American Trucking Associations
Safety Task Force

Expanding ATA's Safety Agenda

Executive Summary

As the national representative of the trucking industry, the American Trucking Associations, Inc. (ATA) is vitally interested and involved in promoting both the safety of the trucking industry and the safety of our nation's highway system. After all, the highway system is the trucking industry's workplace.

To further our commitment to making the nation's highways safe, ATA convened a Safety Task Force to consider expansion of ATA's current aggressive safety agenda with the goal of further reducing the number of motor vehicle fatalities and injuries. Task Force members worked from the empirically based knowledge that traffic crashes are caused overwhelmingly by human error. Further, the most effective safety initiatives and countermeasures are likely to be those that assist in improving driver performance and behavior.

From facilitated discussions, the Task Force made multiple recommendations that address the performance of both commercial and passenger vehicle drivers, safer vehicles, and motor carrier performance. These recommendations are presented in the following list and discussed in the body of this report.

Improve Driver Performance

A. The Task Force supports the safe use of technologies and encourages drivers and/or motor carriers to consider a range of policies and safeguards intended to reduce, minimize and/or eliminate driver distractions that may be caused by the increased use of electronic technologies (e.g., global positioning systems, cellular phones, etc.) during the operation of all types of motor vehicles. ATA strongly encourages and recommends that manufacturers of these devices, vehicle manufacturers, policymakers, motor carriers and organizations representing motor carriers and the motoring public promote and adopt awareness, training, and safety policies on the use of such technologies–unless required by current laws or regulations–during the operation of a motor vehicle on our nation's highways.

B. The Task Force recommends creation and implementation of national performance-based commercial driver's licensing testing standards that are more rigorous than current state standards. CDL testing standards should be uniform across states and oversight of third party testing entities should be strengthened. Compliance monitoring of state CDL programs should also require strict state compliance with the enhanced federal CDL standards. The existing federal penalty should be used to ensure state compliance with the new federal testing standards.

C. The Task Force supports a study to evaluate the cognitive functioning and behaviors of individuals between ages 18 and 25 that could be used to establish criteria for graduated commercial driver licensing.
D. The Task Force recommends creation of more long-term truck parking as well as smarter parking in places where there is an identified shortage of parking.
E. The Task Force recommends a national, maximum 65 mph speed limit for all motor vehicles.
F. The Task Force supports strategies to enhance the use of seat belts, such as primary seat belt laws in all states; incentives and penalties to motivate states to pass primary seat belt laws; audible reminders for seat belt use in commercial vehicles; contrasting colors for seat belts so law enforcement can quickly identify non-users; state adoption of the failure to wear a seat belt defense; and denial of workers compensation for drivers who fail to use seat belts. The Task Force recommends exploring incentives and penalties that will motivate states to pass primary seat belt laws.
G. The Task Force recommends implementation of an education and enforcement program, such as *Ticketing Aggressive Cars and Trucks* (TACT) that targets the problem behaviors of both passenger and commercial motor vehicle drivers.
H. The Task Force supports enforcement using red light cameras and automatic speed enforcement for all vehicles deployed in high-risk zones, such as high-crash intersections, school zones and work zones, to reduce crash rates. Motor carriers must receive timely access to data and photos of the power unit and the driver. ATA opposes deployment of enforcement technology for the purpose of revenue generation.
I. The Task Force supports graduated drivers licensing for non-commercial teen drivers and wants to ensure states have good, uniform standards for graduated driver licensing.
J. The Task Force affirms that members support .08 g/dl. or less as the legal limit for blood alcohol content (BAC) for passenger vehicle drivers and .04 g/dl. or less as the legal limit for commercial drivers (CDL holders). Further, the Task Force supports ATA's alignment with leading safety advocates on alcohol safety topics such as administrative license revocation, ignition interlock devices, and open container laws.
K. Although the Task Force does not have a position on setting speed limiters or engine control modules (ECMs) for passenger vehicles, members recommend states consider setting the speed limiters on the vehicles of drivers with certain driving convictions.

Choose Safer Vehicles

L. The speed of all electronically governed class 7 and 8 trucks manufactured after 1992 used in commerce should be governed at a maximum speed not to exceed 65 mph. Speed limiters on newly manufactured class 7 and 8 trucks should be made more tamperproof.
M. ATA supports crashworthiness standards for newly manufactured class 7 and 8 trucks, and a relative scale against which to measure a truck's crashworthiness.

Improve Carrier Performance

N. The Task Force supports a mandatory national employer notification system and recommends development of a standard protocol specifying type, format, and frequency of information required to be transmitted from the states. Violations/offenses to be reported to the states should also be standardized. States should be required to fully

participate in this national system and provide information in a timely fashion. The retention period for violations/offenses on a driver's motor vehicle record should be left to the state's discretion.

O. The Task Force recommends creation of a national clearinghouse for positive drug and alcohol test results (this has been ATA policy since 1999). Prior to hiring an employee, employers would be required to check with the clearinghouse for an applicant's failed tests and previous refusals to test.

P. The Task Force supports creation of the National Registry of Certified Medical Examiners provided the certification requirements are not unduly burdensome, the supply of examiners is sufficient in all areas of the country, and the system allows for information sharing among examiners.

Q. The Task Force recommends following, shepherding, and stewarding the safety benefits of the Driver Information Resource (DIR). The Task Force recommends carriers access this data for drivers and that they access this data prior to hiring a driver.

R. The Task Force recommends new motor carrier owners, both interstate and intrastate, be required to satisfactorily complete a safety training class before commencing operation. Safety training curricula should meet uniform standards nationwide. The Task Force also recommends that the Federal Motor Carrier Safety Administration (FMCSA) safety inspection be conducted at 6 months rather than at the current 18 months. Further, the Task Force recommends requiring new carriers to attach proof of training to their application for a DOT number.

Safe driving and safe highways are a team effort. Individuals must take responsibility for their actions, but everyone should take a vested interest in safety. The entire community, from motor carriers and shippers, to law enforcement, to the motoring public, the judiciary, and policy and lawmakers, must work in concert to make our highways safe. The recommendations in this report, if implemented, will go a long way toward orchestrating a team effort.

The Trucking Industry's Commitment to Safe Highways

As the national representative of the trucking industry, the American Trucking Associations, Inc. (ATA) is vitally interested and involved in promoting both the safety of the trucking industry and the safety of our nation's highway system. After all, the highway system is the trucking industry's workplace. ATA's commitment to safety has always been deeply rooted within the Association and is reflected as a core component of its mission statement—a statement that was developed in the 1930s as ATA was formed.

But safety is far more than words in our organization's mission statement. It is something ATA and its members work to improve on a daily basis. When one begins to catalogue the many ways ATA works to improve industry safety and highway safety, it becomes clear that our dedication is deeply rooted. ATA is involved in: groundbreaking safety research; advocating safety policies in the regulatory and legislative arenas; promoting driver and vehicle safety through industry competitions such as the National Truck Driving Championships and the National Technician Skills Competition; professional development of fleet safety and maintenance managers through the Safety & Loss Prevention Management Council and the Technology & Maintenance Council; and public and media outreach through impressive safety programs such as the Share the Road Program and America's Road Team.

As you will see from the recommendations presented in the remainder of this document, ATA's commitment to improving safety has never been stronger.

Introduction

A Safety Task Force of the American Trucking Associations convened to consider expansion of ATA's current aggressive safety agenda with the goal of further reducing the number of fatalities and injuries on the nation's highways. Task Force members worked from the empirically based knowledge that traffic crashes are caused overwhelmingly by human error, such as unsafe driving behaviors and unintentional actions or inactions by the driver. Further, the most effective safety initiatives and countermeasures are likely to be those that assist in improving driver performance and behavior.

In facilitated discussions, the Task Force examined four areas:

1. Existing ATA policy on commercial driver safety;
2. Other commercial driver and motor carrier safety initiatives;
3. Broad highway safety initiatives covering non-commercial drivers; and
4. Vehicle safety initiatives.

For all four areas, Task Force members determined the utility of expanding existing ATA policy or adopting new policy in each area, and made specific recommendations in areas where

consensus was reached. The Task Force made multiple recommendations which are presented in this report.

