and Congress has already begun work on the next surface transportation bill. We will be working toward including new truck safety requirements that reduce the unacceptably high number of truck crash related deaths and devastating injuries.

TSC and Our Volunteers Respond to the Passing of Senator Frank Lautenberg (D-NJ)

On June 3, 2013, we were deeply saddened by the passing of Senator Frank Lautenberg (D-NJ). Senator Lautenberg fought relentlessly for truck safety improvements in order to

protect all of our families, as well as truck drivers. Our volunteers have had the honor of meeting and working with Senator Lautenberg on numerous truck safety issues over the

course of his long Senate career. The truck safety advances he championed will ensure lifesaving protections for years to follow. To read more, click [here](#).

Quick Takes

- U.S. Court of Appeals for the District of Columbia Circuit upheld the FMCSA's HOS rule that kept the 11 hour maximum rather than return to the prior 10-hour rule as advocated by leading safety organizations. For more information, click [here](#).
- U.S. DOT Withdraws Driver Training Notice of Proposed Rulemaking (NPRM). For more information, click [here](#).
- FMCSA has announced that it intends to issue a notice to address obstructive sleep apnea through the formal rulemaking process after collecting and analyzing the necessary data and research. In addition, on October 15, 2013, President Obama signed H.R. 3095, a bill to ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to a rulemaking proceeding.

Show Your Support for Truck Safety

You can help support truck safety through purchasing items available in our online store. To order, please click [here](#).

Join us on Social Media

If you haven't already joined us online, our website is trucksafety.org and our facebook groups are, [Truck Safety Coalition](#) and [Stop Bigger Trucks](#). They provide links, resources and information on truck safety issues and the Truck Safety Coalition's advocacy efforts. Joining our facebook groups will also provide you with the opportunity to participate in future discussions. You can also visit our YouTube site [here](#).