

# THE TRUCK SAFETY BULLETIN

August 2018

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## *Jennifer Tierney, CRASH Board Member, Testifies Before Congress*

by TSC Staff

Jennifer Tierney of Kernersville, North Carolina testified this May before the United States House of Representatives' Subcommittee on Highways and Transit during a hearing on the implementation of motor carrier provisions in the FAST Act - the multi-year transportation reauthorization bill.

Jennifer has been involved in truck safety advocacy for decades after her father, James Mooney, was killed on September 20, 1983 while driving on a dark, rural NC road when he crashed into a truck blocking the road. The truck, which was in a jackknife position, did not have working lights, reflective tape, or underride guards. Her efforts ensured that reflective tape is now mandated on tractor-trailers and she continues to be a leading advocate for improved underride protections. She is a board member of The Citizens for Reliable and Safe Highways (CRASH) Foundation.

Jennifer spoke about the need for comprehensive underride protections, automatic emergency braking, and speed limiters on large trucks and trailers. She also voiced opposition to rollbacks to Hours of Service and Electronic Logging Device rules, which are under assault in this Congress.

Jennifer's testimony is available on our website and a video of her testifying can be found here (start at 2:04:40)

## *Writing a Letter to the Editor: A Quick and Easy Way to Advocate*

We need your help to educate the public about the decline in truck safety and the inaction of lawmakers to pass legislation requiring life-saving solutions.

Please see below for three published letters/op-eds written by TSC volunteers:

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**Russ Swift** Op-Ed in the Portland Press Herald:

Teenagers too young to be trusted behind the wheel of a big truck

**Randy Higginbotham** Op-Ed in Knox News:

Duncan amendment is Trojan horse that will reduce trucker safety

**Ed Slattery** Letter to the Editor in the Wall Street Journal:

Longer, Heavier Trucks Are a Serious Hazard

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If you are interested in writing a letter to the editor about a particular truck safety issue, please let us know and we will assist you.

You can find more of our volunteers' op-eds and letters to the editors on our website: <http://trucksafety.org/>

## *Hours of Service & Electronic Logging Device Mandates Under Attack*

At a time when truck crashes, and the consequent injuries and deaths continue to rise, key truck safety mandates are under attack on Capitol Hill. There are multiple bills introduced that will either weaken or delay the Hours of Service or Electronic Logging Device rules for transporters of agricultural commodities and/or livestock:

S. 3051 - Modernizing Agricultural Transportation Act

S. 2938 / H.R. 6079 - Transporting Livestock Across America Safely Act

S. 2623 - A Bill to Redefine "All Fish" as Agricultural Commodities

H.R. 5949 - A Bill to Exempting Ag-Haulers from ELD Mandate

H.R. 6178 - HOURS Act

We have successfully combatted several of these efforts in the form of amendments to must pass legislation, like the Farm Bill and the FAA Reauthorization Bill. Unfortunately, there is an exemption to the ELD requirement for livestock and insect haulers included in the Senate's Minibus Appropriations bill.

Please see the next page for background and talking points on HOS and ELD exemptions for transporters of agricultural commodities and/or livestock.

## *Donate to TSC*

*Please consider making a contribution, large or small, to help sustain our important efforts. As you see with the Sorrow to Strength conference, we are able to affect positive change and provide much needed support, but it can only happen with your assistance.*

To make a donation please go to <http://trucksafety.org/get-involved/donate/>.

## *Planned Giving*

*Planned Giving is easy and affordable. Your planned giving gift will allow you to:*

- *Leave a legacy without sacrificing your assets*
- *Make a larger charitable gift than you thought possible*
- *Look out for your family's financial well-being*
- *Reduce your income tax*
- *Avoid capital gains tax*
- *Diversify your investment portfolio*

# Talking Points:

**Exemptions to HOS Regulations Weaken Safety** – Exemptions to Federal motor carrier safety regulations compromise safety, erode uniformity, and weaken enforcement efforts.

**Regulatory Changes Cannot Occur Through Issuance of Guidance** – The FMCSA’s does not have the legal authority to enact such a regulatory change through a guidance. The statute and ensuing regulation denote that the exception for transporters of agricultural commodities applies to drivers engaged in trips within the 150 air-mile radius, not beyond it. Moreover, the guidance creates a legal definition of source without legislation or a rulemaking.

**Proposals to Exempt Transporters of Agricultural Commodities and/or Livestock are Unstudied and Unsafe** – Permitting drivers to operate within a 172 mile radius of a source, which includes not only farms and ranches but also intermediate storage and loading facilities, during planting and harvesting periods, which are year round in some states, will not reduce truck driver fatigue.