These recommendations are categorized into three broad areas:

1. Improve performance for both commercial and non-commercial vehicle drivers;
2. Choose safer commercial vehicles and equipment; and
3. Improve motor carrier performance.

Clearly, the actions that reduce unsafe driving behaviors and improve positive driver behaviors will have the greatest impact in reducing the number of deaths and injuries on our highways. Technology can be harnessed to manage driver behavior, enhance driver performance and assist in enforcing traffic laws. Ultimately, however, safe driving and safe highways are a team effort. Individuals must take responsibility for their actions, but everyone should take a vested interest in safety. The entire community, from motor carriers and shippers, to law enforcement, to the judiciary, policy and lawmakers, and the motoring public must work in concert to make our highways safe. The recommendations in this report, if implemented, will go a long way toward orchestrating a team effort.

Improve Driver Performance

Driver behavior and performance issues account for the majority of all traffic crashes. Topping the list of unsafe driving behaviors for all motorists are speeding or traveling too fast for conditions, driving while under the influence of drugs or alcohol, and driver inattention and distraction. Medical conditions also negatively impact driver performance.

Much, however, can be done to manage and improve driver behavior and performance through driver licensing and training, legislation addressing negative behaviors, increased attention to driver health, and enforcement and penalties. While the Task Force's primary focus was on commercial drivers, members also examined the behavior of passenger vehicle drivers since they are a critical component of the driving environment.

Recommendations

Commercial Drivers

Driver Behavior

1. The Task Force supports the safe use of technologies and encourages drivers and/or motor carriers to consider a range of policies and safeguards intended to reduce, minimize and or eliminate driver distractions that may be caused by the increased use of electronic technologies (e.g., global positioning systems, cellular phones, etc.) during the operation of all types of motor vehicles. ATA strongly encourages and recommends that manufacturers of these devices, vehicle manufacturers, policymakers, motor carriers and organizations representing motor carriers and the motoring public promote and adopt awareness, training, safety policies on the use of such technologies—unless required by

current laws or regulations—during the operation of a motor vehicle on our nation's highways.

Driver Licensing and Training

2. The Task Force recommends creation and implementation of national performance-based commercial driver's licensing testing standards that are more rigorous than current state standards. CDL testing standards should be uniform across states and oversight of third party testing entities should be strengthened. Compliance monitoring of state CDL programs should also require strict state compliance with the enhanced federal CDL standards. The existing federal penalty should be used to ensure state compliance with the new federal testing standards.
3. The Task Force supports a study to evaluate the cognitive functioning and behaviors of individuals between ages 18 and 25 that could be used to establish criteria for graduated commercial driver licensing.

Driver Health

4. The Task Force recommends creation of more long-term truck parking as well as smarter parking in places where there is an identified shortage of parking.

All Vehicle Drivers

Driver behavior and performance

5. The Task Force recommends a national, maximum 65 mph speed limit for all motor vehicles. The use of speed limiters for commercial motor vehicles is addressed in the section on choosing safer vehicles.
6. The Task Force supports strategies to enhance the use of seat belts, such as primary seat belt laws in all states; incentives and penalties to motivate states to pass primary seat belt laws; audible reminders for seat belt use in commercial vehicles; contrasting colors for seat belts so law enforcement can quickly identify non-users; state adoption of the failure to wear a seat belt defense; and denial of workers compensation for drivers who fail to use seat belts. The Task Force recommends exploring incentives and penalties that will motivate states to pass primary seat belt laws.

Enforcement and Penalties

7. The Task Force recommends implementation of an education and enforcement program, such as *Ticketing Aggressive Cars and Trucks* (TACT) that targets the problem behaviors of both passenger and commercial motor vehicle drivers.
8. The Task Force supports enforcement using red light cameras and automatic speed enforcement for all vehicles deployed in high risk zones, such as high crash intersections, school zones and work zones, to reduce crash rates. Motor carriers must receive timely access to data and photos of the power unit and the driver. ATA opposes deployment of enforcement technology for the purpose of revenue generation.

Passenger Vehicle Drivers

Driver Licensing and Training

9. The Task Force supports graduated drivers licensing for non-commercial teen drivers and wants to ensure states have good uniform standards for graduated driver licensing.

Enforcement and Penalties

10. The Task Force affirms that members support .08 g/dl. or less as the legal limit for blood alcohol content (BAC) for passenger vehicle drivers and .04 g/dl. or less as the legal limit for commercial drivers (CDL holders). Further, the Task Force supports ATA's alignment with leading safety advocates on alcohol safety topics such as administrative license revocation, ignition interlock devices, and open container laws.
11. Although the Task Force does not have a position on setting speed limiters or engine control modules (ECMs) for passenger vehicles, members recommend states consider setting the speed limiters on the vehicles of drivers with certain driving convictions.

Discussion

Commercial Drivers

Driver Behavior and Performance

Safe Use of Technology. In commercial motor vehicles, driver distractions and visibility issues can be created by use of certain communication and non-integrated electronic devices inside the truck cab. The Large Truck Crash Causation Study[1] states that internal distraction was an associated factor in two percent of large truck crashes and inattention in nine percent.

ATA recently conducted a survey of its Safety Policy Committee and its Safety and Loss Prevention Management Council (S&LPMC) Regulations Committee entitled "In-Cab Use of Laptops and Other Viewable Non-Integrated Electronic Devices with Viewing Monitors and Keyboards/Keypads." Results from 71 completed surveys showed:

- 26 percent of respondents stated they have documentation that e-devices contributed to at least one crash;
- 52 percent stated ATA should consider a policy advocating federal regulations restricting the use of all non-integrated e-devices—67 percent cell phones; 53 percent laptops; 47 percent PDAs; 7 percent GPS; 26 percent other devices;
- 87 percent responded that rules/laws involving such e-devices should apply to all vehicles, not just commercial motor vehicles.

Research conducted by the HumanFIRST Program, Institute of Technology, University of Minnesota compared driver impairment resulting from cell phone use to other identified risks in the driving environment. The results suggest that distracted drivers who were engaged in cell phone conversations or completing in-vehicle tasks were more impaired than drivers who were

[1] FMCSA, retrieved from http://www.fmcsa.dot.gov/facts-research/resarch-technology/report/ltccs-2006.htm.

not involved in any distraction task. Indeed, both the in-vehicle and cell phone sources of distraction were sometimes more impairing than intoxication at the legal limit (BAC 0.08).

The Human Factors and Ergonomics Society reported in 2005 that cell phone distraction while driving causes approximately 2,600 deaths and 330,000 injuries in the United States each year. They also stated that drivers on cell phones were 18 percent slower to react to brake lights.[2] It is estimated that 85 percent of all cell phone users talk on the phone while driving.[3] Due to advances in technology, such as access to the internet through cell phones, distractions will likely become even greater in the future.

There are two specific dangers associated with driving and cell phone use. First, drivers must take their eyes off the road while they place a call or text a message. Second, individuals can become so absorbed in their conversations or texting, their ability to concentrate on driving is impaired.

As of July 2008, six states (California, Connecticut, New Jersey, New York, Utah and Washington) and the District of Columbia had laws banning the use of handheld cell phones while driving.

Approximately 17 states have passed laws prohibiting or restricting young drivers from using cell phones. California recently enacted legislation banning the use of any mobile device by drivers under age 18. Text messaging is banned for all drivers in seven states (Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, and Washington) and the District of Columbia.[4]

Recommendation: The Task Force supports the safe use of technologies and encourages drivers and/or motor carriers to consider a range of policies and safeguards intended to reduce, minimize and/or eliminate driver distractions that may be caused by the increased use of electronic technologies (e.g., global positioning systems, cellular phones, etc.) during the operation of all types of motor vehicles. ATA strongly encourages and recommends that manufacturers of these devices, vehicle manufacturers, policymakers, motor carriers, and organizations representing motor carriers and the motoring public promote and adopt awareness, training, and safety policies on the use of such technologies—unless already required by current laws or regulations—during the operation of a motor vehicle on our nation's highways.

