

July 15, 2024

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

Dear Secretary Buttigieg;

Truck crash victims and survivors of the Truck Safety Coalition (TSC) are dismayed, disappointed, and deeply disturbed by USDOT's inability to complete the priority truck safety rulemakings the department committed to at the beginning of the Biden Administration. 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 who have personally experienced the horrific trauma caused by large truck crashes and seek commonsense truck safety reforms.

The Heavy Vehicle Speed Limiter rule (2126-AB63) was scheduled to be issued by mid-2023 and, after three consecutive delays, scheduled to be completed by May 2025, a full two years behind schedule. This rule lacks a congressional mandate and can be withdrawn by future administrations who may not share the same professed commitment to safety, gravely compromising this rulemaking. Utilizing speed limiters is consistent with USDOT's National Roadway Safety Strategy principle that "Speed kills." Any failure to finish this rulemaking, by DOT's own estimates, will result in thousands of preventable truck crash fatalities.<sup>1</sup> USDOT estimates that twenty percent of fatal truck crashes occur at speeds greater than 70 miles per hour and additional DOT research previously found that trucks using speed limiters were in half as many highspeed collisions as those not using speed limiters.<sup>2 3</sup> It is shameful and unacceptable that speed-limiter rulemaking remains stuck in neutral.

The Heavy Vehicle Automatic Emergency Braking (AEB) final rule (2126-AC49), originally scheduled to be published this June, is now delayed until May 2025. This highly consequential rulemaking is mandated by the Infrastructure Investment and Jobs Act (IIJA) to have been completed within two years. Nonetheless, the proposed rule was [applauded by TSC](#). It notably applied to all classes of commercial motor vehicles. When combined with passenger vehicle automatic emergency braking and large truck speed limiters, this game-changing technology promises to drastically reduce truck crash fatalities and serious injuries. Despite our victims and survivors being personally told by all three NHTSA Administrators that AEB was the highest priority large truck rulemaking the agency was working on, DOT is yet again, unable or unwilling to meet its commitment and the rulemaking hangs in limbo. Any change in

---

<sup>1</sup> National Roadway Safety Strategy Version 1.1, U.S. Department of Transportation, January. 2022, <<https://www.transportation.gov/sites/dot.gov/files/2022-02/USDOT-National-Roadway-Safety-Strategy.pdf>>

<sup>2</sup> Jeffrey S. Hickman, Feng Guo, Richard J. Hanowski, Richard Bishop, Gene Bergoffen & Dan Murray (2012) Safety Benefits of Speed Limiters in Commercial Motor Vehicles Using Carrier-Collected Crash Data, Journal of Intelligent Transportation Systems, 16:4, 177-183, DOI: 10.1080/15472450.2012.704340

<sup>3</sup> FMCSA Speed Limiters Notice of Intent, April 2022

administration creates an opportunity for the robust provisions announced in the NPRM to be changed and altered on a whim.

It is no exaggeration to say DOT has failed to deliver on its stated promises to truck crash victims and survivors. Sympathy is quick to be extended yet results remain elusive. DOT felt no obligation to provide a statement explaining these failures, leaving victims and survivors to speculate as to the reasons, but left little doubt that the Department feels no semblance of accountability to this class of stakeholders.

The topic you expressed personal interest in when we last met, the lack of a New Entrant Proficiency Exam for new carriers, has witnessed marginal progress. At the 2024 FMCSA Analysis, Research, and Technology Forum, FMCSA publicly acknowledged it is 10 years late in fulfilling this Congressional directive from MAP-21. It similarly acknowledged that New Entrants have higher crash rates, including fatal crashes, than non-New Entrants. FMCSA announced its commitment to *“Developing and implementing an effective and efficient New Entrant Training and Testing Program that meets congressional requirements and raises the bar to entry into the motor carrier industry to improve new entrant safety outcomes and reduce crashes, injuries, and fatalities involving large trucks and buses (2126-AB17).”*

