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ON

"KEEP ON TRUCKIN": STAKEHOLDER PERSPECTIVES ON TRUCKING IN AMERICA"

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, & TRANSPORTATION

SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

FEBRUARY 4, 2020

Introduction

Good morning Chairman Fischer, Ranking Member Duckworth and Members of the Subcommittee.

My name is Dawn King and I am the President of the Truck Safety Coalition (TSC) as well as a board member of the Citizens for Reliable and Safe Highways (CRASH) Foundation, which along with Parents Against Tired Truckers (PATT) forms TSC. I appreciate the invitation and the opportunity to testify this morning before the Subcommittee.

I am from Davisburg, Michigan, so I am heartened that another Michigander, Senator Peters, serves on this Subcommittee. Unfortunately, I am not here before this Subcommittee today to represent families from my state but also everyone from every state who everyday uses our roads and highways. I am here today to give a voice to survivors and victims of large truck crashes and to families, like mine, who have lost a loved one in these preventable and tragic catastrophes.

My father, Bill Badger, was killed on December 23, 2004, just over the Georgia state border, by a tired trucker who fell asleep at the wheel and crashed into his car. At the time of the crash, Dad was on his way to the airport to fly to New Jersey and join me and my siblings for Christmas. That year, was particularly tough for us since our Mom had passed away in July. The truck driver, who fell asleep and smashed into Dad's car, stated that he had been driving all night in order to get to Atlanta by 7:00 a.m. so that he could be assigned to another truck which was headed to Florida in order to be with his family for Christmas. In the end, however, neither my family nor his were whole that holiday.

Shortly after Dad's crash, my family and I were fortunate enough to connect with the Truck Safety Coalition. This wonderful organization is a partnership between Citizens for Reliable and Safe Highways (CRASH) Foundation and Parents Against Tired Truckers (PATT). Our shared mission is to reduce the number of deaths and injuries caused by truck-related crashes, provide compassionate support to truck crash survivors and families of truck crash victims, and educate the public, policy-makers and media about truck safety issues.

Truck Crashes, Injuries, and Deaths Have Been on the Rise Since 2009

The National Highway Traffic Safety Administration's (NHTSA) most recent release of data shows that fatal crashes involving at least one large truck killed 4,951 people in 2018. To put this figure in perspective for you: it is approximately 2.5 times as many people as the total number of individuals who have served in the U.S. Senate since 1789.[1]

Since 2009, fatalities from crashes involving at least one large truck have gone up 46.5 percent, with 42 out of the 50 states experiencing increases. Unsurprisingly, the subset of states with truck speed limits of 75 mph or more saw the largest spike in deaths, rising 66.5 percent in that same time.

[1] https://fas.org/sgp/crs/misc/R44762.pdf

In that same 9-year time frame, truck crash injuries have tripled from an all-time low of 51,000 (which is still staggeringly high) to 151,000. This is an unacceptable and unconscionable trend.

Amidst this significant increase in deaths and injuries and this marked decline in truck safety, the Truck Safety Coalition and our volunteers hope that members of this Subcommittee will oppose specific anti-safety policies that are being considered by Congress and the U.S. Department of Transportation. Additionally, we urge you to support numerous lifesaving measures that can significantly reduce the death and injury toll on our roads. Truck crash deaths and injuries are a major public health problem and we urgently need Congress to direct the implementation of data-driven solutions to address the pervasive but preventable problems, like driver fatigue, distraction, and speeding, that contribute to so many truck crashes. My statement today seeks to inform Members and the public about both the dangerous policies that will further exacerbate truck safety and available safety solutions that could dramatically improve truck safety for motorists and commercial drivers.

Now is Not the Time to Weaken Truck Safety Rules and Permit Special Interest Rollbacks of Proven Safety Reforms

FMCSA Should Abandon Efforts to Weaken the Hours of Service Rules.

