

February 07, 2022

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

Dear Secretary Buttigieg;

In a recent interview, you shared that safety is the top priority for the U.S. Department of Transportation (DOT) and went on to say it is, “the main reason U.S. DOT exists.” Safety is also the main reason the Truck Safety Coalition (TSC) exists. TSC is a national organization comprised of Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (P.A.T.T.). For more than 30 years we have represented the families of truck crash victims and survivors. Our victims and survivors have personally experienced the horrific trauma caused by large truck crashes and seek commonsense truck safety reforms to ensure no one else endures their pain.

The recently released National Roadway Safety Strategy (NRSS) falls seriously short of meeting the moment for truck safety. The strategy noticeably omits the deadline-driven requirements of the Infrastructure Investment and Jobs Act (IIJA), Pub L. 117-58) in its “Safer Vehicles” section. Within two years, a Federal Motor Vehicle Safety Standard (FMVSS) for Automatic Emergency Braking (AEB) systems with performance requirements must be prescribed for newly manufactured heavy trucks and within one year, a Federal Motor Carrier Safety Regulation (FMCSR) that requires the use of AEB systems on those vehicles. The NRSS states only that such rulemaking must be “initiated” instead of reflecting the actual statutory language mandating a standard. AEB is a life-saving technology that could prevent an estimated 41 percent of large truck front-to-rear crashes and DOT must act with urgency to meet the deadlines required by law.<sup>1</sup>

The IIJA also requires that the rear underride guard performance standard must be upgraded within one year. The NRSS does commit to finalizing this standard, but similar to AEB, no date is given for when this must be completed. TSC finds this very concerning. Many past statutory directives to U.S. DOT to issue safety standards with specific deadlines have been delayed including several advancing motor carrier safety. It is not lost on TSC that DOT is working with remarkable speed to meet the deadline imposed by the IIJA’s unsafe and unwise Apprenticeship Pilot Program about which we have grave safety concerns. However, we request that DOT demonstrate the same urgency to deliver on its AEB and underride guard mandates for commercial motor vehicles (CMVs).

The NRSS rightly identifies speeding as a significant contributor to roadway deaths, and yet, does not include issuing a final a rule for CMV speed limiter use in its Safer Speeds or Safer Vehicles section. The U.S. DOT has delayed the speed limiter rule more than 20 times since it was first proposed in 2011. The National Transportation Safety Board (NTSB) has long

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<sup>1</sup> Real-world benefits of crash avoidance technologies; IIHS HLDI, Dec. 2020, <https://www.iihs.org/media/259e5bbd-f859-42a7-bd54-3888f7a2d3ef/shuYZQ/Topics/ADVANCED%20DRIVER%20ASSISTANCE/IIHS-real-world-CA-benefits.pdf>

recommended the use of heavy truck speed limiters on its Most Wanted List of traffic safety improvements. A final rule is needed that sets CMV speeds no higher than 65 miles per hour and compels their use in CMVs in which they are already installed. In its 2016 Notice of Proposed Rulemaking, FMCSA estimated that hundreds of lives could be saved every year if this rule was issued. Furthermore, speed limiters have been required by the European Union on all trucks since 2002. Please provide us a date when this rule will be issued.

The Congress in the IIJA created a dangerous new pilot program allowing teens to drive large trucks, presumably to compensate for the shortage of truck drivers, but this is not a solution. As Secretary, you have the legal authority under 49 C.F.R. § 31315 to terminate this pilot program. The Truck Safety Coalition requests that you pledge to terminate the dangerous "Safe Driver Apprenticeship Program" (DOT's chosen program name) after the first occurrence of death or injury. There is no data-driven evidence that suggests teen trucking is in the public interest or will advance safety. All available research overwhelmingly shows that teen truckers, much like young drivers overall, are much more likely to be involved in crashes than their older counterparts.<sup>2</sup> In the pilot program teens will be driving large trucks at high speeds for long distances. In fatal crashes involving a truck and a passenger vehicle, 96% of the fatalities are the occupants of the car. Furthermore, contrary to industry claims, the real problem with the shortage of truck drivers is turnover because of harsh working conditions. The solution to this shortage is not putting teens in big trucks but improving truck driver work conditions. This includes reducing the allowed excessive driving hours (77 hours in 7 days), and paying drivers by the hour, instead of by the mile which tempts drivers to drive as far and as fast as possible. Both contribute to speeding and truck driver fatigue.

