

Safer Trucking Newsletter

FALL 2023

In This Issue

IST and Road Safe America Merge!

Vigil Remembering Underride Crash Victims

Regulatory and Legislative Updates

Memorial: David Magnan and Julie Magnan Patrissi

Our Mission

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

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

Collaborate with all stakeholders to make trucking safer.



IST and RSA Merge!

In a significant development for road safety, the Institute for Safer Trucking (IST) and Road Safe America have announced their merger, with IST emerging as the surviving organization. This strategic union brings together two stalwarts in the field, reinforcing their commitment to enhancing safety in the trucking industry. Notably, Steve, Susan, and Pierce Owings, the dedicated minds behind Road Safe America, will be joining IST's board of directors, further strengthening the organization's expertise.

Over the last two decades, Road Safe America has made remarkable strides in advocating for trucking safety. Steve and Susan co-founded RSA after their son, Cullum, was tragically killed by a speeding tractor-trailer. They have been the leading voice on the need for large truck speed limiters, which the DOT announced it will be addressing this year. Their relentless efforts led to the introduction of key regulations, including the electronic stability control mandate for large trucks and the electronic logging device mandate, which have greatly contributed to reducing crashes caused by driver fatigue and loss of control.



Steve and Susan Owings



Moreover, Road Safe America played an integral role in pushing for improvements to rear underride guard standards, significantly enhancing the safety of passenger vehicles sharing the road with trucks.

Their advocacy also bore fruit with the recent rule requiring large trucks to be equipped with automatic emergency braking, a vital step in preventing rear-end collisions.



In the wake of this exciting merger, we urge readers to support the Institute for Safer Trucking as we embark on this exciting next chapter. By supporting IST, you can be part of the solution, championing policies and technologies that will reduce truck-related crashes.

To find out more about the merger, please contact Harry Adler at the Institute for Safer Trucking at hadler@safertrucking.org.



**INSTITUTE FOR
SAFER TRUCKING™**

**ROAD SAFE
AMERICA**

Memorial and Survival Story: David Magnan and Julie Magnan Patrissi

About David and Julie

Julie and David were high school sweethearts living in Vermont with their adult children having branched out across the U.S.. David was a Vietnam veteran, "jack of all trades", handyman, and businessman. He was, at the time of the crash, Superintendent of several rock quarries; both driving trucks as well as supervising many truck drivers who worked for him. David was a beloved father of 4 children and 2 grandchildren who provided the balance and security Julie and her children had needed to flourish.

Crash Description

On January 31st, 2002, Julie and David were headed to their daughter in Denver, Colorado to drop off her car. While passing through Nebraska, David noticed a truck behaving erratically; it ran over the median and headed for Julie and David's car. David shoved Julie's body down to protect her, and their car was wedged underneath the side of the truck. David likely died on impact and Julie was pulled out of the wreckage with use of "jaws of life", as the majority of their car was under tractor trailer.



Life After the Crash

Immediately following the crash, Julie underwent emergency surgery in both Nevada and then Denver to address injuries to her ribs, spleen, and legs. After the emergency surgery, Julie began rebuilding her physical health. However, she also had a traumatic brain injury (TBI), requiring her to also focus on her neurological health as well.

Due to the TBI, Julie couldn't remember how to do basic tasks for herself. This caused feelings of frustration, anger, and helplessness Julie remembers having to work through for months. Nearly 20 years later, Julie's injuries continue to remind her of the crash frequently, she lives with effects of a TBI, vision impairment, a hole in her ribs, flare ups of her knee injury (which will eventually need to be replaced), and a lung susceptible to pneumonia and infection.

The tractor trailer that hit Julie and David did not have underride guards and automatic emergency braking. Julie believes if any of these factors had been present on January 31st 2002, the outcome would have been drastically different. An underride guard would have prevented the car from going underneath the truck, automatic emergency braking would have stopped the truck before it was too late, and better oversight of the driver would have shown the trucking company their truck driver was mentally unstable at the time, as well as over his Hours of Service, and should not have been on the road that day.



Link to Memorial Page: <https://www.safertrucking.org/remember//david-julie-magnan-patrissi>

Remembering Underride Crash Victims: Vigil and Press Conference in D.C.