Last year, the Federal Motor Carrier Safety Administration (FMCSA) issued a notice of proposed rulemaking (NPRM) requesting comments on unstudied, unsafe proposed changes to the Hours of Service (HOS) regulations, including:

- Extending by two hours the maximum window during which driving is permitted under the **adverse driving conditions** exemption to the HOS rules;
- Extending the driving window from 12 hours to 14 hours and extending the distance from 100 air miles to 150 air miles for the **short haul exemption**;
- Allowing drivers to split their required 10 hours off-duty into two periods: one period of at least seven consecutive hours in the **sleeper berth** and the other period of not less than two consecutive hours, either off-duty or in the sleeper berth; and
- Requiring a **30 minute break** after eight hours of driving time instead of on-duty time, and allowing the requirement to be satisfied by an on-duty break from driving, rather than requiring an off-duty break;
- Allowing **split duty period**: one off-duty break of at least 30 minutes, but no more than three hours, that would pause a truck driver's 14-hour working window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.

FMCSA's Proposed Change = Unsafe and Unwarranted – Adverse Driving Conditions:

- **Extend by two hours the maximum window during which driving is permitted under the adverse driving conditions exemption to the HOS rules.**

In the NPRM, the FMCSA asserted that this proposed change to the adverse driving conditions exemption would not increase driving time or vehicle miles traveled (VMT), thus there would be no safety concern. Yet, this ignores the effect that longer shifts have on injury risks and error rates.

There is compelling research that found lengthening a work day results in increased injury risk to a worker. One study found that injury risks go up after eight hours on task, with a 30 percent increase on a 12-hour task. [2] This validates the findings from an earlier major meta-analysis of relative risk of performance lapses over the course of different shift durations that found risk was approximately doubled after 12 hours of work and trebled after 14 hours of work.[3] More recently, a study was performed to identify associated factors with multidimensional driving risks, specifically focusing on fatigue, sleep quality, daytime sleepiness, and health status among Korean occupational drivers; one of the key findings: "those working for longer than 12 hours per day… were a vulnerable group."[4]

Even if a driver logs the same number of hours on duty or driving, this proposed change would result over a longer elapsed time which would result in a longer day overall.

FMCSA's Proposed Change - Short Haul Operations:

- **Extend the driving window from 12 hours to 14 hours, and**
- **Extend the distance from 100 air miles to 150 air miles.**

This proposed change will result in more truck drivers being able to be considered "short-haul" drivers which ultimately means fewer carriers being required to use electronic logging devices. Based on the FMCSA's own reasoning in finalizing the ELD mandate, this will greatly diminish safety. In fact, the agency noted in October 2017 in the Federal Register that "[the ELD] rule improves commercial motor vehicle (CMV) safety… for both motor carriers and driver by increasing the use of ELDs within the motor carrier industry, which will, in turn, improve compliance with applicable HOS rules."[5]

Considering the aforementioned finding, it is critical that the agency provide compelling evidence that expanding the number of long-haul truck drivers who would be eligible to employ the short-haul exception, if this proposed change is promulgated, will actually improve commercial motor vehicle safety.

Several years ago, the Insurance Institute for Highway Safety (IIHS) conducted a study that found a statistically significant 383 percent increase in crash risk for drivers operating under a short-haul exemption. In light of this startling statistic, it seems unlikely that the FMCSA will furnish data showing that this proposed change will benefit to CMV safety. In fact, our streets and roads will be even more dangerous and the change should be summarily rejected.

FMCSA's Proposed Change – Sleeper Berth:

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[2] Folkard, Simon, and David A. Lombardi. "Modeling the Impact of the Components of Long Work Hours on Injuries and 'Accidents.'" *American Journal of Industrial Medicine*, vol. 49, no. 11, Nov. 2006, pp. 953–963., doi:10.1002/ajim.20307.

