

# Safer Trucking Newsletter

## SUMMER 2022

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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.



# IST Roundtables

This past June, the Institute for Safer Trucking hosted two Roundtables to bring together families of truck crash victims, survivors, and other safety advocates to learn about truck safety solutions and advocate for policies that will reduce truck crashes, injuries, and deaths. Several new families and survivors attended these two-day sessions. These events were a meaningful step forward for many of the attendees who have been adversely affected by large truck crashes and were a moving experience for other advocates who were in attendance.

Attendees participated in learning sessions that covered topics like heavy vehicle speed limiters, comprehensive underride protections, and increasing the minimum insurance requirements for interstate motor carriers. Attendees also met with top Members of Congress and their staff as well as top Executive Branch policymakers, including the Administrator of the Federal Motor Carrier Safety Administration, Robin Hutcherson.

If you would like to learn more about how you can attend the next IST Roundtable, please connect with Harry Adler at the Institute for Safer Trucking at [hadler@safertrucking.org](mailto:hadler@safertrucking.org).



*Attendees at the 1st June IST Roundtable sat down with Sarah Puro of the National Transportation Safety Board to discuss what the NTSB is doing to improve truck safety.*

*IST co-founders, John Lannen and Harry Adler, and IST board members, Tracy Quinichett Whitehead and Peter Malarczyk, met with FMCSA Administrator, Robin Hutcherson to discuss minimum insurance and other safety solutions.*



*Tracy Quinichett Whitehead, Peter Malarczyk, Cynthia Harvell, and Dexter Culclager met with Representative Chuy Garcia (D-IL), the sponsor of a bill, the INSURANCE Act, that would increase the minimum insurance to \$5 million and index it to inflation every five years.*



*Jamie and Tim Johnson, outside of Senator Jim Inhofe's (R-OK) office.*

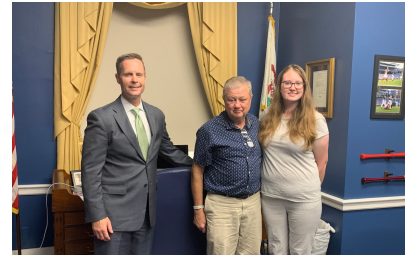


*Ohio Families educate Senator Sherrod Brown's (D-OH) staff about truck safety solutions.*

*Attendees at the 2nd June IST Roundtable sharing their stories before learning about minimum insurance and truck crash data.*



*Jessica Balsizer and Keith Wolf connect after a day of learning and advocacy.*



*Rick and Lydia Fenton meet with Ranking Member of the Highway and Transit Subcommittee to discuss truck safety regulations.*

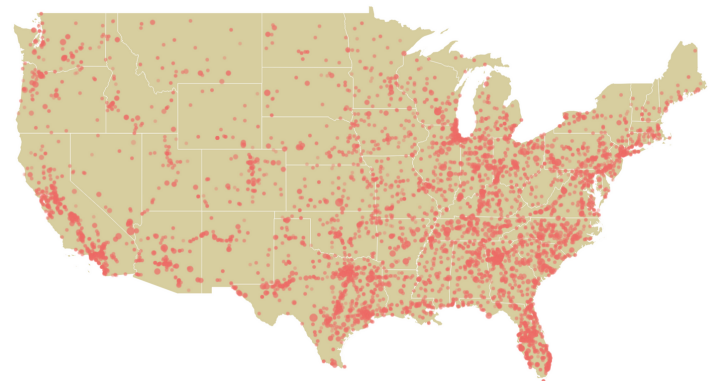
*IST Co-Founder, John Lannen, shares his experiences working with other stakeholders through federal advisory committees as Keith Wolf and Kim DeBeer listen.*

# IST Update

The Institute for Safer Trucking recently updated our data visualization tool to include several additional filters and breakouts to allow you and your firm to better understand data from the National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS).