Driver Licensing and Training

Uniform CDL Testing Standards. Currently, the only U.S. measurement of an entry-level commercial driver's proficiency is his or her ability to pass a state's CDL knowledge and skills test. Some student drivers are trained in a manner that allows them to take and pass a state CDL test. However, state CDL skills testing standards do not adequately reflect actual on-the-road

[2] Britt, Robert Roy, "Drivers on Cell Phones Kill Thousands, Snarl Traffic," *Life Science*, February 5, 2005, http://www.livescience.com/technology/050201_cell_danger.html.
[3] SmartMotorist, "Distracted Drivers Cause Motor Vehicle Accidents," http://www.smartmotorist.com/traffic-and-safety-guideline/distracted-drivers-cause-motor-vehicle-accidents.html.
[4] IIHS, "Cell Phone Laws," October 2008, http://www.iihs.org/laws/CellPhoneLaws.aspx.
[5] American Transportation Safety Institute, *Driver Training Impacts on Safety*, May 2008, p. 3.

driving requirements. Additionally, some states do not recognize CDLs issued by other states, and standards for commercial driver licensing vary from state to state.

The goal of the Commercial Motor Vehicle Safety Act of 1986 was to improve highway safety by ensuring drivers of large trucks and buses are qualified to operate those vehicles, and to remove unsafe and unqualified drivers from the highways. The Act retained states' rights to issue a driver's license, but established minimum national standards which states must meet when licensing CMV drivers. States develop their own tests which must be at least as stringent as the federal standards. Most states conduct CDL skills tests in the minimum three areas of CMV operation: pre-trip inspection, basic vehicle operation and on-the-road driving.

While there is no federal training requirement prior to taking the CDL tests, many potential CMV drivers enroll in a driver training school to learn how to safely operate a CMV and to prepare for the state test. Training is available through privately and publicly funded truck driver training schools and from motor carrier-based training programs. Because there are no federal standards governing the quality of the school, its training capabilities and curricula, driver training courses vary throughout the country. While there are many reputable truck driver training schools, there are some that provide only enough training for students to pass the state tests.

The American Transportation Research Institute (ATRI) recently released a study which examined the relationship between driver training and new entrant driver safety performance. The research looks at the overall duration of new entrant driver training, the instructional environment and curriculum topic areas covered, and the relative safety impact of each on new entrant driver performance.[5] In looking at crash data, the study found a correlation between the number of safety incidents and the age of the driver and the driver's length of employment. The study did not find a correlation between the duration of new entrant driver training exposure and driver safety outcomes. However, the study authors acknowledge the study findings indicate the need for further research on driver training and driver safety.

The basic state CDL skills test is limited by both the available time and geographic restrictions of the testing location and facility. The road test, usually about 40 minutes in length, depends on the traffic and weather conditions.[6] Although a person may have passed a state CDL test, in some cases, he or she may be less than fully prepared to skillfully and safely operate a commercial motor vehicle.

As part of its policy on entry-level driver training, ATA believes, "…the federal government should require state adoption of stronger CDL skills testing standards that reflect actual on-road driving requirements of the motor carrier industry." Uniformly implemented national standards—not to be confused with a national Commercial Driver's License—would help ensure new commercial drivers have the skills necessary to operate a commercial vehicle responsibly and safely.

[6] TRB, Commercial Truck and Bus Safety, Synthesis 13, "Effectiveness of Commercial Motor Vehicle Driver Training Curricula and Delivery Methods," 2007, p. 26

To address the issue of inconsistent commercial driver licensing standards among the states, the Federal Motor Carrier Safety Administration (FMCSA) initiated rulemaking to revise the CDL knowledge and skills testing standards and to require new minimum standards for issuance of commercial driver's license learner's permits. ATA responded to the proposed FMCSA rulemaking through comments submitted in July, 2008. These comments support FMCSA's overall goal to establish minimum federal standards for state CDL testing and licensing and to require states to adopt standardized CDL knowledge and skills testing requirements. The ATA comments address the need for greater reciprocity between states and request FMCSA to amend the CDL learner's permit domicile requirement.

Recommendation: The Task Force recommends creation and implementation of national performance-based commercial driver's licensing testing standards that are more rigorous than current state standards. CDL testing standards should be uniform across states and oversight of third-party testing entities should be strengthened. Compliance monitoring of state CDL programs should also require strict state compliance with the enhanced federal CDL standards. The existing federal penalty should be used to ensure state compliance with the new federal testing standards.

Graduated Commercial Driver's Licensing. While uniform standards for testing ensure all CDL holders meet the same threshold for knowledge and skill in operating a commercial motor vehicle, preparing new drivers for careers in the motor carrier industry lays the foundation for safe operation of commercial motor vehicles. Studies of young truck drivers find their crash risk resembles the high risk of young and inexperienced drivers of passenger vehicles; i.e. drivers younger than age 30 have elevated crash rates and crash rates are even higher among drivers younger than age 21.[7]

Commercial licensing according to a tiered or graduated system could produce safer commercial drivers; but, unlike graduated licensing among teenage drivers, there is a lack of research or data on this topic. While the FMCSA conducted a survey of the industry and the enforcement community on graduated CDL issues more than five years ago, ATA is not aware of any additional research since then.

Recommendation: The Task Force supports a study to evaluate the cognitive functioning and behaviors of individuals between ages 18 and 25 that could be used to establish criteria for a graduated commercial driver licensing program.

Driver Health

Long-term Truck Parking. There is a well-documented shortage of truck parking capacity along many of the nation's major freight corridors. For the most part, state transportation agencies have shown little interest in addressing this safety issue. In the hierarchy of state-level priorities, commercial motor vehicle parking ranks well below highway and bridge construction and maintenance.

[7] Insurance Institute for Highway Safety, 2000a.

The growth of long-haul truck travel over the past 25 years has produced tremendous demand by truck drivers for long-term rest. These needs arise when drivers require sleep and when they need to fulfill their federally mandated hours-of-service (HOS) obligations. The 2005 HOS rule eliminating split-sleeper berth time has put even more strain on inadequate parking facilities by requiring full 10-hour parking instead of shift-type demand.

A 2002 truck driver survey conducted for the Federal Highway Administration (FHWA) at the request of Congress revealed the following:

- 89 percent sometimes, rarely or almost never find parking at rest areas.
- 66 percent sometimes, rarely or almost never find parking at truck stops.
- 33 percent park on entrance or exit ramps for long-term rest.
- 21 percent park illegally in parking lots for long-term rest.

All studies on the truck parking shortage have made similar recommendations on how to resolve the problem, and they fall into the following general categories:

- Federal funding for public and private parking facilities where demand is greatest.
- Improved lighting and security for parking facilities.
- Geometric improvements to improve truck access and throughput.
- Opening up non-traditional facilities to trucks for long-term parking (e.g. weigh stations, commuter lots, warehouse parking lots, etc.).
- Better signage to increase awareness of private facilities.
- Elimination of parking time restrictions on trucks.

In 2005, Congress passed SAFETEA-LU (the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) which created a four-year, $25 million truck parking pilot program to address the shortage. While this was a good start, more federal financial assistance and greater state prioritization of the issue is needed.

Recommendation: The Task Force recommends creation of more long-term truck parking as well as smarter parking in places where there is an identified shortage of parking.

All Vehicle Drivers

Driver Behavior and Performance

Speed. The Governor's Highway Safety Association (GHSA) cites speeding as a major factor in almost one-third (31 percent) of traffic fatalities nationally. GHSA estimates that speeding costs at least $40 billion annually.[8]

[8] GHSA, Survey of the States—Speeding, p. 5.

According to FMCSA's Large Truck Crash Causation Study, "traveling too fast for conditions" was cited as the critical pre-crash event 18 percent of the time (weighted estimate). This was the single most frequently cited factor in crashes where trucks were assigned a critical reason.

Based on fatal crash data,[9] speeding on the part of the truck driver was cited as the No. 1 driver-related factor in fatal crashes involving a large truck (7.7 percent). On roads with a speed limit of 50 mph or higher, speeding was the most frequently cited driver-related factor (8.1 percent).