[3]Folkard, Simon. Time On Shift Effects In Safety: A Mini-Review, Abstract in the Shiftwork International Newsletter, May 1995, 12:1, Timothy Monk, ed., presentations from the 12th International Symposium On Night- and Shiftwork, Ledyard, CN, June 13-18, 1995.

[4]Kwon,S.,Kim,H.,Kim,G.S.,Cho,E.,2019.Fatigue and poor sleep are associated with driving risk among Korean occupational drivers. J.Transp.Health14,100572. https://doi.org/10.1016/j.jth.2019.100572.

[5] 80 FR 78293

- **Allow drivers to split their required 10 hours off-duty into two periods: one period of at least seven consecutive hours in the sleeper berth and the other period of not less than two consecutive hours, either off-duty or in the sleeper berth.**

The split sleep berth exception must ensure that a truck driver has enough time to achieve restorative sleep.[6] A recent study published in Transportation Research Part F, indicates that "in previous studies, sleeping duration less than seven hours has been associated with increased cases of drowsy driving crashes among truck drivers (Tzamalouka et al., 2005). Drivers who were partially sleep deprived (sleeping less than 4-h daily) were found to be at 4.8 folds higher risk of falling asleep at the wheel as compared to the sufficiently sleeping (6–8 h) drivers. Similarly, Maia et al. (2013) also found that as compared to the drivers taking appropriate sleep of 7 h, the drivers taking short (6 h) and very short (<5 h) duration of sleep were at 2 and 3.8 times higher risk of drowsy driving respectively."

Based on these compelling studies, the FMCSA should immediately rescind this alarming proposed change until they can provide undisputed research and information disproving the adverse effects of sleeping less than seven hours.

FMCSA's Proposed Change – 30-Minute Break:

- **Require a break after eight hours of driving time instead of on-duty time, and**
- **Allow the requirement to be satisfied by an on-duty break from driving, rather than requiring an off-duty break.**

At a time when truck occupant deaths are at their highest levels since 1989, the FMCSA must provide convincing evidence and peer-reviewed research that removing the requirement of a 30-minute break after 8 hours of on-duty time will improve safety, for truck drivers and the general public.

The FMCSA acknowledges in their NPRM that these proposed "changes to the 30-minute break provision… do not involve any increase to the 11-hour driving limit." While this may be true, this change could result in a driver working 11 hours before he can take a 30-minute break. This is unquestionably dangerous. A 2013 study found "that time-on-task across 14 hours of work impacts risk. The risk of being involved in a [safety critical event] generally increased as work hour increased. That is, driving time that occurred later in the driver's workday, due to performing non-driving tasks earlier in the workday, had a negative safety effect."[7]

Other research corroborates the notion that extending continuous time on task, which this change would do, has a deleterious effect on safety. Simo Salminen, a senior researcher at the Finnish Institute of Occupational Health, reviewed eight studies that showed the "risk of occupational injury was 41 percent higher for 10-hour working days compared to 8-hour working days… [and] when working more than 12 hours per day, three studies showed a 98% increase in involvement in occupational injury. The results of this study showed that shift work

[6] Sando, T., Mtoi, E., Moses, R.; Potential Causes of Driver Fatigue: A Study on Transit Bus Operators in Florida, Transportation Research Board 2011 Annual Meeting, Nov. 2010

[7] Susan A. Soccolich, Myra Blanco, Richard J. Hanowski, Rebecca L. Olson, Justin F. Morgan, Feng Guo, Shih-Ching Wu. An analysis of driving and working hour on commercial motor vehicle driver safety using naturalistic data collection, *Accident Analysis & Prevention*, Volume 58, 2013, Pages 249-258,

considerably increased the risk of occupational injury in the USA… *Extended working hours was related to elevated risk of occupational injury*" (emphasis added).[8]

No data has been provided to determine the safety benefit of substituting a full 30-minute off-duty break with the proposed 30-minute on-duty break. Specifically, the FMCSA has not assessed the impact of a potential change on worker performance at the end of the day, whether it is a 14-hour day or a 17-hour that could be achieved if the split-duty proposal is promulgated.