The updates include:

- Zoom Feature
- Search by Case Number
- Search by DOT Number of motor carrier involved in a fatal crash
- Breakout of Pre-Crash Factors:
  - Pre-Event Movement (Prior to Recognition of Critical Event)
  - Critical Event - Precrash
  - Attempted Avoidance Maneuver
  - Pre-Impact Stability
  - Pre-Impact Location



[Visit Tool!](#)

If you would like to learn more about this tool and how you can use it, please contact Harry Adler at [hadler@safetrucking.org](mailto:hadler@safetrucking.org).

# Memorial: Emily Fredricks

## About Emily

Emily Claire Fredricks was born on July 7th, 1993, and was 24 years old when she was killed by the driver of a sanitation truck while cycling. She was the sunshine of her loved one's lives; she was funny, kind, with her whole life ahead of her. Emily was a creative French pastry chef who loved to laugh. She was a sister, a daughter, a friend; unafraid to love or be loved. Emily's life was cut short, leaving the lives of all of those left behind shattered. Her family misses her every second of every day.

## Crash Description

Emily was killed by the driver of a sanitation truck while cycling to work in Philadelphia. As Emily was traveling on a road with a bike lane, a truck driver that should have yielded to her at the intersection made a right hook into her, hitting Emily while she was legally biking. Dashcam and street cam footage also show the driver had earbuds in and was distracted in his cab, and show the driver ignored signage and failed to use his turn signal.

## Life After the Crash

With Emily gone, the Fredricks family is forever changed. Emily's mother, Laura Fredricks, says "Emily's absence has left behind a painful sadness that our Family feels each and every day." As holidays approach, wrapping gifts and engaging in family traditions is a painful reminder of their daughter's death. Attending extended family functions forces Laura to consider the future Emily will never have. The Fredricks family finds comfort in talking about Emily with their friends, but as COVID has locked down parts of the country, friends are hard to meet with and the isolation has taken a toll on everyone's mental health.

The pain of losing Emily drives Laura and Rich Fredricks to advocate for safer trucking regulations. They reached an agreement with the company involved in Emily's crash where the company would donate money to safety efforts each year for the five years following the crash that killed Emily. Laura and Rich are working with their representatives, local groups, and nonprofits, such as Families for Safe Streets, Vision Zero City Initiative, and the Institute for Safer Trucking, in order to make sure that what happened to their daughter will not happen again.

While the driver was charged with homicide by vehicle, involuntary manslaughter and recklessly endangering another human being, those charges were dismissed by the Commonwealth of Pennsylvania in August of 2022. "Emily was our sunshine, and this ruling makes it seem that her life did not matter at all." The Fredricks' know there is much work to do in how those who use their vehicles to kill or seriously injure loved ones are criminally charged, held accountable, and face the consequences of their actions.



**Link to Memorial Page:** <https://www.safertrucking.org/remember/emily-fredricks>

## Contact Us

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# Regulatory Update

## **FMCSA Updates Guidance for Truck Driver Medical Examiners**

The Federal Motor Carrier Safety Administration published a draft of its new Medical Examiner's Handbook (MEH). The handbook provides information on driver health requirements and guidelines used by medical examiners (MEs) listed on FMCSA's National Registry of Certified Medical Examiners to interpret regulations on physical qualifications for commercial drivers.

An ME is licensed, certified, and/or registered in accordance with state laws and regulations to perform physical examinations and must also be knowledgeable of the physical and mental demands associated with operating a commercial motor vehicle.



FMCSA highlights that, unlike regulations, the recommendations and guidance in the handbook "do not have the force and effect of law and are not meant to bind MEs, drivers or the public in any way. Rather, such guidance itself is only advisory and not mandatory."

FMCSA first posted the MEH on its website in 2008 but had to withdraw it in 2015 because some of the information was determined by the FMCSA to be "obsolete or was prescriptive in nature." Therefore, MEs and training organizations were told not to consider the MEH as guidance to interpret federal regulations.

The Institute for Safer Trucking staff will keep members informed if the agency decides to revive efforts to promulgate a final rule relating to testing for Obstructive Sleep Apnea (OSA). In the handbook, the FMCSA addresses OSA by providing a link to recommendations made in 2016 by the Medical Review Board, an advisory committee to the agency. It includes suggestions on risk factors, screening, testing, and medical certification of drivers with OSA.

Comments on the draft handbook must be received on or before Sept. 30.

