

June 8, 2012

The Honorable Barbara Boxer
Chairman
Senate Committee on Environment and Public Works
Washington, DC 20510

The Honorable James M. Inhofe
Ranking Member
Senate Committee on Environment and Public Works
Washington, DC 20510

The Honorable John Mica
Chairman
House Committee on Transportation and Infrastructure
Washington, DC 20515

The Honorable Nick J. Rahall II
Ranking Member
House Committee on Transportation and Infrastructure
Washington, DC 20515

Dear Chairman Boxer, Ranking Member Inhofe, Chairman Mica and Ranking Member Rahall:

We are writing to strongly urge you to retain the bipartisan motor carrier safety provisions passed in S. 1813, Moving Ahead for Progress in the 21st Century Act (MAP-21), without any changes that will diminish their effectiveness or delay their implementation. These lifesaving provisions are essential to bring basic safety standards into the 21st Century and protect our families and commercial motor vehicle drivers as they travel on America's roadways. Previous surface transportation authorization bills have all included motor carrier safety advances and we appreciate your leadership to advance a new generation of safety improvements in MAP-21.

In 2010, although overall motor vehicle crash fatalities reached their lowest level since 1949, large truck crash fatalities increased by almost 9 percent to 3,675 deaths and nearly 100,000 people were injured. The emotional and financial impact to the families of those killed and injured is immeasurable. The annual cost to society from crashes involving large trucks is estimated to be nearly \$42 billion.

The death toll from truck crashes is unacceptable and unnecessary. Therefore, we urge you to address this preventable devastation and burdensome financial obligation and:

Retain the already heavy 80,000 lb. federal truck weight limit without special exemptions. Bigger, heavier trucks are more dangerous to motorists and truck drivers, more destructive to roadway and bridge infrastructure and the environment, and result in more costs to taxpayers. Increasing truck weights has never resulted in fewer trucks on our roadways and in fact, truck traffic has increased with each successive increase in truck weight limits. **We urge you to support a comprehensive study of truck size and weight issues to provide updated data on crash frequency, safety and the impact of large trucks on highway infrastructure.** Members of both chambers and from both sides of the aisle during consideration of H.R. 7 and S.1813 prudently recognized the value and importance of advancing a study rather than permitting truck size and weight increases. However, sufficient scientific data to support viable results cannot be collected in a short time period, which is why any credible study must take at least three years and collect a minimum of two years of data.

Support an evaluation of minimum insurance requirements. Minimum insurance levels for motor carriers have not been increased in over 30 years and are completely inadequate. During the past three decades, not only has there been a significant increase in inflation, but truck size, weight and speed limits have also increased. These bigger, heavier trucks have and continue to cause catastrophic crashes in which multiple families lose loved ones and suffer costly, lifelong debilitating injuries. Lifetime care for just one permanent disability can easily cost tens of millions of dollars. The

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current \$750,000 minimum is often not enough to cover the costs of one victim's care, let alone address multiple deaths and multiple victims' injuries. The time is long overdue for an evaluation of minimum insurance levels to ensure that every motor carrier, including trucks and motorcoaches, has sufficient financial resources to compensate for the damages incurred in a crash and not just the responsible carriers that are insured at appropriate levels.

Support the FMCSA's Compliance, Safety, Accountability program in determining the safety fitness of truck drivers and commercial carriers and oppose any attempts to manipulate and skew data and minimize scores by allowing the motor carriers to petition for elimination of crash data. The process of fully investigating a truck crash takes time and crash details are often only discovered after a lengthy investigation. Any process to challenge crash data must be fair, fully transparent, based on full documentation of the crash, afford due process to all parties to the crash, including victims and survivors, be evaluated by a competent crash reconstruction expert, such as a forensic engineer, and be conducted by a trained hearing officer or administrative law judge.

Support reductions in Hours of Service (HOS) for truck drivers and oppose any attempts to block implementing reductions as soon as possible, including the American Trucking Associations' call for a field study on the "restart" provision. Driver surveys show that 65% of drivers have reported being drowsy while driving and 48% admit to falling asleep behind the wheel in the previous year. Fatigue is clearly an industry-wide health crisis that needs to be remedied. A reduction in driving time and a provision for restorative rest periods to combat daily and cumulative fatigue is essential to improving driving conditions for truck drivers and the safety of the American driving public. In fact, we believe that much more needs to be done to limit driving and on-duty time and increase off-duty rest. We oppose the "restart" study provision proposed by industry because its sole purpose is to increase driving hours for truckers.

Oppose exemptions from Federal motor carrier safety regulations because these exceptions degrade safety, erode nationwide uniformity and weaken enforcement efforts. Congress has already established in law a process for the Department of Transportation (DOT) to review exemptions from federal safety regulations. Under Section 31315, title 49, United States Code, exemptions are only given to those who can demonstrate an equal level of safety will be maintained. This process allows DOT to conduct a safety analysis of the need for any special industry exemptions being sought from HOS, size and weight limits and hazmat restrictions without turning to the legislative process. Exemptions create a patchwork quilt of rules that are not only difficult to enforce but which also set a precedent for other special interests and create an incentive for neighboring states to demand similar exemptions until the exception swallows the rule. Safety standards should apply to all types of commercial motor vehicles, motor carriers and cargo. The practice of exemption by legislation ignores the constitutionally mandated role of the federal government in regulating interstate commerce and maintaining the interstate system in a cohesive, consistent and safe manner.

Support Electronic On-board Recorders (EOBRs). Safety groups, trucking industry leaders, the Teamsters and law enforcement strongly support this overdue safety provision. By objectively recording driving and on-duty time, EOBRs will prevent truck drivers from falsifying their log books and at the same time protect truck drivers from being pushed to drive hours in excess of current limits. EOBRs will improve compliance and will make road side stops more efficient, saving the truck driver time by eliminating paperwork. Moreover, the price of a basic EOBR is under \$500 and will go

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down even more with increased production. When compared to the proven safety and compliance benefits, the cost is minimal.

We urge you to promote public safety and protect the traveling public by ensuring that provisions advancing motor carrier safety are retained in the final surface transportation bill.

Sincerely,

Jan Mathis
St Augustine, FL
Board Member, Parents Against Tired Truckers
Mother of David Mathis
Killed in a truck crash 3/25/04

Jennifer Tierney
Kernersville, NC
Board Member, CRASH
Daughter of James Mooney
Killed in a truck crash 9/20/83

Tami Friedrich Trakh
Corona, CA
Board Member, CRASH
Sister Kris, brother-in-law Alan, niece Brandie and
nephew Anthony, Killed in a truck crash 12/27/89

Linda Wilburn
Weatherford, OK
Board Member, Parents Against Tired Truckers
Mother of Orbie Wilburn
Killed in a truck crash 9/2/02

John Lannen
Reston, VA
Executive Director
Truck Safety Coalition

Steve Owings
Atlanta, GA
Co-Founder, Road Safe America
Father of Cullum Owings
Killed in a truck crash 12/1/02

Wanda Lindsay
New Braunfels, TX
Founder, Sleep Apnea Kills
Wanda was severely injured and her husband John
Killed in a truck crash 5/7/10

Roy Crawford
Whiteburg, KY
Administrator, Underride Network
Father of Guy Champ Crawford
Killed in a truck crash 1/12/94

CC: Members of the Conference Committee on the Surface Transportation Reauthorization Bill