FMCSA's Proposed Change - Split-Duty Period:

- **Allow one off-duty break of at least 30 minutes, but no more than three hours, that would pause a truck driver's 14-hour working window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.**

This proposed change would extend a truck driver's day to 17 hours elapsed time. While there are no studies examining the effect on safety of this longer day, it is worth reiterating: "driving time that occurred later in the driver's workday, due to performing non-driving tasks earlier in the workday, had a negative safety effect."[9]

The proposal also does not limit the use of the 17-hour window throughout the workweek. This is extremely troubling considering that the FMCSA has not studied the effects this will have on cumulative fatigue, which has been acknowledged as a serious, but ultimately preventable, safety concern.

Lastly, our organization is concerned that this may be used by high risk carriers and/or in concert with existing exceptions, like the one that exists for the transportation of livestock. Used together by a high risk carrier, this could allow an unsafe truck driver to operate well over 24 hours continuously because "time spent working within the 150 air-mile radius does not count toward the driver's daily and weekly limit."[10]

Each of these proposed changes threatens safety by themselves, but if they are used in combination and without restrictions on which carriers may employ them, the results could be devastating. We hope that the Members of the Subcommittee will urge the FMCSA to immediately withdraw all five of these proposals.

Exemptions to the HOS Rules for Agricultural Commodities Sacrifice Safety and Undermine Commercial Motor Vehicle Enforcement Efforts.

Transporters of agricultural commodities and farm supplies for agricultural purpose already enjoy exceptions to the Hours of Service and Electronic Logging Devices rules. Unfortunately, efforts by Congress and inappropriate actions taken by the FMCSA have expanded the scope of exemptions.

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[8] Salminen, Simo. "Shift Work and Extended Working Hours as Risk Factors for Occupational Injury." *The Ergonomics Open Journal, vol. 3, 2010, pp. 14-18.*

[9] Susan A. Soccolich, Myra Blanco, Richard J. Hanowski, Rebecca L. Olson, Justin F. Morgan, Feng Guo, Shih-Ching Wu. An analysis of driving and working hour on commercial motor vehicle driver safety using naturalistic data collection, *Accident Analysis & Prevention*, Volume 58, 2013, Pages 249-258

[10] https://www.fmcsa.dot.gov/hours-service/elds/eld-hours-service-hos-and-agriculture-exemptions

Prior to the enactment of MAP-21, drivers transporting "agricultural commodities" and "farm supplies for agricultural purposes"[11] within a 100 air-mile radius (~115 miles) were exempt from the Hours of Service (HOS) regulations. Following enactment of MAP-21, the regulatory exception was extended to 150 air-mile radius (~172.5 miles). Then, on May 31, 2018, the FMCSA released regulatory guidance applicable to all transporters of agricultural commodities, 49 CFR 395.1(k)(1), but does not address "farm supplies for agricultural purposes" under 49 CFR 395.1(k)(2) or (3).

The Truck Safety Coalition strongly opposed these past congressional actions as well as the agency's inappropriate use of regulatory guidance to further expand the agricultural commodity exception to life-saving rules that help prevent truck driver fatigue. Below are critical reasons:

- **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 is for drivers engages 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.

- **The Regulatory Guidance is 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 contribute totruck driver fatigue. The public shares the roads with large trucks, including haulers of agricultural commodities, and these changes put motorists and truck drivers at risk of death and serious injury.

The Truck Safety Coalition urges the Members of the Subcommittee to review the FMCSA's Regulatory Guidance Exempting Transporters of Agricultural Commodities from Hours of Service and Electronic Logging Device Mandates, and to oppose any additional efforts to further expand this dangerous special interest exemption.

Research and Data Clearly Warn About the Dangers of Teenage Truckers.

