

Safer Trucking Newsletter

SPRING 2023

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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: The Gilley Family

About the Gilley Family

David and Christine Gilley lived in China Grove, NC with their 13-year-old daughter Grace, 10-year-old son Jack, and their dog Harley. The family did everything together. They were energetic, outgoing, and full of life. They were involved members of their church, their community, and deeply connected to their families.

David Gilley, 48 (November 2, 1968 - April 13, 2017)

David Gilley was one of 8 siblings. His family describes him as an amazing human being, kind, generous, and a compassionate family leader. He was a devoted son, loving and supportive brother, great husband, and an amazing dad. He had an infectious laugh that could raise anyone's spirits. David was always there to support his family in times of need and with no hesitation. Often providing great advice based in scripture and faith to get friends and family through whatever situation they were facing. He had recently been promoted at work and was settling into his new role.

Christine Gilley, 42 (December 1, 1974 - April 13, 2017)

Christine was the type of person that was kind to everyone she met and she was equally loved by everyone in return. She was a loving mother, wife, daughter, sister and friend to many. Her family describes her as strong, genuine, driven and determined. She would light up the room with her affectionate smile. Christine was an avid athlete and enjoyed crossfit and working out at her gym. After several years of long hours as a busy professional, Christine was starting to scale back so that she could spend more time with David and the kids.

Grace Gilley, 13 (Sept 11, 2003 - April 13, 2017)

Grace was in 7th Grade at Salisbury Academy. She was as beautiful inside as she was on the outside. She loved running, acting, singing, art and spending time with friends and family.

Jack Gilley, 10 (Sept 23, 2006 - April 13, 2017)

Jack was in 4th Grade at Bostian Elementary. He was a sweet, bright, and fiercely loyal brother. He loved books, swimming, and dancing. Many a dance party was had with his sister and cousins. He also loved to make people laugh, just like his Dad.

Crash Description

On April 13, 2017, the Gilley Family was traveling from their home in North Carolina to Ohio to spend Easter with Christine's family. Tragically, while traveling through West Virginia, they encountered a dangerous truck driver that worked for an inexperienced brand-new trucking company that did not have the federally required safety management controls in place for the safe operation of tractor trailers. Despite being brand new and having no safety history or controls in place, the trucking company was hired by a large broker just three days after the trucking company paid their \$300 and obtained operating authority. This crash was only the company's 17th load being transported. The truck driver was speeding and inattentive traveling southbound on I-77 on a long steep downhill grade and lost control of the tractor trailer. He crossed the median and struck the Gilley's northbound car head on, killing David, Christine, Grace, Jack, and the family dog Harley on impact.

Link to Memorial Page: <https://www.safertrucking.org/remember/gilley-family>

Contact Us

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

Memorial: The Gilley Family

Life After the Crash

David, Christine, Grace, and Jack touched the lives of many while alive, and their tragic loss is deeply felt by family, friends, and their community.

Both Grace and Jack's schools went to great lengths to honor the children. Grace's school had each student write a note about what Grace meant to them and the box full of messages was then shared with the family. They also allowed her classmates to view local artist works and settled on a meaningful piece that today still hangs in her school to honor Grace. At Jack's school, a bench was dedicated and placed in the playground in his honor and a beautiful Dogwood tree was planted that has come to be known as the "Gilley Tree". In addition, a memorial to Grace and Jack was placed in each of their school's respective yearbooks. The irony that Grace should have been applying to college and getting ready to graduate high school is not lost on anyone. These bright, beautiful, and loving children had their whole lives ahead of them.



David and Christine were always there for their family and friends. Life has not been the same for anyone. For so many of their family, it feels like they have not been able to peacefully put them to rest yet, to be able to fully grieve their loss. They want to tell their story because they do not want another family to go through what they have had to face. They hope that by sharing their unimaginable loss, it will highlight the need for brokers and shippers that hire trucking companies verify that the trucking company has the required safety management controls in place for the safety of all who travel on our roads, especially if it is a brand new trucking company. And most importantly, for people to know about the exceptional lives of David, Christine, Grace, and Jack.



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Regulatory Update

Department of Transportation Public Comment Periods on Relevant Truck Safety Matters

The Department of Transportation, and its agencies, have several important public comment periods open that pertain to important truck safety policies. We encourage you to take advantage of this opportunity to share your feedback with the DOT. Your input can help shape the final guidance and ensure that maximizes safety.