I OPPOSE the FMCSA’s Regulatory Guidance Exempting Transporters of Agricultural Commodities from Hours of Service and Electronic Logging Device Mandates.

I Urge My Lawmaker to REJECT All Bills in Congress Attempting to Expand the Exception from HOS and ELD Mandates for Transporting Agricultural Commodities, Farm Supplies for Agricultural Purposes, and/or livestock.

# Legislation to OPPOSE:

Bill Number and Name:	How Legislation Affects Existing Exception for Transporters of Agricultural Commodities and Livestock
<b>S. 2938   H.R. 6079: Transporting Livestock Across America Safely Act</b>	Would double the current air-mile radius from the source from 150 to 300 air-miles, while also creating a 150 air-mile radius from the destination.
<b>S. 2623: A Bill to Include All Fish in Definition of Agricultural Commodity under 49 CFR 395.2</b>	The definition under 49 CFR 395.2 includes “fish used for food.” This bill would allow “fish not used for food” to be included in the definition of livestock in 49 CFR 395.2
<b>S. 3051: Modernizing Agricultural Transportation Act</b>	Would suspend the enforcement of the ELD rule until the U.S. Secretary of Transportation formally proposes reforms, developed by a working group, to improve the transportation of agricultural commodities.
<b>H.R. 5949: Agricultural Business Electronic Logging Device Act</b>	Removes air-mile radius restrictions and seasonal/harvesting period requirements for transporters of agricultural commodities – both transporting from the source and returning empty to that source.
<b>H.R. 6178: Honest Operators Undertake Road Safety (HOURS) Act</b>	Removes the seasonal/harvesting period restrictions on HOS and ELD exceptions for transporters of agricultural commodities and farm supplies for agricultural purposes.



## *Summer Gathering at the King's Lake House*

This past July, TSC President Dawn King hosted several TSC volunteers at her family's lake house for a summer-get-together. The house was on Lake Martin in Alabama, and it was built by Dawn's father, Bill Badger, who was killed in a large truck crash.

This small gathering was a great opportunity to catch up with each other.

If you are interested in hosting an event, please contact us.

## *TSC Executive Director, John Lannen, Chairs MCSAC Meeting*

John Lannen, Executive Director for the Truck Safety Coalition, chaired the Motor Carrier Safety Advisory Committee (MCSAC) meeting this July. CRASH board member, Tami Freidrich-Trakh, and PATT board member, Jane Mathis, also participated as part of the MCSAC board.

The MCSAC is composed of safety advocates, trucking interests, labor groups, bus industry, and several other stakeholders. Their purpose is to advise the Federal Motor Carrier Safety Administration (FMCSA) on issues relating to commercial motor vehicles as well as regulations governing trucks and buses.

During this meeting, the members of the MCSAC addressed issues relating to autonomous commercial motor vehicles, provided feedback on the FMCSA's strategic plan, and were informed about regulations the agency is planning to remove pursuant to an Executive Order issued by the current administration.



## *Honor Your Loved One*

*We invite you to make a memorial for your lost loved one(s) that can be hosted on our website.*

*If interested, please send a photo and bio.*

*If you need assistance, please contact Harry Adler (hadler@trucksafety.org).*

*Link: <http://trucksafety.org/memorials/>*



## *In-District Meetings: A Local, Impactful Way of Advancing Safety*

In-district meetings are a powerful means to connecting with your lawmaker, without you having to travel to Washington, D.C. Normally, both the Senate and House of Representatives have a recess in August that allows them to be in their district or state for the entire month. This year, the Senate does not have August recess.

Nevertheless, it is still a great time to try and set up a meeting with your Representative or to attend an event their office will be hosting in the district during the month of August.



## *What is the Truck Safety Coalition?*

The Truck Safety Coalition (TSC) is a partnership between The Citizens for Reliable and Safe Highways (CRASH) Foundation, and Parents Against Tired Truckers (PATT).

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.

## *Sorrow to Strength 2019*

Our biennial conference in Washington, D.C. will tentatively happen in May of 2019. As we get closer, we will update you on the exact date. We look forward to seeing you there!

## *Join us on Social Media*

If you have not already joined us online, please like us on Facebook and follow us on Twitter. Social media is a huge part of our outreach strategy and we need all of you to help us.

If you would like to learn more about social media or need assistance signing up, please contact Harry Adler ([hadler@trucksafety.org](mailto:hadler@trucksafety.org)).