The Truck Safety Coalition strongly oppose efforts to change federal requirements to allow drivers under the age of 21 to operate commercial motor vehicles in interstate commerce for several reasons:

1) Years of research and data clearly show that 18-20-year-old drivers have significantly higher crash rates;
2) The impetus for this change – a shortage of truck drivers – is a myth perpetuated by those with a pecuniary interest in lowering the legal age for interstate truck operations;

[11] Quoted terms are defined in 49 CFR 395.2

3) The FMCSA has not analyzed data from the 48 states that could provide data on the safety records of 18-20 year old drivers who currently operate in intrastate commerce;
4) The So-Called DRIVE-Safe Act is anything but safe. The so-called protections are meaningless and insufficient.

The Available Data Show that 18-20 Year-Old Drivers are More Likely to Crash

Research that examined the effect of age on the operation of a large truck found that commercial motor vehicle (CMV) drivers under the age of 19 are four times more likely to be involved in fatal crashes, and that CMV drivers between the ages of 19 to 20 are six times more likely to be involved in fatal crashes.[12] These statistics alone should stop legislation from moving advancing with this pernicious policy.

However, there is even more compelling and convincing data that show *all drivers* ages 18 to20 are less safe and more likely to crash than an older driver. Based on 2017 federal crash data analyzed by the Insurance Institute for Highway Safety, teen drivers ages 18 to 19 are 2.3 times more likely than drivers aged 20 and older (up to age 84) to be in a fatal crash and nearly 3.5 times more likely to be involved in any police reported crash.[13] Moreover, a recent report analyzing 10 years of fatal crash data involving teen drivers from the Governors Highway Safety Association revealed two other disconcerting data points about 18 to 20 year old drivers: 1) 19-year-olds accounted for the greatest number of teen drivers killed during this 10-year period, followed by 20- and 18-year olds; and, 2) older teens (18- 20-years-old) were twice as likely as their younger counterparts to be involved in a fatal crash between midnight and 6 a.m.[14]

The Impetus for This Change – A Shortage of Truck Drivers – is a Myth Perpetuated by Those with a Pecuniary Interest in Lowering the Legal Age for Interstate Truck Operations

There is no truck driver shortage. According to the Bureau of Labor Statistics Report, "Is the U.S. labor market for truck drivers broken?" from September 2018: "The occupation of truck driving is often portrayed by the industry and in the popular press as beset by high levels of turnover and persistent "labor shortages"… [But] a deeper look does not find evidence of a secular shortage."[15]

Additionally, an investigative report by Barron's, "Busting the 'Truck Shortage' Myth," found that the Truck Driver Shortage Analysis from which this myth derives was "vague about its methodology, simply asserting that a shortage exists and will get worse over time as demand rises and existing truck drivers retire."[16]

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[12] Campbell, K. L., Fatal Accident Involvement Rates by Driver Age For Large Trucks, Accid. Anal. & Prev. Vol 23, No. 4, pp. 287-295 (1991).
[13] 2017 FARS Data analyzed by the Insurance Institute for Highway Safety. See data analysis at https://www.iihs.org/topics/teenagers
[14] Governors Highway Safety Association. 2017. Mission Not Accomplished: Teen Safe Driving, the Next Chapter https://www.ghsa.org/sites/default/files/2016-12/FINAL_TeenReport16.pdf
[15] Stephen V. Burks and Kristen Monaco, "Is the U.S. labor market for truck drivers broken?," Monthly Labor Review, U.S. Bureau of Labor Statistics, March 2019, https://doi.org/10.21916/mlr.2019.5.
[16] Klein, Matthew C. "Busting the 'Trucker Shortage' Myth." Barron's, Barrons, 14 Mar. 2019, www.barrons.com/articles/busting-the-trucker-shortage-myth-51552589481.

