

Safer Trucking Newsletter

FALL 2022

In This Issue

Regulatory Update

Legislative Update

IST Resources

Memorials: Terry Pierce and Scott Arrington

Our Mission

Educate the public about research-based solutions to reduce the frequency and severity of truck crashes in the U.S., and

Collaborate with all stakeholders to make trucking safer,

Provide resources to survivors and families of victims after a truck crash.



Memorial: Terry Allen Pierce

About Terry

Terry Allen Pierce was born January 12, 1977 to Bonnie and Chris Pierce. Terry was a friendly, outgoing child right from the start. He was early at everything in life including walking and talking.

Terry's confidence and natural ability helped him succeed both on and off the sports fields. He enjoyed competing in several sports year-round including track, baseball, football, and wrestling. His ability to think on his feet helped him to excel at all of this. He was also an excellent student, something most people did not realize about him.

Terry was very conscious of others and as a result, people gravitated to him. As a freshman, he even took a senior to prom. He was a well-loved 16-year-old enjoying life and looking forward to what the future would bring.

Crash Description

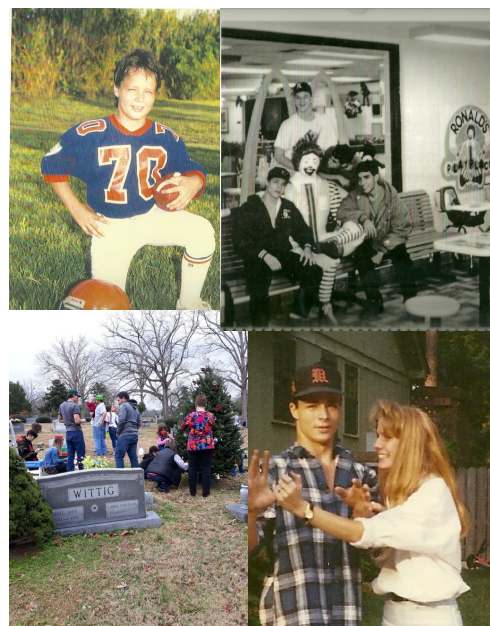
In the early evening of December 10, 1993, Terry phoned home to check in with his Mom, which he always did; he said: "Mom I'm at Maurice's; I've got Maurice and we are leaving to go to the coach's house." The distance they had to go was a mere six miles. They were to meet up with the rest of their team and spend the night at their Coach's house so that they could get an early start the next morning for an all-day wrestling tournament in South Granville. Bonnie looks back now and realizes that when she hung up the phone that night, she did not know that she was hearing Terry call her, Mom, for the last time or how her life was about to change. Within minutes of hanging up the phone, Terry would cross paths with a drowsy driver behind the wheel of a tractor-trailer who, instead of passing by Terry on a gentle curve, would drive through the curve, cross into Terry's lane and literally ran over the Honda Prelude he was driving. Both Terry and his friend and teammate, Maurice, were killed.

Life After the Crash

After the crash, the investigating Trooper told Bonnie and her husband, "we'll never know what really happened; the truck driver claims your son crossed into his lane." Bonnie's relentless and tireless investigation ultimately proved that Terry was not at fault. The desire to prevent what happened to her and her family from happening to another family was the driving force that led to Bonnie's decision to go to law school and she now represents and helps other families whose lives have been impacted by a truck crash.

Since Terry's death, Bonnie has spent countless hours learning about the laws that govern the trucking industry in the United States. She has traveled to Washington, D.C. to testify before lawmakers on regulations that govern the hours of service, the need for tougher laws and stricter enforcement, as well as the need to keep rest areas open and other vital and important issues which she has strived to implement change.

Terry truly had an impact on all those that know him and he is so missed. Every year, around the anniversary of the crash, Bonnie, along with many family and friends, put a Christmas tree up at Terry's grave. Each year, people bring an ornament, and each year, the tree grows.



Link to Memorial Page: <https://www.safertrucking.org/remember/terry-pierce>

Contact Us

Phone: 202.669.0896 | **Website:** www.safertrucking.org | **Address:** 2000 Pennsylvania Avenue NW, Washington, DC 20006

Regulatory Update

Trucking Alliance Requests to Include Hair Testing Results in FMCSA's Drug and Alcohol Clearinghouse

The Alliance for Driver Safety and Security's (Trucking Alliance) recently petitioned the Federal Motor Carrier Safety Administration (FMCSA) to permit employers with knowledge of a driver's positive hair test result to share those results with the FMCSA Drug and Alcohol Clearinghouse and with inquiring carriers.