According to the Insurance Institute for Highway Safety (IIHS), 32 states have raised their speed limits to 70 mph or higher on some portion of their roadway systems.[10] However, statistical data shows decreasing the maximum speed limit reduces the number of speed-related crashes. According to the National Highway Traffic Safety Administration (NHTSA), states that increased their speed limits in 1996 experienced an approximate nine percent increase in highway fatalities. Fatalities in states that did not increase speed limits remained consistent with pre-1996 trends.[11] Another study found a 13 percent increase in the risk of traffic fatalities in states with speed limits greater than 65 mph.

> Nearly 3,000 lives could be saved annually with a nationwide speed limit of 65 mph or less.[12]

Since the 1990s, ATA's safety policy has supported 65 mph speed limits for all vehicles.

Recommendation: With respect to speed, the Task Force recommends a national, maximum 65 mph speed limit for all passenger and commercial motor vehicles. The use of speed limiters for commercial motor vehicles is addressed in the section on choosing safer vehicles.

Seat Belts. NHTSA's website reports that 30,521 occupants of passenger vehicles (cars, light trucks, vans and SUVs) were killed in motor vehicle traffic crashes in 2006. An estimated 14,523 or 55 percent were unrestrained.[13]

According to the FMCSA, 805 drivers and other occupants of commercial motor vehicles were killed in crashes in 2006.[14] Most commercial motor vehicle fatal crashes involved running off the road and rolling over or hitting a large stationary object. Many of the drivers killed in these types of crashes died because they failed to wear their seat belts and were ejected from the

[9] University of Michigan, Truck-Involved Fatal Accidents (TIFA), 1999-2003.
[10] NHTSA, "The Effect of Increased Speed Limits in the Post-NMSL Era," U.S. Department of Transportation, Washington, D.C., February 1998.
[11] NHTSA, "The Effect of Increased Speed Limits in the Post-NMSL Era," U. S. Department of Transportation, Washington, D.C., February, 1998.
[12] Shadid Shafi, MPH, MD, FACS, and Larry Gentiello, MD, Findings Presented at the 19th Annual Scientific Assembly of the Eastern Association of the Surgery of Trauma.
[13] NHTSA, retrieved from http://www.NHTSA.gov.
[14] Hill, John, Statement Before the Senate Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine Safety, Security Infrastructure, December 19, 2007, http://www.fmcsa.dot.gov/about/news/testimony/tst-121907.htm.

commercial vehicle. Forty-five percent of truck occupants killed in crashes, 362 of the total, were not wearing seat belts.

Seat belt laws are divided into two categories: primary and secondary. Primary belt laws allow law enforcement officers to ticket a driver for not wearing a seat belt without any other traffic offense occurring. Secondary seat belt laws state that law enforcement officers may issue a ticket for not wearing a seat belt only when another citable traffic infraction occurs.

NHTSA reports that only 26 states and the District of Columbia have seat belt use laws that provide for primary enforcement. Twenty-three states have laws that provide only for secondary enforcement. New Hampshire has no adult seat belt use law.[15]

Primary seat belt laws have a proven track record of increasing a state's seat belt use rate. In 2007, the average seat belt use rate in states with primary enforcement laws was 14 percentage points higher than in states with secondary enforcement laws. In 2007, seat belt use was 87 percent in primary law states versus 73 percent in secondary law states. On average, states that pass primary seat belt laws can expect to increase seat belt use by nine percentage points. Depending on the level of high-visibility enforcement employed, far greater results are possible. States that adopt comprehensive high-visibility enforcement campaigns to implement primary seat belt laws may achieve increases of 20 percentage points or more. For example, in 2003 Delaware and Illinois upgraded their secondary seat belt use laws to primary laws. As a result, the seat belt use rate in Delaware increased from 71 percent in 2002 to 86 percent in 2006; the seat belt use rate in Illinois increased from 74 percent in 2002 to 88 percent in 2006.

A 2007 FMCSA survey[16] found truck driver seat belt use was observed to be higher in states governed by primary belt use laws (69 percent) than secondary belt use laws (59 percent). The 2007 overall seat belt usage rate for drivers of all medium duty, class 7 and 8 trucks combined was 65 percent and the usage rate for other occupants of CMVs was 57 percent.

> Research shows seat belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent. If 45 percent of the 15,885 occupants killed in crashes (15,523 passenger vehicle and 362 truck occupants) had used their seat belts in 2006, 7,148 lives would have been saved.

ATA has existing policy supporting the adoption of primary seat belt laws for all motor vehicles by all states. To this end, ATA has on two occasions within the last five years sent letters to state officials urging adoption of primary seat belt laws. Additionally, ATA has been an active participant in the U.S. Department of Transportation's CMV Seat Belt Partnership since its

[15] http://www.NHTSA.gov.
[16] FMCSA, Safety Belt Usage by Commercial Motor Vehicle Drivers, 2007 Survey, Final Report, February 2008.

inception. This Partnership encourages efforts to increase seat belt usage by truck drivers and other occupants.

Additionally, according to IIHS, evidence that an injured party failed to wear a seat belt is only permitted to be presented to a jury in 16 states. In those states, damages collected by someone in a crash may be reduced for failure to use a seat belt. The reduction is permitted only for injuries caused by nonuse of a seat belt, and in some states, the reduction may not exceed a fixed percentage of the damages. ATA includes admissibility of failure to wear a seat belt as one of its tort reform focus areas. Removing a financial incentive not to wear a seat belt should further increase compliance.

Recommendation: The Task Force supports strategies to enhance the use of seat belts, such as primary seat belt laws in all states; incentives and penalties to motivate states to pass primary seat belt laws; audible reminders for seat belt use in commercial vehicles; contrasting colors for seat belts so law enforcement can quickly identify non-users; state adoption of the failure to wear a seat belt defense; and denial of workers compensation for drivers who fail to use seat belts. The Task Force recommends exploring incentives and penalties that will motivate states to pass primary seat belt laws.

Enforcement and Penalties

Car-Truck Driver Behavior Improvement Program. To help reduce crashes and fatalities, Congress directed FMCSA and NHTSA to work together to educate motorists on how to share the road safely with commercial motor vehicles. This government collaboration resulted in development of the *Ticketing Aggressive Cars and Trucks* (TACT) program—a high-visibility traffic enforcement program that uses communication, enforcement and evaluation activities to reduce CMV-related crashes, fatalities and injuries[17]. (See: http://www.fmcsa.dot.gov/safety-security/tact/index.htm.)

In 2004, the state of Washington was selected as the first pilot state for the new TACT program. Based on the success of the Washington TACT, FMCSA has been encouraging additional states to implement TACT programs on roadways with injuries and fatalities resulting from crashes between cars and trucks.

TACT provides a research-based safety model that can be replicated by states. The program combines outreach, education and evaluation with targeted enforcement activities to raise awareness among car and truck drivers about safe driving behaviors. Unsafe driving behaviors may include, but are not limited to, unsafe lane changes, tailgating, failing to signal lane changes, failing to yield the right of way, speeding and aggressive driving (a combination of two or more behaviors). Pre-planning activities for states include problem identification and goal setting. Outreach and education activities are supported by a communications plan that includes print or web-based outreach and paid or earned media placement. A TACT enforcement period is followed by post-program activities such as reporting and recognition and rewards programs.

[17] The collaboration also led to the *Smooth Operator* Program in the Greater Washington, DC Area; a program which uses tactics similar to the TACT program to target aggressive driving around trucks and buses.

To ensure success, it is important to secure the skills and expertise of law enforcement, communications specialists, evaluators and industry partners. It is also critical that sufficient resources be allocated for the program to be able to communicate the correct message to the target audience and ensure the commitment of law enforcement to the program. Currently, there is no specific statutory authorization or dedicated grant funding for TACT programs.

Recommendation: The Task Force recommends implementation of an education and enforcement program, such as *Ticketing Aggressive Cars and Trucks* that addresses the problem behaviors of both passenger and commercial motor vehicle drivers.