In a poignant and heartfelt gathering outside the U.S. Department of Transportation in Washington D.C. this past September, leading underride protection advocates, Marianne Karth and Lois Durso, organized an Underride Victim Vigil and Press Conference. The event aimed to draw attention to the tragic toll of underride crashes and underscore the urgent need for improved safety measures in the trucking industry.



Harry Adler, one of IST's principals, remembers victims of truck underride crashes and speaks out about the undercount of fatal underride crashes.

Participants at the vigil, including victims' families, safety advocates, and concerned citizens, united to remember those who had lost their lives due to this preventable problem. As names of truck underride crash victims were read aloud, a bell rang in solemn tribute, emphasizing the human cost of these devastating crashes.

The event featured compelling speakers who brought their expertise and insights to the forefront of the underride safety debate. Harry Adler, representing the Institute for Safer Trucking, shared critical data and statistics, highlighting the urgency of addressing underride crashes. Andy Young, a board member of the Academy of Truck Accident Attorneys, shared his experience as one of the leading legal minds on litigating crashes involving underride and underscored the need for comprehensive policy changes



Marianne Karth, who survived an underride crash that killed her two daughters, AnnaLeah and Mary, with Rep. Jan Schakowsky (D-IL) at Underride Vigil.

The Underride Victim Vigil and Press Conference served as a powerful reminder that underride crashes are not merely statistics but human tragedies. This event was a critical step in raising awareness and pushing for reforms that will make our roads safer for everyone.

Regulatory Update

IST Submits Public Comment on ANPRM for Safety Fitness Determination

The FMCSA is seeking public comment on an advance notice of proposed rulemaking (ANPRM) that would develop a new methodology to determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce.

Specifically, the FMCSA requests public comment on the need for a rulemaking to revise the regulations prescribing the safety fitness determination process; the available science or technical information to analyze regulatory alternatives for determining the safety fitness of motor carriers; feedback on the Agency's current safety fitness determination (SFD) regulations, including the process and impacts; the available data and costs for regulatory alternatives reasonably likely to be considered as part of this rulemaking; and responses to specific questions in this advance notice of proposed rulemaking.



We will send around our comments soon.

Legislative Update

IST Sends Letter Opposing Legislation to Shield Shippers and Brokers

The Institute for Safer Trucking sent out the below letter to urge Members of Congress to oppose H.R. 915 and S. 2426, the Motor Carrier Safety Selection Standard Act. These bills were purposely named and defined to mislead the public. Instead of improving safety, these bills' true purpose is to protect brokers from lawsuits if they hire unsafe motor carriers that are involved in truck crashes.

The three requirements in this bill set a standard for shippers and brokers at such an inadequate threshold that it would diminish accountability throughout the supply chain and create a race to the bottom.

Visit the Institute for Safer Trucking's website to learn more about our efforts to keep shippers and brokers accountable for unsafe hiring decisions.

We will be resending this letter next month, so please contact us to sign on if you would like to help stop these bills!



10/19/2023

The Honorable Maria Cantwell
 Chairwoman
 Committee on Commerce, Science, and
 Transportation
 U.S. Senate

The Honorable Ted Cruz
 Ranking Member
 Committee on Commerce, Science, and
 Transportation
 U.S. Senate

The Honorable Sam Graves
 Chair
 Committee on Transportation & Infrastructure
 U.S. House of Representatives

The Honorable Rick Larsen
 Ranking Member
 Committee on Transportation & Infrastructure
 U.S. House of Representatives

Dear Chairs Cantwell and Graves and Ranking Members Cruz and Larsen,

We, the undersigned survivors of truck crashes, families of truck crash victims, and volunteers with the Institute for Safer Trucking are writing to urge you to oppose H.R. 915 and S. 2426, the Motor Carrier Safety Selection Standard Act, as these bills fail to address the critical safety concerns plaguing the trucking industry.

As you may know, these bills have been deceptively named and defined to mislead the public. Contrary to their purported purpose of improving safety, **these bills primarily aims to shield brokers from lawsuits if they hire unsafe motor carriers involved in truck crashes.** The consequences of such a bill passing would be disastrous for road safety.