Upon reading the Barron's expose, the Truck Safety Coalition reviewed the American Trucking Associations' (ATA) Truck Driver Shortage Analysis from 2015, 2017, and 2019 as well as *The U.S. Truck Driver Shortage: Analysis and Forecasts* prepared for the ATA by Global Insight, Inc. in May of 2005. While the latter report has formed the underlying basis on which the shortage myth is predicated, there are several assumptions the 2005 report makes that did not come to fruition and should thus call into question the accuracy of any report, study, or assertion by trucking interests that references it.

The FMCSA Has Not Analyzed Data from the 48 states that Could Provide Statistics on the Safety Records of 18-20 Year-Old Drivers who Currently Operate in Intrastate Commerce

Collecting safety data from the 48 states where truck drivers ages 18 to 20 can operate within state lines should be the agency's first step before moving forward with this potentially risky pilot program. Doing so would help the agency determine if these 18-20 year old drivers are, in fact, as safe as or safer than the average truck driver who operates in interstate commerce.

Currently, all but two states allow teen truck drivers to operate in intrastate commerce so there should be adequate data on the relative crash risks of teen truckers that operate within state lines.

For example, the Truck Safety Coalition requested data on truck driver by age from the state of New York. Their data revealed that from 2009 to 2017, there was a 12.6 percent increase in the total number of truck drivers involved in crashes within New York, but for truck drivers age 18-20 involved in crashes in NY that figure jumped 17.8 percent in that same time.[17] Clearly, figures like this undermine arguments that younger truck drivers will be as safe as or safer than older drivers.

The So-Called DRIVE-Safe Act is Anything But Safe. So-called Protections are Meaningless and Insufficient

The Truck Safety Coalition strongly opposes all efforts to lower the driving age for interstate trucking, including enactment of the so-called "DRIVE-Safe Act" (H.R. 1374/S. 569).

The probationary period, which is far too short, requires teen truckers to train on commercial vehicles equipped with certain safety technologies. While the legislation denotes that these younger, less safe drivers must learn to operate trucks equipped with automatic emergency braking (AEB) and heavy vehicle speed limiters, there is nothing in the bill requiring them to do so after their brief probation. The consequence of this could be deadly. A teen trucker, who learned to drive a big-rig where the speed is limited at 65 mph and equipped AEB may be operating a truck without those technologies.

TSC strongly opposes the FMCSA's pilot program as well as currently introduced legislation to allow teen truckers to operate in interstate commerce. In the face of ample research showing that teen drivers are much less safe and more likely to crash than their older cohorts, the FMCSA

[17] Data retrieved from Institute for Traffic Safety Management & Research

has furnished no evidence that introducing this age demographic of truck drivers to interstate operations will in any way improve safety. In fact, the opposite will occur.

Urgent Action Needed Now to Strengthen Truck Safety Rules, Promote Data-Driven Strategies and Require Proven Safety Technologies

Research and Practice Prove the Effectiveness of Automatic Emergency Braking and Speed Limiters to Reduce Truck Crash Deaths and Injuries.

Automatic emergency braking (AEB) is a commercial motor vehicle safety technology that has been proven through years of use by leading trucking companies to reduce the number of crashes their truck drivers are involved in and to mitigate the severity of truck crashes that do occur.

The Truck Safety Coalition, along with Advocates for Highway and Auto Safety (Advocates) and the Center for Auto Safety, filed a petition to initiate a rulemaking that would mandate automatic emergency braking. The National Highway Traffic Safety Administration (NHTSA) granted this petition in October of 2015. Since then, several pieces of legislation, including the Safe Roads Act (H.R. 3773) and the Protecting Roadside First Responders Act (S. 2700 | H.R. 4871) have been introduced to require the installation and use of this lifesaving technology with minimum performance requirements. We commend Sen. Tammy Duckworth, Ranking Member, of this Subcommittee for her leadership in co-sponsoring this legislation with Sen. Richard Durbin.