Red Light Cameras. According to the FHWA, nearly 2,000 Americans were killed and 176,000 were injured in 2003 as a result of red light running-related crashes.[18] Red light cameras, however, are an effective deterrent to red light running and their use has become increasingly widespread in the U.S. Research shows red light cameras reduce crash severity at intersections with high rates of red light running and decrease the number of right-angle crashes, but increase the number of rear-end crashes.[19] The same study demonstrated that red light cameras provide a moderate aggregate crash-cost benefit and contribute to a decrease in fatal and injury angle and left-turn crashes.[20]

Red light camera systems are triggered when a vehicle enters an intersection after the light has been red for a predetermined amount of time. The camera areas are usually marked with signs prior to a motorist entering the intersection. When used, they are usually accompanied by technology that captures a photo of the license plate of the vehicle.

Automated Speed Enforcement. Automated Speed Enforcement (ASE) systems were created to improve safety, reduce congestion and prevent crashes. The system works to change driver behavior by significantly increasing the perception of being caught.

A number of studies that evaluated the safety effects of ASE programs found "approximately a two to 15 percent reduction in speed and a nine to 50 percent reduction in crashes. Many studies also find that the speed cameras were most effective at reducing more serious crashes involving injury and death."[21]

ASE can be particularly effective in high risk areas, such as school zones, and in areas where enforcement is difficult due to traffic flow and congestion, such as work zones. A study conducted by NHTSA in Portland, OR, showed a significant decrease in vehicle speed in a demonstration school zone when ASE was present.[22]

Recommendation: The Task Force supports enforcement using red light cameras and automatic speed enforcement for all vehicles deployed in high risk zones, such as high crash intersections,

[18] FHWA, "Red Light Camera Systems Operational Guidelines," p. 2.
[19] NHTSA, "Automated Enforcement: A Compendium of Worldwide Evaluation Results," Traffic Safety Facts: Traffic Tech-Technology Transfer Series, Number 322.
[20] FHWA, "Red Light Camera Systems Operational Guidelines," p.1.
[21] Ibid, p. 3.
[22] NHTSA, "Automated Speed Enforcement in School Zones in Portland Oregon," Traffic Safety Facts, Traffic Tech-Technology Transfer Series, Number 333, August 2007.

school zones and work zones, to reduce crash rates. Motor carriers must receive timely access to data and photos of the power unit and the driver. ATA opposes deployment of enforcement technology for the purpose of revenue generation.

Passenger Vehicle Drivers

Driver Licensing and Training

Motor vehicle crashes are the leading cause of death among teenagers. Based on data from the U.S. DOT's Fatality Analysis Reporting System (FARS), the crash rate per miles driven for drivers between ages 16 and 19 is four times the risk for older drivers. In fact, the crash rate per miles driven is twice as high for drivers age 16 as it is for drivers ages18 and 19.

Graduated driver licensing for non-commercial young drivers is a system designed to phase in young drivers to full driving privileges. Graduated licensing does not attempt to modify driver behavior directly. Instead, it introduces beginners to driving in a low-risk manner.

There are three stages to a graduated system: a supervised learner's period; an intermediate license (after passing the driver's licensing test) that limits driving in high-risk situations except under supervision; and then a license with full privileges upon completion of the first two stages.

The main features of a graduated licensing program include: minimum age for a learner's permit; mandatory waiting period before applying for an interim license; minimum hours of supervised driving; minimum age for an interim license; nighttime restrictions; passenger restrictions; and minimum age for full licensing.

Although no state law meets or exceeds all of these requirements, 29 states already have good ratings for adoption of graduated licensing programs as a means to reduce risks to young drivers. In states that have adopted elements of graduated licensing, the safety benefits are evident. Almost all studies have found crash reductions from about 10 to 30 percent.[23]

California found a 23 percent overall reduction in the per-capita crash involvement rate of drivers age 16. Oregon estimated a benefit-cost ratio of approximately 74 to 1. Maryland and

[23] Ulmer, R.G.; Preusser, D.F.; Williams, A.F.; Ferguson, S.A.; and Farmer, C.M. 2000. Effect of Florida's graduated licensing program on the crash rate of teenage drivers. *Accident Analysis and Prevention* 32:527-32.
Shope, J.T.; Molnar, L.J.; Elliott, M.R.; and Waller, P.F. 2001. Graduated driver licensing in Michigan: early impact on motor vehicle crashes among 16-year-old drivers. *Journal of the American Medical Association* 286:1593-98.
Foss, R.D.; Feaganes, J.R.; and Rodgman, E.A. 2001. Initial effects of graduated driver licensing on 16-year-old driver crashes in North Carolina. *Journal of the American Medical Association* 286:1588-92.
Governor's Highway Safety Office. 2001. Review of Ohio's graduated driver license program. Columbus, OH: Ohio Department of Public Safety.
Mayhew, D.R.; Simpson, H.M.; Des Groseilliers, M.; and Williams, A.F. 2001. Impact of the graduated driver licensing program in Nova Scotia. *Journal of Crash Prevention and Injury Control* 2:179-92.
Zwicker, T.J.; Williams, A.F.; Chaudhary, N.K.; and Farmer, C.M. 2006. Evaluation of California's graduated licensing system. Arlington, VA; Insurance Institute for Highway Safety.

California also report lifesaving and injury-reducing benefits well in excess of administrative costs.

Recommendation: The Task Force supports graduated driver's licensing for non-commercial teen drivers and wants to ensure states have good uniform standards for graduated driver licensing.

Enforcement and Penalties

The number of highway crashes involving alcohol impaired drivers in the United States remains unacceptably high. Every 33 minutes, someone is killed in an alcohol-related crash in this country. NHTSA reported that in 2006, 13,470 individuals were killed in alcohol impaired driving crashes; 8,615 drivers, or 64 percent, had a BAC of .08 or higher.

Currently the maximum legal limit for blood alcohol content (BAC) for passenger vehicle drivers is 0.08 g/dl in all states. The legal limit for BAC for commercial vehicle drivers is 0.04 g/dl.

To address the devastating effects of drunk and drugged driving, multiple measures must be used in conjunction with restrictions on BAC.

Mandatory Administrative License Revocation. Administrative License Revocation (ALR) is the removal of a DUI/DWI offender's driver's license *at the time of an arrest* upon the failure or refusal of a chemical test. States with ALR laws allow the Department of Motor Vehicles to suspend a license for driving under the influence of alcohol. However, among the states that have ALR laws, the administrative license suspension time frames vary greatly—from a minimum of two days to a maximum of one year. Because ALR laws are independent of criminal procedures and are invoked right after arrest, they have been found to be more effective than post-conviction sanctions.

A July 2007 study that analyzed monthly statistics on fatal alcohol-related car crashes in 46 states over 26 years — from January 1976 to December 2002 —found that in states that had implemented immediate driver's license-suspension policies, alcohol-related crashes declined across the board after passage of the law. According to the co-author, "The study shows very clearly an intervention that works if states want to reduce the death rate due to these alcohol-related crashes."[24]

Suspending a drunk driver's license immediately at the time of arrest reduces alcohol-related fatal crash involvement by approximately five percent, which translates to at least 800 lives being spared in the U.S. each year.

[24] Katie Rooney, "Revoking Licenses Deters Drunk Driving," *TIME Magazine*, July 25, 2007, http://www.time.com/time/health/article/0,8599,1646909,00.html.

Ignition Interlock Devices. Approximately 30 percent of all drivers arrested and convicted of driving under the influence are recidivists; i.e. they are convicted more than once for driving under the influence.

An ignition interlock device is a breath alcohol analyzer connected to a motor vehicle's ignition. In order for a driver to start his or her car, the driver must provide a breath sample free of alcohol. The driver will also be periodically prompted to provide additional samples as long as the engine is running.

California was the first state to pass legislation which allowed for a pilot alcohol ignition interlock trial. Today, according to the IIHS, some offenders in 46 states and the District of Columbia are mandated to use ignition interlock devices as a condition of probation or driver's license reinstatement following a DUI conviction. Alabama, Hawaii, South Dakota and Vermont do not have interlock statutes or administrative regulations. By the end of 2006, there were more than 100,000 ignition interlocks in use in the United States. These numbers have risen due to new DUI laws recently enacted in Arizona and South Carolina.