- **Broker and Freight Forwarder Financial Responsibility (Reopened)**

- Summary: The Federal Motor Carrier Safety Administration (FMCSA) has recently reopened the comment period for its interim guidance on the definitions of broker and bona fide agents. This move comes after the FMCSA received significant feedback from stakeholders in the transportation industry, highlighting concerns about the potential impact of the guidance on their operations. The FMCSA's interim guidance aimed to clarify the definitions of "broker" and "bona fide agents" under the Federal Motor Carrier Safety Regulations. These definitions are critical to determining who is subject to the regulatory requirements governing brokers and who is exempt.
- Public Comments Final Submission Date: **April 6, 2023**
- Docket ID: FMCSA-2022-0134-0111
- Link to Public Comment: <https://www.regulations.gov/document/FMCSA-2022-0134-0111>

[Comment](#)

- **Updating the Model Minimum Uniform Crash Criteria**

- Summary: The National Highway Traffic Safety Administration (NHTSA) is currently revising the Model Minimum Uniform Crash Criteria (MMUCC) 5th Edition and has issued a request for public comment on the draft MMUCC Guideline, 6th Edition. The MMUCC is a voluntary guideline that provides uniform crash data elements and standardizes crash reporting across states and jurisdictions. The guideline is used by law enforcement agencies, transportation safety professionals, and researchers to improve crash data quality and inform the development of effective safety countermeasures. The revision of the MMUCC guideline aims to incorporate new technologies, emerging safety issues, and stakeholder feedback to ensure that the guideline remains relevant and effective in improving transportation safety. NHTSA is seeking public comment on the draft MMUCC Guideline, Sixth Edition, to inform appropriate improvements and identify stakeholder concerns. Interested parties are encouraged to provide their comments, including any relevant data, research, or information to support or oppose the proposed changes.
- Public Comments Final Submission Date: **May 3, 2023**
- Docket ID: DOT-NHTSA-2023-0002
- Link to Public Comment: <https://www.federalregister.gov/documents/2023/02/02/2023-02140/request-for-comment-draft-model-minimum-uniform-crash-criteria-mmucc-guideline-sixth-edition>

[Comment](#)

Regulatory Update

Department of Transportation Public Comment Periods on ANPRM for Side Underride Guards

The Department of Transportation and its agencies are accepting public comment on an Advanced Notice of Proposed Rulemaking (ANPRM) on requiring side underride guards on trailers and semi-trailers. We encourage you to take advantage of this opportunity to share your feedback with the DOT. Your input can help shape the final guidance and maximize efficiency.

- **Broker and Freight Forwarder Financial Responsibility (Reopened)**
 - Summary: The ANPRM responds to Section 23011(c) of the November 2021 Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Law (BIL), which directs the Secretary to conduct research on side underride guards to better understand their overall effectiveness, and assess the feasibility, benefits, costs, and other impacts of installing side underride guards on trailers and semi-trailers. The BIL further directs the Secretary to report the findings of the research in a Federal Register notice to seek public comment.
 - Public Comments Final Submission Date: **July 20, 2023**
 - Docket ID: NHTSA-2023-0012
 - Link to Public Comment: <https://www.regulations.gov/docket/NHTSA-2023-0012>

[Comment](#)

Legislative Update

Legislation to Shield Shippers and Brokers Introduced in House of Representatives

H.R. 915, the Motor Carrier Safety Selection Standard Act, was purposely named and defined to mislead the public. Instead of improving safety, H.R. 915's true purpose is to protect brokers from lawsuits if they hire unsafe motor carriers that are involved in truck crashes.

Key Points:

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.

Because such language would protect shippers and brokers from being sued if the motor carrier meets the three criteria, it would incentivize shippers and brokers to rely on insufficient information to select the cheapest motor carriers who may sacrifice safety to lower their operating costs.

Visit the Institute for Safer Trucking's Advocacy Center (www.safertrucking.org/advocacy) to contact your lawmaker and urge them to oppose this legislation!

Memorial: Mark Roderick

About Mark

Mark Roderick lived in Rosewood, OH with his family in the house that he and his wife, April, had proudly bought just a few years ago. Mark was the type of person that brought so much joy and laughter into everyone's life, and he was loved by all that met him. Always quick with a complement, he loved nothing more than to make someone smile. He lived to bring out the good in all people and all situations. You could ask for help at any time, for anything and he would be right there. He never knew a stranger and he'd give anyone a chance or the shirt off his back.

Mark loved learning and had a wide variety of interests. He was incredibly handy. He loved fixing up and restoring cars, a love that he shared with his children. Together, they worked to improve these cars, make them faster and run smoother. He was extremely proud of the first car that he bought and restored, a '74 Nova that he rebuilt from the ground up. The kids would race home from school and practice to help Mark out in the garage. From his love of all things related to cars, to his knick-knack collections, and his love of music - he willingly and eagerly shared all of this with his family. In addition to his skills with fixing cars, he could fix anything around the house, and if he did not know, he would teach himself. Mark passed a lot of this knowledge on to his kids. While he did not shy away from handing out constructive criticism, he was always encouraging and supportive of them all.