The safety benefits of AEB technology are well known. In the United States, some motor carriers have been using AEB for at least 10 years and have established beyond question its effectiveness and reliability. For example, Con-way (now a part of XPO Logistics) saw reductions in their rear-end crashes after they equipped their trucks with AEB. The company performed an internal study to determine the extent to which a suite of safety technologies (AEB, electronic stability control (ESC), and lane departure warning) installed on the trucks in its fleet reduced the frequency of various types of collisions. They found that trucks equipped with the suite of safety systems had a lower crash rate and frequency of engagement in risky driving behavior compared to vehicles without such systems; these trucks exhibited a 71 percent reduction in rear-end collisions and a 63 percent decrease in unsafe following behaviors.[18] Similarly, Schneider National, a major trucking company, experienced a 69 percent decrease in rear-end crashes and 95 percent reduction in rear-end collision claims since it began equipping all new tractors with OnGuard Collision Mitigation Systems in 2012.[19]

In the past, a major concern with requiring this technology had been cost. Previously cited figures pegged the price of AEB at around $2,500. However, this figure is grossly inaccurate. A September 2018 study by the NHTSA found that the incremental cost of automatic emergency

[18] National Transportation Safety Board. 2015. The Use of Forward Collision Avoidance Systems to Prevent and Mitigate Rear-End Crashes. Special Investigation Report NTSB/SIR-15-01. Washington, DC.

[19] Dr. Christopher B. Lofgren, Chief Executive Officer, Schneider National at Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Hearing on February 15, 2017, Moving America: Stakeholder Perspectives on our Multimodal Transportation System.
https://www.commerce.senate.gov/public/index.cfm/hearings?ID=059064F8-8D58-4725-98BC-61CC53DBCB08

braking systems to the end-user (i.e a truck driver) is $70.80-$316.18.[20] We expect that when AEB becomes standard equipment on all newly manufacturer trucks that the cost will drop significantly as it has with other safety equipment required on cars and buses.

Additionally, there is convincing and evidence confirming that **speed limiters** make trucking safer.

This life-saving technology is not new, and has actually been a standard component in most trucks' engine control modules since the late 1990s. This is because so many other countries, like Germany, United Kingdom, and France, already require their use on commercial motor vehicles. In light of this fact, most trucks in the United States would not require a retrofit to have this technology but would instead simply need to have their speed limiter set.

It should not come as a surprise that many of the most profitable trucking companies voluntarily set their trucks to safe speeds. Speed limiters also help motor carriers save significant money on fuel as well as on maintenance costs for tires and brakes, which last longer by limiting excessive speeding that can exacerbate normal wear and tear. More importantly, it improves the safety of their fleet and reduces the maximum potential damage their trucks can cause in the event they do crash.

The research confirms what these trucking companies know from practice: speed limiters make trucks safer. The FMCSA's own road-based study from 2012 found that heavy trucks not using their speed limiters were involved in highway-speed crashes at twice the rate of those using them.

Several years later, the Province of Ontario conducted a study to review the effectiveness of requiring large trucks to use speed limiters. The Province found that the incidence of heavy trucks speeding in a crash dropped a dramatic 73 percent following implementation of the speed limiter mandate. Another important finding of this study was that it directly debunked the claim that speed differentials would lead to an increase in overall crashes involving big rigs. In fact, the study found no evidence of such an increase.

Increasing the Minimum Levels of Insurance Required by Motor Carriers is Long Overdue. Too Many Families Have Suffered Since 1980.

The minimum level of insurance of $750,000 for commercial motor carriers has not been increased in the U.S. in 40 years. Neither has it been adjusted for inflation or, more appropriately, for medical cost inflation. Consequently, some families not only face the physical and emotion hardship of losing a loved one but also the financial devastation caused by under-insured motor carriers.