When embedded in a comprehensive monitoring program, ignition interlock devices can reduce the rate of repeat DUI offenses between 40 and 85 percent.[25]

Open Container Laws. Laws prohibiting the driver, passengers or both from possessing an open container of alcohol in the passenger compartment of a vehicle are in place in 43 states and the District of Columbia. Thirty-nine states have open container statues that apply to both the passenger and driver. Five states have applicable laws that pertain only to the driver, while seven states have no law addressing open containers.

TEA-21 (Section 154 of chapter 1, of Title 23) established a new program to encourage states to enact open container laws. Under the law, each state should have in effect an open container law prohibiting possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or on the right-of-way of a public highway.

Since October 1, 2001, states that have not enacted or are not enforcing an open container law have had certain federal aid highway funds transferred to the state's Section 402 state and community highway safety grant program. These grant funds are to be used for alcohol-impaired driving countermeasures or enforcement of driving while intoxicated (DWI) or driving under the influence (DUI) and other related laws.

[25] Mothers Against Drunk Driving, "Alcohol Ignition Interlock Device," http://www.madd.org/getattachment/f3b10778-9a12-4176-adba-3644f153ee7e/Alcohol-Ignition-Interlock-Fact-Sheet.aspx.p1.

Open container laws can save lives. Studies have shown open container statutes deter both moderate and heavy drinkers from driving under the influence. This translates to a 5.1 percent decrease in fatal crash rates after states pass an open container law.[26] States also have significantly fewer hit-and-run crashes after they pass an open container law.[27]

Recommendation: The Task Force affirms that members support .08 g/dl. or less as the legal limit for blood alcohol content (BAC) for passenger vehicle drivers and .04 g/dl. or less as the legal limit for commercial drivers (CDL holders). Further, the Task Force supports ATA's alignment with leading safety advocates on alcohol safety topics such as administrative license revocation, ignition interlock devices, and open container laws.

Speed Limiters

Recommendation: Although the Task Force does not have a position on setting speed limiters or engine control modules (ECMs) for passenger vehicles, members recommend states consider setting the speed limiters on the vehicles of drivers with certain driving convictions.

Choose Safer Vehicles

Technology is a powerful tool that can be used to support the motor carrier industry's strong commitment to safe highways. However, with the slowing economy and the soaring cost of fuel eating into profit margins, carriers have little available cash to invest in fleet improvements beyond normal maintenance and replacements. The cost of the new technologies will greatly slow the industry's adoption unless financial incentives are available to speed up the transition.

Safety Technology

Speed Governing

12. The speed of all electronically governed class 7 and 8 trucks manufactured after 1992 used in commerce should be governed at a maximum speed not to exceed 65 mph. Speed limiters on newly manufactured class 7 and 8 trucks should be made more tamperproof.

[26] Daniel Eisenberg, "Evaluating the Effectiveness of 0.08 BAC and Other Policies Related to Drunk Driving." Stanford Institute of Economic Policy Research Paper No. 00-23. Stanford, CA: Stanford Institute for Economic Policy Research, January 2001.

[27] Stuster, Jack, Marcelline Burns, and Dary Fiorentino. "Open Container Laws and Alcohol Involved Crashes: Some Preliminary Data." DOT HS 809 426. Washington, DC: U.S. Department of Transportation, National Highway Traffic Safety Administration, April 2002.

Crashworthiness Standards

13. ATA supports crashworthiness standards for newly manufactured class 7 and 8 trucks, and a relative scale against which to measure a truck's crashworthiness.

Discussion

Safety Technology

Speed Governing

In 2004 and 2005, ATA's Safety Policy Committee studied and debated the issue of speed governing. In February 2006, ATA adopted a policy stating "[t]he speed of class 7 and 8 trucks used in commerce should be governed at a maximum speed not to exceed 68 mph when manufactured." In October 2006, ATA petitioned NHTSA to limit the maximum speed of large trucks at the time of manufacture to no more than 68 miles per hour. In a complementary move, ATA also petitioned the FMCSA to prohibit tampering or adjustment of the speed limiting devices, known as speed limiters (or governors), to greater than 68 miles per hour. In January 2007, NHTSA and FMCSA published a notice of receipt of the ATA petition (and a ROAD SAFE America petition) and accepted public comments on the petitions. Since January 2007, the government has studied the issue, but has not acted on the requests for action.

The Safety Task Force discussed the need for a more comprehensive ATA policy addressing speed governing and recommends two changes to the existing policy. These changes address the affected trucks and the speed setting.

Recommendation: The speed of all electronically governed class 7 and 8 trucks manufactured after 1992 used in commerce should be governed at a maximum speed not to exceed 65 mph. Speed limiters on newly manufactured class 7 and 8 trucks should be made more tamperproof.

Crashworthiness Standards

Recommendation: ATA supports crashworthiness standards for newly manufactured class 7 and 8 trucks, and a relative scale against which to measure a truck's crashworthiness.

Improve Carrier Performance

While driver behavior and performance contribute significantly to safe operation of a motor vehicle, and smart technology can make vehicles safer, the motor carrier ultimately has the responsibility for managing driver performance and optimizing vehicle safety. Just as technology improves vehicle safety, it can also provide valuable tools to carriers, thereby improving their performance.

Recommendations

Carrier Resources

14. The Task Force supports a mandatory national employer notification system and recommends development of a standard protocol specifying type, format, and frequency of information required to be transmitted from the states. Violations/offenses to be reported to the states should also be standardized. States should be required to fully participate in this national system and provide information in a timely fashion. The retention period for violations/offenses on a driver's motor vehicle record should be left to the state's discretion.
15. The Task Force recommends creation of a national clearinghouse for positive drug and alcohol test results. Prior to hiring an employee, employers would be required to check with the clearinghouse for an applicant's failed tests and previous refusals to test.
16. The Task Force supports creation of the National Registry of Certified Medical Examiners provided that the certification requirements are not unduly burdensome, the supply of examiners is sufficient in all areas of the country, and the system allows for information sharing among examiners.
17. The Task Force recommends following, shepherding, and stewarding the safety benefits of the Driver Information Resource (DIR). The Task Force recommends carriers access this data for drivers and that they access this data prior to hiring a driver.

Carrier Safety

18. The Task Force recommends new motor carrier owners, both interstate and intrastate, be required to satisfactorily complete a safety training class before commencing operation. Safety training curricula should meet uniform standards nationwide. The Task Force also recommends that the Federal Motor Carrier Safety Administration (FMCSA) safety inspection be conducted at six months rather than at the current 18 months. Further, the Task Force recommends requiring new carriers to attach proof of training to their application for a DOT number.

Discussion

Carrier Resources

National Employer Notification System. Employer Notification Systems (ENS) is a term for programs that allow trucking companies to register their drivers with state licensing agencies which, in turn, notify the trucking company when a truck driver receives a traffic violation, conviction or change in Commercial Driver's License status. This notification process allows trucking companies to take timely action to address unsafe driving behaviors.

CMV drivers are presently required to self-report to their employers within thirty days of any traffic violation conviction (even under appeal) and any revocation, suspension or withdrawal of any license, permit or driving privilege by the close of the business day following receipt any

such notice. These self-reporting requirements are often not followed by CMV drivers because of the employment consequences that may ensue.

A motor carrier is required to obtain a motor vehicle record (MVR) on every CMV driver it employs and review each record at least once a year. ATA motor carrier members have generally reported only about 20 percent of the MVRs of their drivers that are reviewed have some type of new information that occurred within the previous 12 months, much of which was not self-reported by the drivers.

Motor vehicle records are important in light of an ATRI analysis of statistically significant driving behaviors and events – including violations, convictions and past crashes. These behaviors and events showed increased future crash likelihood ranging from 18 to 325 percent.[28] ENS allows timely monitoring of drivers' MVRs. This active reporting and monitoring:

- Improves safety by providing timely conviction and license privilege information to fleet managers.
- Helps fleet safety managers determine if each driver has a current, valid license.
- Reveals problem drivers or behavior in an expedited manner so timely corrective actions can be taken.
- Reduces reliance on driver self-reporting, which is simply not effective.
- Allows for multiple CMV driver MVR checks and for registry-type record retention, reducing paperwork burdens and costs.