The three requirements outlined in these bills, which shippers and brokers must meet to be considered selecting a motor carrier in a "reasonable and prudent manner," set an egregiously low threshold that undermines accountability throughout the supply chain. High-risk, unsafe, and chameleon carriers can easily satisfy these criteria, as **none of the requirements in these bills inform shippers and brokers about the carrier's current safety performance.**

By protecting shippers and brokers from legal action if the motor carrier meets these three inadequate criteria, the legislation would incentivize them to prioritize cost over safety. This would result in a dangerous practice of relying on insufficient information to select the cheapest motor carriers, who may sacrifice safety measures to reduce their operating costs.

Moreover, this shockingly inadequate standard would absolve shippers and brokers of any responsibility even if they knowingly ignore dangerous actions carried out by a motor carrier. These actions may include hiring high-risk carriers who engage in unsafe practices or those reincarnating under new names following involvement in fatal truck crashes.

We strongly believe that a genuine national hiring standard should require shippers and brokers to thoroughly review a motor carrier's crash rates (including property-damage only, injury, and fatal crashes), driver and vehicle out-of-service rates and violations, driver screening and training policies, and vehicle maintenance practices.

As survivors and families directly impacted by the devastating consequences of truck crashes, we urge you to stand with us in opposing H.R. 915 and S. 2426 so that others do not have to endure what we have gone through.

Thank you for your time, attention, and consideration of this urgent matter. We trust that you will act in the best interests of the American public by rejecting these dangerous bills.

Sincerely,

Harry Adler
Washington, DC
Co-Chair, Institute for Safer Trucking (IST)

John Lannen
Reston, VA
Co-Chair, IST

Peter Malarczyk
Hastings-on-Hudson, NY
Board Member, IST
Injured in a truck crash, 12/29/2015
Son of Ryszard and Anita Malarczyk
Killed in a truck crash, 12/29/2015

Laurie Higginbotham
Memphis, TN
Board Member, IST
Mother of Michael Higginbotham
Killed in a truck crash, 11/18/2014

Tracy Quinichett Whitehead
Laurel, MD
Board Member, IST
Mother of Channing Quinichett
Killed in a truck crash, 1/21/2009

Dexter Culclager
St Johns, FL
Board Member, IST
Husband of Yakel Culclager
Father of Tre'Quis and Tra'Desia Woods-Sims, and Tra'Veion Woods-Franklin
Killed in a truck crash, 3/2/2015

Eric Hein
Bend, OR
Board Member, IST
Father of Riley Hein
Killed in a truck crash, 11/13/2015

Kate Brown
Gurnee, IL
Board Member, IST
Mother of Graham Brown
Injured in a truck crash, 5/2/2005

Jennifer Walsh
Washington, DC
Board Member, IST

Baabi Das
Arlington, VA
Board Member, IST

Steve Owings
Atlanta, GA
Board Member, IST
Father of Cullum Owings
Killed in a truck crash, 12/1/2002

Pierce Owings
Atlanta, GA
Board Member, IST
Injured in a truck crash, 12/1/2002
Brother of Cullum Owings
Killed in a truck crash, 12/1/2002

Susan Owings
Atlanta, GA
Board Member, IST
Mother of Cullum Owings
Killed in a truck crash, 12/1/2002

Bonnie Pierce
Pine Tops, NC
Mother of Terry Pierce
Killed in a truck crash, 12/10/1993

Julie Magnan Patrisi
 South Burlington, VT
 Injured in a truck crash, 1/31/2002
 Wife of David Magnan
 Killed in a truck crash, 1/31/2002

Randall Higginbotham
 Memphis, TN
 Father of Michael Higginbotham
 Killed in a truck crash, 11/18/2014

Allen Higginbotham
 Memphis, TN
 Brother of Michael Higginbotham
 Killed in a truck crash, 11/18/2014

Cynthia Harvell
 Bowie, MD
 Mother of Thurinton Harvell, Jr.
 Injured in a truck crash, 7/15/2019
 Wife of Thurinton Harvell, Sr.
 Killed in a truck crash, 7/15/2019