The Federal Motor Carrier Safety Administration (FMCSA) reports approximately 5,000 people die every year truck crashes, representing a 45% increase over the last ten years, with another 159,000 injured. Bold actions beyond the requirements of the IIJA are needed to curb this crisis. DOT needs to require side and front underride guards and require AEB on *all* commercial motor vehicles, not just heavy trucks. AEB is a proven lifesaving technology and the NTSB recommends AEB should be standard equipment on all cars and trucks.

The moment is now, and we urge you to act without delay. Solutions are available and we need your leadership to implement long overdue and overlooked safety measures to seriously reduce the unacceptable growing truck crash death and injury toll. In the coming months, we look forward to working with you to advance these critical safety priorities.

Sincerely,



Dawn King, President, Truck Safety Coalition & Board Member, Citizens for Reliable and Safe Highways (CRASH).

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<sup>2</sup> Peterman, David. R. (2019). *Federal Highway Traffic Safety Policies: Impacts and Opportunities* (CRS Report No. R44394). Retrieved from Congressional Research Service website: <https://crsreports.congress.gov/product/pdf/R/R44394>

*Dawn's father, Bill Badger, was killed in 2004 while slowed in traffic when he was hit from behind by a truck driver who had fallen asleep at the wheel.*



Joan Claybrook  
Chair, Citizens for Reliable and Safe Highways (CRASH)  
Former Administrator, National Highway Traffic Safety Administration



Daphne Izer, Co-Chair

Daphne and Steve Izer, Founders & Co-Chairs, Parents Against Tired Truckers (P.A.T.T.).

*Daphne and Steve's son, Jeff, and three of his friends were killed in 1993 when a semi-truck driver fell asleep at the wheel and ran over their parked car.*



Russell Swift, Co-Chair, Parents Against Tired Truckers (P.A.T.T.) and Board Member, Truck Safety Coalition.

*Russ' son, Jasen, was killed instantly, as was a fellow Marine, while they drove in the dark to work in 1993, by a 17-year-old truck driver without a permit whose truck was stuck across two lanes after trying a U-turn, causing the car to drive into and under the side of the trailer.*



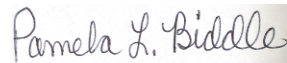
Linda Wilburn, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition.

*Linda and Gary Wilburn's son, Orbie, was killed in 2002 when a tired truck driver slammed into his car.*



Jennifer M. Tierney, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.

*Jennifer's father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway*



Pam Biddle, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.



Tami Friedrich Trakh, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.

*Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.*

Jane Mathis, Vice President, Truck Safety Coalition & Board Member, Parents Against Tired Truckers (P.A.T.T.).

*Jane's 23-year-old son, David, and his bride, Mary Kathryn, were killed while on their way home from their honeymoon in 2004 when they were stopped in traffic and hit from behind by a semi whose driver fell asleep at the wheel. The car became wedged under the truck, then exploded.*

Nikki Hensley Weingartner, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition.

*Nikki's husband, Virgil Hensley, was killed in 1997 when a truck driver ran a stop sign at an intersection, killing him instantly.*

Jena Frost, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition. *Jena's son, Wyatt, was 5 years old when he was killed by a box truck that was not equipped with AEB.*

Lee Jackson, Board Member, Citizens for Reliable and Safe Highways (CRASH) *Truck crash survivor and former CMV enforcement unit officer with Ft. Worth Police Department*

Jeffrey Burns, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Parents Against Tired Truckers (P.A.T.T.)



Zach Cahalan  
Executive Director, Truck Safety Coalition (TSC)