ATA began promoting ENS systems in 2002 and FMCSA reacted favorably. The agency contracted with a consulting team, including ATRI, to perform a safety benefits and feasibility study. A July 2005 study found a national ENS to be feasible and cost-effective from a safety standpoint. FMCSA was conducting a pilot project in two states—Colorado and Minnesota—which was expected to be completed in 2008.

ATA has an existing policy which reads: "State systems of driver license control and driver records should be improved so that employers and others will be better informed about the driving record of job applicants, employees that drive on public highways, and license applicants."

Recommendation: The Task Force supports a mandatory national employer notification system and recommends development of a standard protocol specifying type, format, and frequency of information required to be transmitted from the states. Violations/offenses to be reported to the states should also be standardized. States should be required to fully participate in this national system and provide information in a timely fashion. The retention period for violations/offenses on a driver's motor vehicle record should be left to the state's discretion.

[28] Predicting Truck Crash Involvement: Developing a Commercial Driver Behavior-Based Model and Recommended Countermeasures, Prepared by the American Transportation Research Institute, October 2005.

National Clearinghouse for Positive Alcohol and Drug Test Results. There is a well known loophole in the federal drug and alcohol testing requirements for commercial drivers that is being exploited by some substance-abusing drivers. When a driver moves from one trucking company to another, some positive drug and alcohol test results are not being discovered by the hiring company because these positive results are self-reported and not centrally tracked. As a result, the hiring company may not be aware of a driver's past positive drug test results and could be hiring a driver who has not been evaluated, treated and cleared to return to duty by a substance abuse professional.

The trucking industry made Congress aware of this problem in the late 1990s. In 1999, Congress passed the Motor Carrier Safety Improvement Act, which required DOT to evaluate the feasibility and merits of collecting, in a centralized manner, positive drug test results of commercial drivers. The FMCSA studied this issue and submitted a report to Congress in May 2004.[29] This report found a centralized clearinghouse for such results was feasible, cost-effective and, in many ways, more desirable than the current system of driver self-reports and hiring companies contacting previous employers in an attempt to obtain this critical safety-related information.

ATA's safety policy committee has discussed this issue at length and passed a resolution for ATA to pursue a national clearinghouse. In November 2007, ATA testified before Congress to promote a clearinghouse, among other recommendations, to improve the efficacy of the testing program.

Recommendation: The Task Force recommends creation of a national clearinghouse for positive drug and alcohol test results. Prior to hiring an employee, employers would be required to check with the clearinghouse for an applicant's failed tests and previous refusals to test.

Clearinghouse for Certifying Medical Examiners. The FMCSA estimates a 42 percent increase in the number of registered large trucks and a 93 percent increase in miles traveled by large trucks over the past 20 years, resulting in a significant presence of large trucks on the nation's highways. The National Transportation Safety Board has documented significant fatal and injury crashes involving drivers with serious disqualifying medical conditions.

In August 2005, SAFETEA-LU was enacted and directs the FMCSA to establish and maintain a national registry of medical examiners qualified to perform examinations and issue medical certificates. The National Registry of Certified Medical Examiners (NRCME) will list certified medical examiners fully acquainted with the medical requirements in the FMCSR. To be certified and listed in the NRCME, examiners will be required to complete training and pass a certification examination.

According to the FMCSA, there are potentially 400,000 medical practitioners who could perform medical examinations for commercial drivers. To perform the physical examinations for the more than six million commercial drivers (as estimated by FMCSA), training and certification

[29] FMCSA, "A Report to Congress on the Feasibility and Merits of Reporting Verified Positive Federal Controlled Substance Test Results to the States and Requiring FMCSA-Regulated Employers to Query the State Databases Before Hiring a Commercial Drivers License Holder," March 2004.

would be needed for more than 40,000 medical examiners. The FMCSA defines a medical examiner as a person who is licensed, certified and/or registered in accordance with applicable state laws to perform physical examinations. Examiners may be doctors of medicine (MD), osteopathy (DO), advanced practice nurses (APN), physician assistants (PA) and chiropractors (DC). On the other hand, medical review officers are licensed physicians responsible for receiving and reviewing laboratory results generated by an employer drug testing program.

Recommendation: The Task Force supports creation of a National Registry of Certified Medical Examiners, provided that the certification requirements are not unduly burdensome, the supply of examiners is sufficient in all areas of the country and the system allows for information sharing among examiners.

Driver Information Resource (DIR). Under existing systems and procedures, hiring motor carriers do not have access to an applicant's history of roadside driver/vehicle inspections, traffic law violations, and DOT reportable crashes to evaluate the driver's past safety performance. This information, also known as safety event data, is collected electronically from state enforcement agencies by FMCSA and is stored in a database known as the Motor Carrier Management Information System (MCMIS). The safety event data in MCMIS is available only to a driver's current employer. Further, this safety event data is not sorted by driver name, but instead by employing carrier. As a result of FMCSA's existing policies regarding this safety data, a potentially unsafe driver who commits repeated safety compliance violations, traffic law violations, or has been involved in numerous preventable, reportable crashes, may be terminated for cause by his current employer but may simply seek employment elsewhere without fear the violations will be discovered or even reviewed. Unfortunately, this occurs within the industry today and can be readily addressed by FMCSA. Simply put, FMCSA has a very good safety tool in its toolbox, but is not providing the opportunity for motor carriers to use it to make improved driver hiring decisions.

To improve motor carrier safety, FMCSA should make this safety tool readily available to the industry. FMCSA should make driver/vehicle inspection and violation data, traffic enforcement data and reportable crash data contained in MCMIS available to third-party reporting agencies to:

1. Support queries by applicants' prospective employers;
2. To protect the privacy of the data, and ensure its release only with specific driver authorization; and
3. To provide drivers with an opportunity to review, dispute and correct the data.

Such a system would help ensure that repeated safety violators do not escape the consequences of their actions. Since FMCSA does not have the mechanisms in place to allow drivers to review and approve the data, it makes excellent (and prudent) safety sense to outsource this function to credit reporting agencies that have established systems to ensure the data is properly managed and released only within the boundaries of the Fair Credit Reporting Act.

Recommendation: The Task Force recommends following, shepherding, and stewarding the safety benefits of the DIR. The Task Force recommends carriers access this data for drivers and that they access this data prior to hiring a driver.

Carrier Safety

New motor carriers have "more pronounced patterns of critical violations of safety regulations (206.3 per 1,000 drivers for new entrants versus 11.8 for experienced carriers), more acute violations (128.8 per 1,000 drivers for new entrants versus 34.1 for experienced carriers), and higher accident rates in the first year of operation (0.505 per million vehicle miles traveled versus 0.411 for those with more than 11 years of experience)"[30]

FMCSA currently grants operating authority to new motor carriers *prior* to determining whether they know or understand the federal safety regulations applicable to them. Under the current system, FMCSA has up to 18 months after a new carrier begins operating to perform an initial safety audit. Consequently, FMCSA may unwittingly allow potentially unsafe new carriers to operate without oversight and without the benefit of the educational and technical assistance the agency provides during the new entrant safety audit.

The current application process for operating authority relies on the motor carrier to read the educational and technical assistance materials on the FMCSRs and do what is required to comply. However, other than the roadside inspection program, FMCSA has few means to determine whether a motor carrier is complying with the safety regulations until the initial safety audit occurs. Subsequently, the New Entrant Safety Assurance Process (NESAP) may not do enough to prevent potentially unsafe motor carriers from obtaining operating authority.

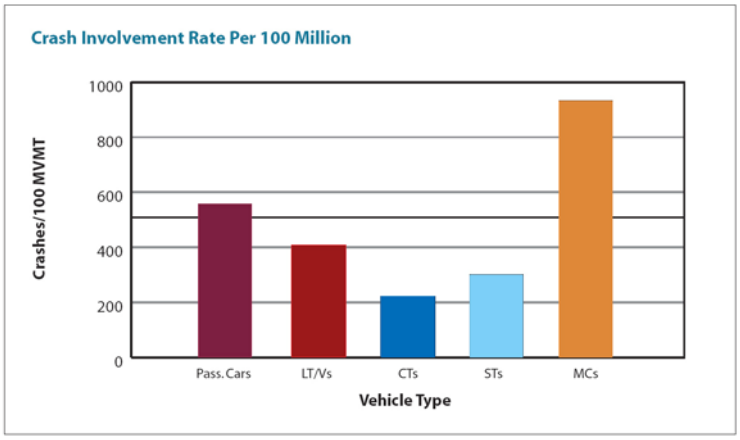
Recommendation: The Task Force recommends new motor carrier owners, both interstate and intrastate, be required to satisfactorily complete a safety training class before commencing operation. Safety training curricula should meet uniform standards nationwide. The Task Force also recommends the FMCSA safety inspection be conducted at six months rather than at the current 18 months. Further, the Task Force recommends requiring new carriers to attach proof of training to their application for a DOT.