Kerry Rois
 Cleveland, OH
 Injured in a truck crash, 1/14/2015

Brenda Borer
 Toledo, OH
 Wife of Robert Borer
 Killed in a truck crash, 10/21/2022

Laura and Richard Fredricks
 Becket, MA
 Parents of Emily Fredricks
 Killed in a truck crash, 11/28/2017

Nicole Le
 Vienna, VA
 Sister of Christine Gilley, Sister-in-law of David
 Gilley, Aunt of Grace and Jack Gilley
 Killed in a truck crash, 4/13/2017

Joe and Ida Simon
 Lafayette, LA
 Parents of Matthew Simon
 Killed in a truck crash, 4/4/2017

Sarah Jo Plucker-Wright
 Middletown, OH
 Injured in a truck crash, 8/7/2018

Alec Prieto
 San Francisco, CA
 Son of Danielle and Alfred Prieto,
 Brother of Antonio Prieto
 Killed in a truck crash, 1/8/2023

Heather Clark
 Kinston, GA
 Mother of Nate Clark
 Killed in a truck crash, 12/7/2021

April Roderick
 Rosewood, OH
 Wife of Mark Roderick
 Killed in a truck crash, 1/20/2021

Irma Coutz
 Pioneer, OH
 Mother of Samuel Sierra
 Killed in a truck crash, 10/1/2015

Barry and Betty Taylor Davis
 Banner, KY
 Parents of Ally Davis
 Killed in a truck crash, 7/6/2020

Akisha McCarter
 Toledo, OH
 Wife of Michael McCarter
 Killed in a truck crash, 10/15/2021

Patricia Ramos
 Brunswick, OH
 Mother of Jason Ramos
 Killed in a truck crash, 6/29/2015

Stephan Bingham
 San Rafael, CA
 Father of Sylvia Bingham
 Killed in a truck crash, 9/15/2009

Roberto Prieto
 Short Hills, NJ
 Son of Danielle and Alfred Prieto,
 Brother of Antonio Prieto
 Killed in a truck crash, 1/8/2023

Jeff Williams
Viola, KS
Husband of Jessica "Tess" Noel, Father of
Anaiah Brady, Jeffrey Thompson, III, Mack
Thompson, and Hank Thompson
Killed in a truck crash, 9/25/2020

Clinton Gilley
Orange Park, FL
Brother of David Gilley, Brother-in-law of
Christine Gilley, Uncle of Grace and Jack
Gilley
Killed in a truck crash, 4/13/2017

John W. Gordon III
Springfield, VA

Sim Kaur
Chantilly, VA

Charles Roberts
Stafford, VA

Jennifer Silvany
Arlington, TX

Mary Lewis
Warrenton, VA

Dorothy Range
Manassas, VA

Kristie Zimmerman
Alexandria, VA

Aylin Solorzano
Hagerstown, MD

Donna Rose
Gainesville, VA

Sam Weishaupt
Gainesville, VA

Christa Hammack
Jeffersonville, IN
Mother of Erin Alexander
Killed in a truck crash, 5/4/2018

Koreen Wheeler
Murfreesboro, TN
Mother of Alyssa Adrete
Killed in a truck crash, 4/5/2021

Garland Orndorff
Warrenton, VA

Michael Wantuck
Bealeton, VA

Alton Eugene Combs, III
Kinston, NC

Lorraine Lopresti
Stephens City, VA

Michael Hess
Lorton, VA

Truc Le
Vienna, VA

Thomas Stokowski
Fairfax Station, VA

Maurice Maige
Virginia

Josephine Ruhana
Ashburn, VA

Allison Boruff
Manassas, VA

cc: Members of the U.S. Senate Committee on Commerce, Science, and Transportation
Members of the U.S. House Committee on Transportation and Infrastructure

IST Resources

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.

Our most recent Monthly Meetup on October 12 focused on ***Grief Around the Holidays***.

Our guest speaker was **Shannon Collier, a certified grief counselor at Capitol Caring Health**, which is a nonprofit that provides numerous grief related resources and services. The meetup was both informative and impactful! We hope to see you at our next Monthly Meetup.



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

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.