The petitioners contend that FMCSA's urinalysis does not detect all illegal drugs that are identified using hair testing. This presents a problem for potential employers and, worse, the motoring public that is at risk of driving alongside a drug-impaired truck driver. Allowing truck driver drug use to subsist undetected through urinalysis will not reverse the worsening trends in truck crash fatalities and injuries; rather, they will only exacerbate them.

The petitioner, and their member companies, have provided abundant evidence of the shortcomings associated with the Agency's sole acceptance of pre-employment urinalysis to detect drug use.

The Trucking Alliance analyzed 151,662 paired pre-employment urine and hair drug screenings from 15 different trucking companies, including J.B. Hunt, Maverick, and Schneider, to emphasize the benefits of hair testing. A key finding was that the hair test failure rate was 14.2 times larger than urine. The Trucking Alliance then approached two researchers from the University of Central Arkansas with this data who found that:

- The Trucking Alliance sample is large enough to draw inferences to the national driver population at a confidence level = 99% and a margin of error = 1%.
- The Trucking Alliance sample is representative of the national driver population.
- The Trucking Alliance urine vs. hair test results can be generalized across the national driver population.

Truck driver impairment is a highly preventable issue that causes too much unnecessary devastation each year in the United States. Unfortunately, there are too many drug users who can circumvent detection under current testing requirements (i.e., urinalysis) and endanger themselves and everyone else on our roads.

The Institute for Safer Trucking supports permitting motor carriers test results, analyzed by a qualified lab and in accordance with all state and federal laws, to be reported to the FMCSA Drug and Alcohol Clearinghouse, and we join other leading safety organizations in urging the FMCSA to grant the Trucking Alliance's petition.



Regulatory Update

FMCSA's Agenda in 2023

As 2023 approaches, the Federal Motor Carrier Safety Administration has signaled via their most recent Significant Rulemaking Report (issued in September 2022) what some of their regulatory activities will be next year. Below are four actions that we will continue to watch:

Notice of Proposed Rulemaking (NPRM) on Automatic Emergency Braking

This notice concerns the joint rulemaking on automatic emergency braking (AEB) by the National Highway Traffic Safety Administration and FMCSA. It will seek comment on a proposal to require and/or standardize equipment performance and motor carrier maintenance requirements for AEB systems on heavy trucks and establish accompanying test procedures for measuring the performance of the AEB systems by NHTSA. The proposed publication date is January 30, 2023.

Advanced NPRM on Safety Fitness Procedures

This advanced notice will seek information on how the agency “might use data and resources more effectively to identify unfit motor carriers and to remove them from the nation's roadways.” FMCSA said it will request public comment about the use of available safety data, including inspection data, in determining a carrier’s fitness to operate.

The agency will also seek public input on possible changes to its current three-tier safety fitness rating structure. That will also entail reviewing the FMCSRs used in its safety fitness rating methodology. The proposed publication date is January 30, 2023.

NPRM on Broker and Freight Forwarder Financial Responsibility

This notice will follow up on the ANPRM issued by the agency seeking comment on this issue in September 2018. In this NPRM, the FMCSA will propose changes to the broker/freight forwarder financial responsibility requirements as required by the MAP-21 highway bill. The proposed publication date is January 25, 2023.

Supplemental NPRM on Truck Speed Limiters

This supplemental notice will look at whether additional regulatory actions should be taken on the vehicle manufacturer and motor carrier requirements relating to the use of truck speed limiters. Specifically, this SNPRM will look at whether motor carriers operating commercial motor vehicles with a GVWR of 26,001 pounds or more that are equipped with an electronic engine control unit should be required to limit the truck to a speed “to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle.” The proposed publication date is June 30, 2023.

Memorial: Scott Arrington

About Scott

Scott Arrington lived in Goose Creek, SC with his wife Pina. They were always surrounded by friends and family. His family describes him as an all-around good guy who was always there to help those he loved.

Scott was a proud father to two boys, as well as to Pina's son, who he helped raise. He was an incredible father and enjoyed close relationships with them all.

Scott made the most of everything he did. His favorite holiday was Halloween and he always insisted on going all out with a costume. He shared a love of the band KISS with his sons. When the band would come to Charleston, each of them would pick one of the band members and dress up as them for the show.

Scott served in the United States Navy and was a veteran of Desert Storm. When he retired from the Navy, he continued his service to the military and his country through government contracting.