Conclusion

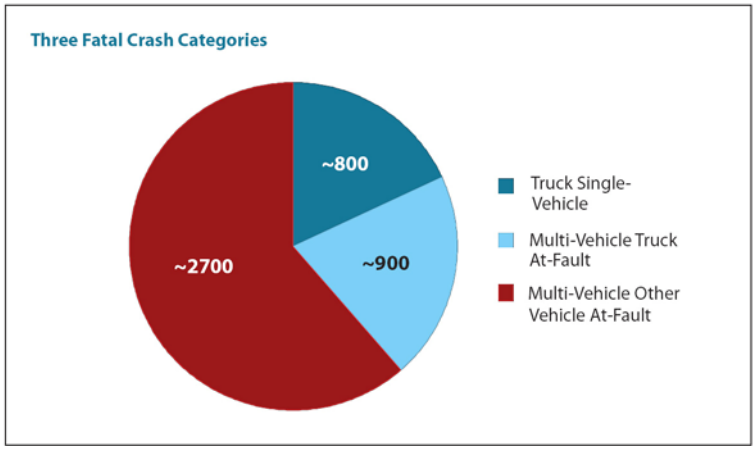
Safe driving and safe highways are a team effort. Individuals must take responsibility for their actions, but everyone should take a vested interest in safety. The entire community, from motor carriers and shippers, to law enforcement, to the motoring public, the judiciary, and policy and lawmakers, must work in concert to make our highways safe. If implemented, the recommendations in this report will go a long way toward orchestrating a team effort.

[30] NTSB, Safety Recommendation H-03-01 and -02, March 3, 2003.

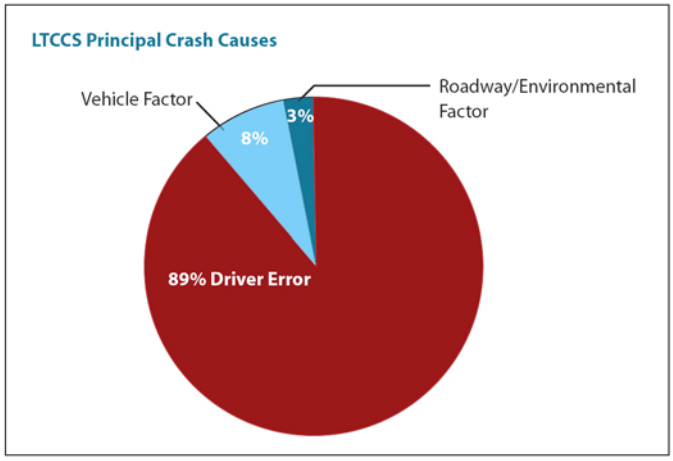
Appendix A



Comparison of police-reported crash involvement rate for 5 major vehicle types: Passenger cars, Light trucks/vans (LT/Vs) Combination-Unit Trucks (CTs – mostly tractor-semitrailers), Single-Unit Trucks (STs – straight trucks), and Motorcycles (MCs) (1989-93 average based on GES data; Wang et al., 1999)



Three fatal truck crash categories and their approximate U.S. annual numbers based on recent years and crash causation studies.



Pie Chart of Principal Crash Causal (CR) Categories, All Large Truck Crash Causation Study (LTCCS) Crashes.

Speed Kills. Choose Your Poison.

"Speeding" means exceeding a safe speed. But this can mean very different behaviors, with different consequences and applicable countermeasures.

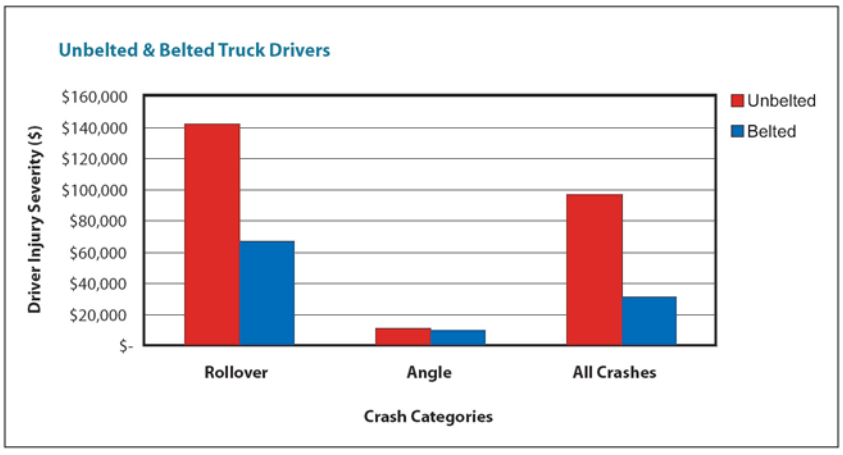
- Top speeds (& top-speed crashes). Maximum highway speeds, or speeds above speed limiter set points; e.g., speeding above 68 mph.
- Speed violations. Speeds greater than the posted limit. In driver records, tickets for exceeding posted speeds.
- Excessive speed for conditions. Exceeding safe speeds for negotiating a curve or turn, or for reacting to road and traffic conditions. Not necessarily related to posted speed limits.
- Overspeeding. Extreme exceeding of safe or posted speeds; e.g., 20 mph over the speed limit. Overspeeding can also be any or all of the above categories.

Comparative Statistics on U.S. All Vehicle and Truck Fatigue Crash Problem Sizes (1989-93 GES)

Vehicle Type Category: Monetary Crash Metric:	**All Vehicles**	**CTs**	**STs**
Total Annual U.S. Monetary Cost[1] (% of all Vehicles)	$3.8 Billion	$280 Million (7.4%)	$32 Million (0.8%)
Cost Per Fatigue Crash	~$34,000	~$87,000	~$48,000
Involvement Rate Per 100M VMT[1,2]	3.8	2.8	1.1
Crash Costs Per Vehicle Life Cycle[1]	$220	$2,060	$90

[1]Inflated 50% from base calculations to account for police undercounting (a conservative assumption).

[2]Not previously published but based on same FMCSA data analysis.



Unbelted and belted truck driver injury severities for three LTCCS crash categories. Source: Bahouth et al., 2007

Appendix B
Task Force Members

NAME & TITLE	COMPANY
Barbara J. Windsor, *Chair* President & CEO	Hahn Transportation, Inc. New Market, MD
Donald Osterberg, *Vice Chair* Vice President, Safety and Driver Training	Schneider National, Inc. Green Bay, WI
Robert Abbott Vice President, Safety	Transforce Springfield, VA
Brian Brooker Manager, Driver Safety and Training	Air Products and Chemicals, Inc. Allentown, PA
Michael S. Card President	Combined Transport, Inc. Central Point, OR
Randall J. Clifford Chairman	Ventura Transfer Company Long Beach, CA
Reggie Dupre Chief Executive Officer	Dupre Transport Lafayette, LA
Brent Hilton Director, Maintenance	Maverick USA, Inc. North Little Rock, AR
Thomas F. Jensen Vice President	UPS Inc. Washington, DC
Thomas Lee	Mile Hi Frozen Foods Denver, CO
David R. Parker Senior Legal Counsel	Great West Casualty Company Lyons, CO
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Richard H. Preston Director, Maintenance	ABF Freight Systems, Inc. Fort Smith, AR
Karen E. Rasmussen President & CEO	Arizona Trucking Association Tolleson, AZ
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Ronald D. Uriah, CDS Vice President, Safety & Risk Management	Pitt Ohio Express, LLC Pittsburgh, PA
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