TSC applauds this progress but must point out that this took over three years to achieve. [Just last month](#) someone lost his life and others were injured by a new carrier that admitted it never knew the rules required to operate safely, intentionally evaded detection by FMCSA New Entrant Audit personnel, and caused a fatal crash just 8 days after being “automatically” reinstated despite a voluminous violation history.<sup>4</sup> It is worth pointing out that this carrier, like others we have witnessed, NEVER logged into the Drug and Alcohol Clearinghouse to check their drivers. Despite consistently being told that safety is the highest priority at FMCSA, the fact that carriers who never log into a federally required system are allowed to operate unabated, potentially placing drug users behind rigs for years on end, says otherwise. It defies comprehension that this is permitted to happen and prompts one to wonder if FMCSA enforcement staff thinks or cares to check. Indeed, this is exactly what was documented in a 2023 [Government Accountability Office \(GAO\) report](#) that sharply critiqued FMCSA’s lack of due diligence in investigating carrier complaints received in the National Consumer Complaint Database. It found that zero safety complaints were reviewed by FMCSA staff to determine if a substantial safety violation occurred. These examples objectively demonstrate that FMCSA is not even taking advantage of the systems it already has in place to ensure commercial motor vehicle safety.

Since the onset of the National Roadway Safety Strategy, one of the only categories of roadway fatalities that continues to increase are those involving large trucks. Latest data indicates nearly 6,000 people are killed and another 160,000 are injured. Instead of urgent action to save lives, we witness delay, delay, delay, and more delay. Not just delay, but delays that compromise the very ability of these rulemakings to exist or continue as originally proposed. Words cannot convey the depth of pain and anguish our victim volunteers feel. Former DOT Secretary Chao refused to speak with TSC victims and survivors. In contrast, your leadership team has been very accessible, said the right things, but failed to follow through on its commitments. We are hard-pressed to decide which treatment is more disrespectful, painful, and insulting.

---

<sup>4</sup> FMCSA Declares California-based Motor Carrier an Imminent Hazard to Public Safety, July 23, 2024. Available at <<https://www.fmcsa.dot.gov/newsroom/fmcsa-declares-california-based-motor-carrier-imminent-hazard-public-safety>>

On behalf of ALL truck crash victims and survivors, we urge you to devote all necessary resources to completing Large Truck AEB and Speed Limiter Rulemakings without delay. Additionally, we request you fast-track the New Carrier Proficiency Exam rulemaking and publish an ANPRM by December 2024. It is not hyperbole to say that more lives will be lost, and families forever destroyed by further delay. We implore you to accept no excuses and take all measures necessary to embody your mission to reduce crashes, injuries, and fatalities involving large trucks and buses in word and deed.

Sincerely,



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

*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.*



Zach Cahalan  
Executive Director, Truck Safety Coalition (TSC)



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

*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*



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.*



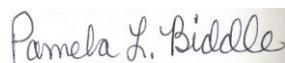
Russell Swift, Co-Chair, Parents Against Tired Truckers (P.A.T.T.) and Board Member, Truck Safety Coalition.

*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.*



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

*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.*



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

*Pam's son, Aaron Lee, was in their car with his father Brian, and Brian's partner, Stephanie Swaim stopped in slowed traffic when a speeding semi failed to stop and rear-ended their vehicle pushing it under the semi in front of them. The vehicles burst into flames, killing Aaron, Brian and Stephanie.*

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.*

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

*In 2019, Anna Guardipee and her best friend, Jenny Burton, in stopped on I-77 when a distracted semi-truck driver slammed into the back of their car, pushing them into the semi they were stopped behind. Jenny and Anna were air-lifted to the hospital. Anna survived with severe life-altering injuries, Jenny did not survive.*

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

Lee Jackson, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition

*Truck crash survivor and former CMV enforcement unit officer with Ft. Worth Police Department*

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

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

Jeffrey Burns, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition

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