He loved his family, both the family he made with his wife and the family he was built from. He was a child of 6 and was close with all his siblings but was especially close with his little brother, Monte. Their bond was an unbreakable one, throughout the teenage years all the way through adulthood, marriage, having children of their own and all life threw their way. They remained best friends through it all. Where you found one, you found the other. Whether it was the 80's, driving their muscle cars around town jamming to the Beastie Boys, or in 2020 at the house Mark and April had bought, walking around the yard with a metal detector, giddy and giggling like children when it would start beeping. Mark and Monte were always laughing anytime they were together, and if you were around them there was no way you'd be able to not laugh with them until you were almost in tears. Funnier than most professional comedians, those two were dynamic together.

He enjoyed his work at Honeywell, where he was most recently making and repairing landing lights on planes, such as B57 Bombers, and other military bombers and fighter jets.

Mark and his wife, April, were getting ready to commemorate some major milestones: April would turn 50 on January 21 and they would celebrate 24 years of marriage together in February. The Monday before the crash, April had called off work to surprise him and spend some time together, something they didn't often have the time to do. Everything was as it should be: life was good, the kids were happy, and everything felt like it was in its place.

Crash Description

On January 20, 2021, Mark headed out for his day early as usual. It was still dark out as he traveled on a rural road when he came upon a truck stretching across the roadway backing into a driveway. Mark did not see the truck or have any time to react, and his car crashed into the trailer. He died from injuries he suffered in the crash.



Link to Memorial Page: <https://www.safertrucking.org/remember/mark-roderick>

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Memorial: Mark Roderick

Life After the Crash

Earlier that morning, April had woken up early to say goodbye to Mark before he headed out for his day. After falling back asleep to rest for her own shift later that day, April was woken a short time later by a call from the hospital telling her that Mark had been in a crash, and they could not restart his heart. She was asked to come to the hospital to identify Mark's body, but she knew she couldn't do it alone, so she decided to wake their daughter, Amber, to go with her. They then began the difficult and heartbreaking process of sharing this news with the other siblings. Somehow, by the end of the day, they were able to all come together.

The loss of Mark drastically impacted all their lives. April's birthday was the day after the crash. While they normally did not exchange gifts, April received a package that day from Mark, who had ordered some of her favorite products. Going from a double income to one has put tremendous strain on the family. Simple tasks, like taking the dog to the vet, something April never had to do alone before, now falls solely on her. She misses her partner to come home to and share their day together. A life cut too short, with so much life to live.

Levi and Logan have been thrust into the role of caretakers of the house. However, Mark instilled a confidence in them that has given them the courage to take what they have already learned from him and teach themselves the rest.

Tabi, who is getting married in a few months, now doesn't have her dad to walk her down the aisle. One of her favorite things about him was his relationship with her kids. He was a great grandparent and the kids absolutely loved spending time with him.

For Amber, who was so much like Mark in so many ways, she feels like she has lost a part of herself. Music was their shared language. After the crash, it was too hard to listen to that same music that she loved singing with and dissecting lyrics of with her dad. She lost the one person who she felt saw life the same as her. In her words, "He was my superman and I never thought I would lose him." Amber has since moved to Florida.

Mark and his brother, Monte, the "Dynamic Duo", will never be the same.

In June of 2022, April and her two boys traveled to Washington DC to learn more about the issues surrounding Mark's crash. They learned that a simple fix, such as an underride guard on the sides of trailers, could have prevented Mark's car from going under. They are advocating to encourage more states to add underride fields to their police accident reports so that these devastating crashes can be recorded properly. At the time of their trip to DC, only 17 states had the proper field to categorize the specific type of crash such as underride. The Roderick family also hopes that with an added field, additional training will be provided for law enforcement so that they understand the issues better.

Mark was the laughter, the backbone, and the glue of the family. He is missed every day. As difficult as his loss is, he left his family with a solid foundation, and they hope to emulate him in how to treat people and work toward finding that same positive outlook on life.

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Facts from Safer Trucking Report

The Institute for Safer Trucking's Safer Trucking Report highlights fatal truck crash trends and shares state rankings based on data from the National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS). Over the next few newsletters, we will be highlighting some of the facts and analyses that were included.

INCREASE INSURANCE MINIMUMS

By maintaining 1980-level requirements for insurance, motor carriers that operate with \$750,000 or \$1,000,000 policies are effectively **privatizing profits while socializing costs**.