According to the legislative intent of the Motor Carrier Act of 1980 (Pub. L 96-296), minimum levels of insurance were meant to serve as a barrier to entry for unsafe carriers and to shift the

[20] NHTSA. September 2018. Cost and Weight Analysis of Heavy Vehicle Forward Collision Warning (FCW) and Automatic Emergency Braking (AEB) Systems for Heavy Trucks. Final Report. https://www.regulations.gov/document?D=NHTSA-2011-0066-0092

burden of oversight from the government to the private sector (i.e. the insurers). Sadly, insurers fail to apply appropriate scrutiny because the amounts are so abysmally low.

In order to remedy this issue, we urge Senate introduction of a companion bill to the INSURANCE Act (H.R. 3781), which increases this minimum to account for medical cost inflation and then index it to that measure every five years. Since 1980, truck weight limits have increased significantly as have speed limits for trucks; the combination of these two changes has resulted in an increase in crash severity.

Strengthening Rear Underride Guards and Requiring Side Underride Guards are Long Overdue.

In a truck underride crash, a passenger vehicle travels under the trailer, bypassing the crumple zone and airbag deployment safety features. As you can imagine, or if you've seen this type of crash, the results are catastrophic, especially when passenger compartment intrusion occurs. In order to prevent this type of collision, trailers can be equipped with energy-absorbing rear and side underride guards that would protect car occupants from going underneath at certain speeds.

While rear underride guards are required, crash tests conducted by the Insurance Institute for Highway Safety (IIHS) clearly demonstrate that the rear underride guards mandated for trailers by NHTSA in 1998 performed poorly. Furthermore, there are underride guards available today that far exceed the proposed force requirement by up to 70 percent.

In light of this important finding coupled with the known safety benefits of rear underride guards, there has been a recent push to strengthen the requirements for rear underride guards in the U.S. After two Roundtable events hosted at IIHS, which brought together safety advocates, engineers, and trucking interests, major progress on rear underrides has occurred in two ways: 1) Eight out of the eight leading trailer manufacturers have developed rear underride guards that qualify for the IIHS ToughGuard rating, which greatly exceeds the existing federal standard by preventing underride crashes at 100, 50, and 30 percent overlaps at 35 mph, and 2) there is growing consensus in support, evidenced by Mr. Pugh noting just last week that "We [OOIDA] agree to the rear guards. We don't have a problem with that."[21]

We urge Senate passage of bi-partisan legislation, the Stop Underrides Act (S. 665), which would not only strengthen the requirement for rear underride guards, but would comprehensively improve underride protections on all sides of a tractor-trailer. This bill is sponsored by Sen. Kirsten Gillibrand and co-sponsored by many Members of the Commerce, Science and Transportation Committee including Sen. Tammy Duckworth, Sen. Ed Markey, Sen. Tom Udall, Sen. Gary Peters and Sen. Richard Blumenthal.

Conclusion

On behalf of the Truck Safety Coalition and our volunteers, I urge Congress to advance these bills and provide the much-needed actions and oversight to improving truck safety. To rollback truck

[21] https://www.wusa9.com/article/news/investigations/underrides/truckers-open-to-tougher-underride-standards-with-a-catch/65-ffa5d38f-b7b6-48aa-9eba-6ee139a78718

safety protections and pass bills that degrade safety will lead to more crashes, deaths, injuries and costs. Before this week is over nearly 100 people will needlessly die in a truck crash, the equivalent of a major airplane crash and hundreds of families will mourn the loss of a loved one just like I did when my father was killed.

The families of victims and survivors of large truck crashes remain hopeful that Members of this Subcommittee will ensure that safety never takes a back seat to profits or political pressure. Too many families in your states and across the country are depending on you to make the right decision to keep us safe as we share the roads with large trucks.

To close, I want to take this opportunity to wish my dad a happy birthday. Had he not been needlessly killed by a tired trucker 15 years ago, he would have turned 91 years old today. I love you Dad.

Thank you for the opportunity to testify before you today and I am pleased to answer your questions.