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Statement Opposing the “Motor Carrier Safety Selection Standard Act” of 2021

Washington, DC – The Truck Safety Coalition (TSC) strongly opposes H.R. 3042, the “Motor Carrier Safety Selection Standard Act.” Despite its title, this bill does not advance safety and is designed to shield third-party logistics providers (3PLs) from liability. A 3PL is an outsourced business that takes care of another company’s supply chain and logistics operations. We urge Members of Congress not to co-sponsor this bill and prevent its enactment into law. Lawmakers who want to advance safety and achieve equity for truck crash victims instead should support H.R. 2687, the INSURANCE Act of 2021.

The Motor Carrier Safety Selection Standard Act seeks to dramatically reduce and redefine the standard of reasonable care 3PLs must exercise in their selection of motor carriers. The Bill’s proposed standard is unacceptably low and would extend immunity to 3PLs in exchange for exercising minimal diligence and judgment in motor carrier selection. This legislation is unsafe and unsound. It would incentivize and reward 3PLs for selecting the lowest cost and least safe motor carriers without consequence. Consider the three (3) weak “safety selection criteria” required under this proposed legislation:

- *The motor carrier must be properly registered – **This selection criterion merely speaks to the motor carrier’s ability to file paperwork, with absolutely no indication of carrier competency or safety, as this tragic [news report of a recent fatal truck crash in Colorado involving multiple fatalities demonstrates.](#)***
- *The motor carrier must have the minimum insurance required – **The commercial motor vehicle minimum insurance has not been raised for over 40 years and remains \$750,000 despite truck crash direct costs***

estimated at nearly \$5,000,000.¹ A carrier's ability to afford this woefully inadequate minimum insurance has no bearing on its safety performance and is another meaningless selection criterion.

- The carrier is not determined as “unfit to operate” by the Federal Motor Carrier Safety Administration (FMCSA) – **A majority of carriers have never been reviewed to receive an FMCSA fitness rating. Once rated, they quickly become out of date as subsequent years pass. For these reasons, an FMCSA safety fitness rating in and of itself is an insufficient criterion to comprehensively assess a carrier's safety performance.**

Applying these minimalistic criteria to the infamous “Cool Runnings” 2016 crash that killed six people and injured four more would have resulted in a “safe selection” by a 3PL. This, despite the fact that the motor carrier failed to have appropriate safety measures in place. [NTSB reports](#) that Cool Runnings “did not have written policies and procedures for hiring or firing, training, hours of service, safety, dispatch, drug or alcohol testing, or vehicle maintenance. The carrier did not have a cell phone use policy or a fatigue management program. Nor did it have safety meetings or a person overseeing safety activities.”²

The title of this bill is a misnomer and represents a significant step backward for safety. Brokers *already* have in place selection criteria safer than this. In fact, the official trade association for the 3PL industry, Transportation Intermediaries Association (TIA), acknowledges that more stringent motor carrier vetting is needed to ensure safety and includes many additionally recommended measures in its industry-leading TIA Carrier Selection Framework guidance.

Truck crash fatalities have increased 45% in the past 10 years, approaching 5,000 annually with another 159,000 experiencing injuries. In fatal two-vehicle crashes involving a passenger vehicle and a large truck, 97% of the deaths were passenger vehicles occupants. These violent incidents impose extensive and expensive costs to people and property with an estimated annual taxpayer

¹FMCSA's estimate of 2005 costs is here adjusted for inflation to 2021 dollars - *Unit Costs of Medium and Heavy Truck Crashes*, Federal Motor Carrier Safety Administration (FMCSA), March 2007, <https://web.archive.org/web/20100527084531/http://mcsac.fmcsa.dot.gov/documents/Dec09/UnitCostsTruck%20Crashes2007.pdf>.

² National Transportation Safety Board. 2016. *Multivehicle Work Zone Crash on Interstate 75, Chattanooga, Tennessee, June 25, 2015*. Highway Accident Report NTSB/HAR-16/01. Washington, DC.

burden of \$143 billion. All industry stakeholders play an important role in stemming the unacceptable rise in truck crash deaths and injuries, including 3PLs. The lack of adequate 3PL accountability in this bill would make our roads more dangerous and TSC calls on Members of Congress to oppose this anti-safety legislation.

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The Truck Safety Coalition (TSC) is a partnership between Citizens for Reliable and Safe Highways (CRASH), also known as The 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, policymakers, and the media about truck safety issues. Visit our website at <https://trucksafety.org>