The current minimum falls short of the cost of a fatal large truck crash in the U.S. in 2022. It is also much lower than the value of statistical life (VSL) used by the U.S. Department of Transportation, which is the "estimated benefit of preventing a fatality... defined as the additional cost that individuals would be willing to bear for improvements in safety (that is, reductions in risks) that, in the aggregate, reduce the expected number of fatalities by one."

COST OF A FATAL TRUCK CRASH IN 2022



USDOT VALUE OF STATISTICAL LIFE IN 2021



IST Update

The Institute for Safer Trucking hosted its highly anticipated Roundtable for Safer Trucking on May 10-11, 2023, in the heart of Washington, D.C. This two-day event brought together survivors and families of truck crash victims, providing them with a platform to share their stories, gain knowledge about truck safety policies, receive advocacy training, and engage with elected officials.

The Roundtable for Safer Trucking proved to be an empowering and informative gathering, offering participants a chance to learn, connect, and contribute to the pursuit of safer trucking practices. The event's program featured a range of educational sessions designed to shed light on pressing issues related to truck safety. Topics covered included advancements in vehicle technology, stronger underride protections, and increasing the minimum insurance for interstate motor carriers.



The Roundtable for Safer Trucking was honored to have several attendees who were current and former clients of Board of Regents members for Academy of Truck Accident Attorneys (ATAA). Their presence served as a testament to ATAA's ongoing commitment to supporting victims of truck crashes. Thank you to everyone who connected their clients with IST.

To find out about the next Roundtable for Safer Trucking, please contact Harry Adler at the Institute for Safer Trucking at hadler@safetytrucking.org.



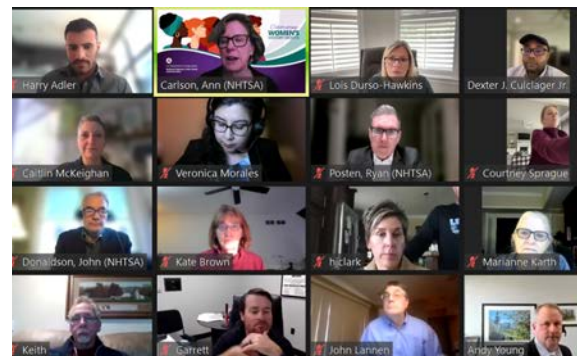
IST Update

Institute for Safer Trucking Meets with Acting Administrator of NHTSA, Ann Carlson

The Institute for Safer Trucking's most recent monthly Zoom meeting for survivors of truck crashes and families of victims included a virtual sit-down with Ann Carlson, the Acting Administrator of the National Highway Traffic Safety Administration. The meeting provided a safe space for attendees to share their personal experiences and ask questions related to truck safety and regulatory measures.

The event was an important step towards creating awareness about truck safety and promoting open communication between the Federal agency that oversees truck safety and those affected by truck crashes. Attendees, many of whom were represented by ATAA Board of Regents members, shared their personal stories of loss, grief, and pain, highlighting the urgent need for better safety measures and stricter regulations to prevent such truck crashes from happening in the future.

Ann Carlson and several other top officials at NHTSA were present at the meeting to answer questions and offer their perspectives on the current state of truck safety regulations. They provided several pertinent updates, including:



- Automatic Emergency Braking rule will apply to all trucks over 10,000 pounds;
- Research on the effectiveness of side underride guards has been completed and is undergoing review; and
- NHTSA may reconsider the final rule on rear underride guards to strengthen the mandate to require rear guards to prevent underride in collisions with 30 percent overlap at 35mph.

While this Zoom meeting was a great opportunity, please remember that IST hosts these meetings every month! Tell your clients about these opportunities to share their stories, meet others like them, and advocate to make trucking safer in the U.S.

2021 Fatal Crash Data Released

The recently released data from the National Highway Traffic Safety Administration (NHTSA) showed that truck crash deaths increased from 4,945 in 2020 to 5,788 in 2021, marking a staggering 17 percent increase in fatalities.

In addition to the high number of fatalities, the data reveals that there were 154,993 truck crash injuries reported in 2021. These numbers are alarming and highlight the urgent need to promote policies that improve truck safety.

It is imperative that policymakers, trucking companies, and other stakeholders, including survivors and families of truck crash victims, work together to implement measures that promote safe driving practices and vehicle maintenance.

To download a fact sheet on the 2021 truck crash fatalities data, please visit the Institute for Safer Trucking's website here: <https://www.safertrucking.org/ist-analysis/2021-truck-crash-fatalities>

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