**Comments can be by following this link:**

<https://www.regulations.gov/document/FMCSA-2022-0111-0002>.

# Regulatory Update

## **FMCSA Receives Thousands of Public Comments on Heavy Vehicle Speed Limiters Notice of Intent**

The Federal Motor Carrier Safety Administration (FMCSA) open a public comment period in response to their Notice of Intent to move forward with a rulemaking to require the use of speed limiters on large trucks. While the FMCSA hasn't identified the maximum speed, users will have "to maintain that ECU setting for the service life of the vehicle," according to the agency's NOI.

The deadline to comment on the federal agency's speed limiter rulemaking was July 18, 2022. With more than 15,000 comments already submitted, we thank all of you who submitted comments in support of this important regulatory action. The Agency is expected to move to the next step of the regulatory process in early 2023.

# Legislative Update

## **Bipartisan House Bill Introduced to Repeal Federal Excise Tax on Large Trucks and Trailers**

For the second time this Congress, a bill has been introduced to repeal the federal excise tax (FET) on large trucks and trailers. Rep. Chris Pappas (D-N.H.) and Rep. Doug LaMalfa (R-Calif.) introduced the Modern, Clean, and Safe Trucks Act of 2022.

The FET was first enacted in 1917 to help pay for World War I, according to the American Truck Dealers Association. The 12 percent tax is the highest excise tax on a percentage basis that Congress levies on a product. In terms of dollars, this tax can add as much as \$22,000 to the price of a new heavy-duty truck, and as much as \$50,000 to the price of an electric or hydrogen fuel-cell truck. Because this tax is paid at the time of sale and is not levied on used trucks, it can often incentivize motor carriers to buy used trucks rather than newer, safer, and more fuel-efficient trucks.

# Memorial: Dylan Mitchell

## About Dylan

Dylan was born on Christmas Day, December 25, 1991. He grew up in Clayton, CA with his parents, Julie and Paul, and his three younger brothers. Dylan was sweet, outgoing, athletic, and the most charismatic person. Making friends was natural to him, and no matter where he went, he made friends with people. People gravitated toward him and his smile was hard to resist! He cared deeply for people and anyone that knew him, loved him.

Dylan not only had one of the best personalities, but he was multi-talented. He was a star wrestler, excellent swimmer, and water polo player. His passion though was golf, and he absolutely adored the sport. He dreamed of one day becoming a pro golfer. He even worked at two different golf courses, just so he could play daily. He also loved sharing his love of golf with his three younger brothers and enjoyed teaching them how to play.

Dylan's three brothers adored him and looked up to him so much. He was such an incredible role model for each of them. His brothers always said they wanted to be like him because he was so good at everything he did, perhaps one of the biggest compliments a brother could give.

Dylan and his parents also enjoyed close relationships. He was the sweetest, most loving son. A deep thinker, but sensitive person, there were no better conversations than with Dylan. Dylan and his Mom talked daily.

Dylan had recently moved to San Francisco for an apprenticeship with the International Brotherhood of Electrical Workers. Following in his dad's, grandfather's and great-grandfather's footsteps, Dylan was set to be the 4th generation of electricians in the family. He was excited to start this next step of his life and was enjoying branching out on his own.



## Crash Description

On May 23, 2013, Dylan was riding his bicycle to work in San Francisco, CA, headed straight on 16th Street, when a garbage truck making a wide right turn without a signal, turned into him while he was going through the crosswalk to continue straight. The truck driver ran him over and continued down South Van Ness. He didn't stop, until he heard something under his vehicle and pulled over and removed Dylan's mangled bike two blocks down the road. He then continued until another driver that had seen what happened, flagged him down and told him he needed to go back, that he had killed someone. Dylan died at the scene and no resuscitation efforts were made because he was crushed.

## Life After the Crash

Dylan loved life and in his 21 short years, he lived it to the fullest that he possibly could. All of that was cut short because of one man's decisions behind the wheel of a deadly garbage truck. In addition to not using any kind of turn signal, the garbage truck had no side guards or rear mirrors, which could have saved Dylan's life.

After the crash, Dylan's mom, