

April 30, 2013

The Honorable Victor Mendez  
Administrator  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Administrator Mendez:

On April 5, 2013 we were informed that the Federal Highway Administration (FHWA) had selected a consulting firm for the Comprehensive Truck Size and Weight Limits Study. We are stunned that FHWA's decision-making process would include consultants that have previously produced studies consistently used to support increased truck size and weight limits, nationally and in states. In our letter of January 17, 2013, we clearly relayed to you and Secretary LaHood our serious concerns about engaging consultants with a predisposed view of the issues, and with potential conflicts of interest and possible bias on key aspects of the study. In fact, screening out contractors with potential conflicts of interest, and past histories of possible bias, is a fundamental criterion used by other federal agencies to ensure fairness and to evaluate and select independent and objective consultants to perform taxpayer financed government studies.

The information you, and the FHWA Chief Counsel, recently shared about the FHWA review and vetting process did little to allay our concerns and objections. Measures adopted to address future consulting work by contractors engaged in this study fail to resolve past conflicts and possible inherent bias that could pervade research and analysis on this study contract. Your response did not include any formal, written FHWA policy regarding conflicts of interest and bias in contracting procedures. While self-evaluation by contractors is laudable, it is not sufficient to ensure that an objective, independent analysis will be performed. Moreover, the previous published works of some contractors indicate a clear pattern of support for a pre-determined outcome. The conclusion of the Chief Counsel that the prior studies do not display a single particular position or view on truck size and weight matters is contradicted by the publicly available studies. Finally, although peer review of the research design is essential, the peer review will not focus on issues of conflict of interest or inherent bias. These matters are particularly troubling as the study will have such a significant role in determining the future health and safety of millions of American families and truck drivers.

In order to ensure that stakeholders and the public are apprised of the pertinent information regarding the contractor's prior body of work on the issue of truck size and weight, it is imperative that FHWA make publicly available through a FHWA website the following information:

- A list and copies of all work, including studies, performed by the contractor, proposed subcontractor(s), predecessor companies, and staff members of each, that are currently publicly available or that was ever made publicly available that discusses or relates to truck size and weight over the past 20 years. The list shall include the title of the work, the date of publication, a web link to the work, an executive summary and the name of the sponsor of the work or client for whom the work was performed.
- A list and copies of all work/studies performed by the contractor, proposed subcontractor(s), predecessor companies, and staff of each that is not publicly available and that has not been published or publicly distributed related to truck size and weight over the past 20 years. The list shall include the title of the work, the date completed, a web link to the work if available, an executive summary and the name of the sponsor of the work or client for whom the work was performed.
- A summary of the underlying assumptions, findings, conclusions and recommendations of each work/study whether published or not, regarding vehicle size and weight limits.
- A list and copies of studies in which the contractor reached a finding, conclusion or recommendation that an increase in large truck size and/or weight was not appropriate.

- Before and after analysis of the number of large trucks using the roadways in jurisdictions that have adopted the findings, conclusions and recommendations of the contractor's work/studies. Specify in which jurisdictions this occurred and supply supporting data.
- Before and after analysis of the number of large truck-involved crashes on the roadways in jurisdictions that have adopted the findings, conclusions and recommendations of the contractor's work/studies. Specify in which jurisdictions this occurred and supply supporting data.
- FHWA contract acquisition policies on conflicts of interest and bias.
- Contractor conflict of interest analysis and plan to identify and mitigate potential conflicts of interest.

Because the decision-making process used by the FHWA may have been seriously flawed, the safety community believes that the above information must be disclosed by the agency immediately in order to allow the public to evaluate whether the study can be completed in a fair and impartial manner as Congress intended. Until this information is provided to our organizations and we review it, we will withhold support for the Comprehensive Truck Size and Weight Limits Study.

Thank you for your attention to this important safety issue.

Sincerely,

Joan Claybrook, Chair  
Citizens for Reliable and Safe Highways

Jacqueline Gillan, President  
Advocates for Highway and Auto Safety

John Lannen, Executive Director  
Truck Safety Coalition

Daphne Izer, Founder  
Parents Against Tired Truckers (P.A.T.T.)  
Mother of Jeff Izer  
Killed in a truck crash 10/10/93

Dawn King, Board Member  
Citizens for Reliable and Safe Highways  
Daughter of Bill Badger  
Killed in a truck crash 12/23/04

Lawrence Liberatore, Board Member  
Parents Against Tired Truckers (P.A.T.T.)  
Father of Nick Liberatore  
Killed in a truck crash 6/9/97

Ed Slattery  
Truck Safety Coalition Volunteer  
Husband of Susan Slattery  
Killed in a truck crash on 8/16/10  
Sons Matthew and Peter critically injured

Jennifer Tierney, Board Member  
Citizens for Reliable and Safe Highways  
Member, FMCSA's Motor Carrier Safety  
Advisory Committee  
Daughter of James Mooney  
Killed in a truck crash 9/20/83

Jane Mathis, Board Member  
Parents Against Tired Truckers (P.A.T.T.)  
Member, FMCSA's Motor Carrier Safety Advisory Committee  
Mother to David Mathis and his wife Mary Kathryn  
Killed in a truck crash 3/25/04

Linda Wilburn, Board Member  
Parents Against Tired Truckers (P.A.T.T.)  
Mother of Orbie Wilburn  
Killed in a truck crash on 9/2/02

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

Tami Friedrich Trakh, Board Member  
Citizens for Reliable and Safe Highways  
Member, FMCSA's Motor Carrier Safety  
Advisory Committee  
Sister, Brother-in-law, niece and nephew  
Killed in a truck crash on 12/27/89