Scott did so much to give back to his community. The veterans motorcycle club that he belonged to do a lot of charitable work to help their fellow veterans, including those facing homelessness. He also belonged to the Surf Riders Foundation which helped with beach cleanups around the area. He and Pina also worked with different organizations that helped both seniors and abused children.



Crash Description

On April 9 2012, Scott was traveling to work on his motorcycle through North Charleston. A truck that was parked in the median suddenly pulled out, crossed over two lanes, and collided with Scott on his motorcycle. Scott, who was wearing his helmet, died of blunt force trauma at the scene.

Life After the Crash

Scott's loss was devastating for his family and friends. Pina lost her partner of 13 years. His boys lost their biggest confidant. Scott was always there for them if they needed to talk something out, and now that is gone.

Pina once loved to play and coach soccer, and Scott loved supporting her. She has only been to a soccer field once since Scott's death, the empty sideline was too painful of a reminder of who they have lost.

Scott was so looking forward to becoming a grandfather and sharing the love he had for his sons with those to come. He never got to meet his three beautiful grandchildren.

The family continues to honor Scott's memory however they can. They still go all out decorating for Halloween. They make sure his grandchildren know who he is and are always sharing stories about him. They will all often visit the veterans park where Scott's service and life are honored.

Pina is grateful for all that their friends and family do to continue to share Scott with the world. In particular to her partner Skip, who is always there for her and the boys, helping them remember him and supporting them in everything they do in honor of Scott.

Pina has also spent time in Washington, DC, advocating for better truck safety measures. She hopes that by sharing Scott's story, it will help prevent other families from experiencing this devastating loss.

Link to Memorial Page: <https://www.safertrucking.org/remember/scott-arrington>

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Legislative Update

Members of Congress Send Letter to NHTSA Asking for Updates on Underride Policies

Senator Kirsten Gillibrand (D-NY) and Congressman Steve Cohen (D-TN-9) - the sponsors of the Stop Underrides Act, which was mostly incorporated in the bipartisan infrastructure bill - sent a bicameral letter expressing their concerns regarding the final rule on rear underride protection issued by the National Highway Traffic Safety Administration (NHTSA) on June 30th.

Rather than strengthening requirements, the new NHTSA rule actually falls short of current industry standards. The new rule does not require rear underride protections to prevent impacts at a speed of 35mph where there is a 30 percent overlap between the striking vehicle and the rear of a truck and/or trailer. All eight of the major trailer manufacturers have proven, through testing conducted by the Insurance Institute for Highway Safety, that their rear guards could prevent such collisions. Consequently, Senator Gillibrand, Congressman Cohen, and their colleagues are requesting further explanation from NHTSA regarding the final rule, as well as additional insights into NHTSA's approach to underride protection going forward.



A rear underride guard.

Bill to Require Overtime Pay Introduced in Senate

On Monday, Sept. 12, Senator Alex Padilla (D-CA), along with Senators Ed Markey (D-MA), Richard Blumenthal (D-CT), Bernie Sanders (I-VT), and Elizabeth Warren (D-MA) introduce legislation that would require our nation's truck drivers to be paid for overtime. The legislation is supported by the Institute for Safer Trucking, the Owner Operator Independent Drivers Association (OOIDA), and the Academy of Truck Accident Attorneys.

Repealing the overtime exemption will help improve pay and fairness for our nation's truck drivers as well as improve safety for everyone on our roads. Guaranteeing overtime pay will help retain experienced truck drivers, who are safer and much less likely to be involved in a collision.

To learn more about this legislation, which was also introduced in the House of Representatives back in April of this year, please visit safertrucking.org.

IST Resources

Memorials and Survivor Stories

The Institute for Safer Trucking recently published an online space for memorials and survivors' stories. Please let us know if you are interested in creating a page. Each page comes with a unique link and can include pictures, videos, and links to other websites.

Contact Jen Walsh (jwalsh@safertrucking.org) to schedule a time to set up a page. The memorials can be found at safertrucking.org/remember.

Monthly Meetups

The Monthly Meetups can provide you with a space to share your story and connect with others who have survived and/or lost a loved one in a large truck crash.

These Monthly Meetups have included past guest speakers such as:

- Former Acting Administrator of the Federal Motor Carrier Safety Administration (FMCSA), the federal agency responsible for overseeing truck safety in the U.S.,
- A bereavement specialist who focused on coping with grief during the holidays,
- Survivor and family advocates who have committed time and effort to enact changes that make our roads safer.

Contact Jen Walsh at jwalsh@safertrucking.org for more information