

**Anti-Safety Provisions of the
S. 1732, the “Comprehensive Transportation and Consumer Protection Act of 2015”**

General Talking Points:

- Every year, about 4,000 people die and 100,000 people are injured on U.S. highways in truck crashes.
- Truck crash deaths have climbed dramatically for the past four years (from 2009-2013) – a 17 percent increase in deaths and a 28 percent increase in injuries.
- Ninety-eight percent of fatalities in two-vehicle crashes between a large truck and a passenger car are the occupants of the passenger vehicle.
- Minimum levels of insurance for trucks, set at \$750,000, have not been increased in 35 years and are woefully deficient.
- Increasing 28-foot double-trailer trucks to 33-foot double-trailer trucks results in a six-foot wider turning radius and a 22 foot longer stopping distance.

Key Anti-Truck Safety Provisions in S. 1732:

Places Additional Burdens on an Already Resource Constrained Agency

Sec. 2001. Correlation Study.

- The FMCSA would be required to commission a study from the Transportation Research Board to analyze the Compliance, Safety, and Accountability (CSA) program.
- It requires comparisons to outside studies (ex. GAO report) which will make it extremely difficult for the agency ever to fully comply with the requirement.

Sec. 2002. Safety Improvement Metrics.

- The Administrator would be required to develop a structure to provide positive SMS points or a new Basic for investments in select safety technologies, tools, programs, and systems not mandated by law. The legislation further requires that the positive points associated with a motor carrier’s safety investment be presented online with other SMS data.
- The awarding of points/credits will distort the correlation to crash risk and the potential impact on data quality has not been analyzed.
- This will add additional responsibilities and bureaucracy, again impacting resources that should be focused on enforcement.
- Public recognition or creation of a new BASIC for beyond compliance would be a better approach, and is included in the bill as an option.

Removes CSA Scores from Public View

Sec. 2003. Data Certification.

- SMS data alerts, scores, and percentiles would be removed from public view until the report and corrective action plan required by Sec. 2001 have been published, and recommendations completed.

- Crash and violation information will still remain public.
- CSA scores, and the analysis that goes into them, should remain public to hold motor carriers accountable.
- The data will not be made available until the Safety Improvement Metrics system developed in Sec. 2002 has been developed.
- CSA is a vitally important program and any attempts to weaken, hide, or eliminate any portion of CSA would only jeopardize the safety of the American public. This section would hide the analysis and scores for all seven BASICS.
- The safety culture in the industry has been positively impacted as a result of CSA being public.
- The inspection/enforcement efforts, collection, and analysis/dissemination of the safety performance data are all funded by taxpayers – they should remain transparent as this monitors commercial activity on our public roads, also funded by taxpayers.

Crash Weighting Determinations Do NOT Improve the Correlation to Crash Risk

Sec. 2005. Accident Report Information.

- Gives motor carriers and drivers the chance to request a review of crashes and remove from weighting or carrier safety analysis if the carrier was operating legally and the other party is found to have been at fault.
- Several studies have shown that involvement in previous truck crashes, in and of themselves and regardless of “fault”, is an accurate predictor of involvement in future truck crashes.
- FMCSA’s own report concluded, “Analysis using all crashes shows that incorporating crash weighting determinations does not consistently improve the Crash Indicator when the various weighting approaches are applied.”
- This same study determined that data sources, such as police accident reports, were not consistent or accurate enough, and that the process was not cost effective and could not be completed in a timely fashion if an appeal process was to be allowed.
- Allows motor carriers to enter into a one-sided process to have accident history expunged. Both parties may be at fault, but CMVs may escape liability if the motorist is found to have been partially responsible. There is also no clear notification and appeal process spelled out in the language, just a notice and comment period.

Sets such a Low Standard for Hiring Carriers that it will result in a Reduction in Safety.

Sec. 2102. National Hiring Standards for Motor Carriers.

- Shippers and brokers would be able to verify the eligibility of a motor carrier to transport goods under a “simplified”, interim hiring standard. If a carrier has a DOT number, minimum insurance, and does not have an unsatisfactory safety fitness determination, it would be considered fit for hiring. For lawsuits involving carriers hired under the interim hiring standard, only a shipper’s verification of suitability under the standard, crash data, and violations may be used in court.
- When a broker or shipper is no longer held accountable for hiring a dangerous carrier, it becomes a race to the bottom, as carriers will compete on price alone. The standards selected do not provide any insight on the safety performance of the carrier.
- As for access to data in civil action, courts should be allowed to determine what data is relevant to a case and the appropriate levels of responsibility. It will shield brokers and shippers in lawsuits by preventing full access to all available information – only violations and crash data would be allowed.
- The entire supply chain needs to be held accountable to ensure safety.

Places More Roadblocks to Achieving Adequate Minimum Levels of Insurance for Motor Carriers

Sec. 2301. Rulemaking Requirements.

- Requirements would be established for any rulemaking associated with minimum levels of financial responsibility for motor carriers.
- This section looks to place additional hurdles as part of the rulemaking; FMCSA would have to do most of these, but it does request information on the amount of legal fees paid.

Allows for Greater Exemptions to HOS Rule

Sec. 2302. Petitions for Regulatory Relief.

- Groups would be able to petition the FMCSA for temporary and permanent exemption from hours of service regulations.
- This mirrors the petitions process already in place via regulation, but with a set timetable for consideration.
- Several temporary exemptions granted through the regulatory petitions process by the FMCSA would be made permanent.
- Providing permanent exemptions from hours of service regulations will allow trucking companies to force their drivers to work and drive even longer hours per day and per week, resulting in greater levels of fatigue.
- Enforcement would be made more difficult, as the number of groups or classes exempted increase, training and enforcement efforts will become more complex.
- This proposal is on top of the "Collins Amendment" which passed as part of the 2015 overall federal spending bill last December. That provision increased the working and driving hours of truck drivers up to 82 hours a week, and rescinded their "weekend" off. This rollback puts in place a rule under which a 2006 survey found that 65 percent of truck drivers admitted they had often or sometimes felt drowsy while driving and almost 50 percent said they had fallen asleep while driving in the past 12 months.

Allows For Inexperienced Drivers All Over the Country to Operate Large Trucks

Sec. 2503. Commercial Driver Access

- A six-year pilot program would be established to allow states to enter into interstate compacts (between contiguous states, limited to six) to allow for appropriately licensed drivers between the ages of 18 and 21 to travel in interstate commerce.
- Putting 18 year olds behind the wheels of an 80,000lb truck is reckless and will only make a bad problem worse.
- Teen drivers are widely acknowledged to have a higher crash risk, and do not have the experience or training to handle trucks.
- There is still no entry level driver training required for driving trucks, and the combination of a young, inexperienced driver with limited training and large, heavy vehicles is one that will endanger all who travel our roads.
- Allowing six compacts, with no limit between contiguous states would cover a large portion of the country.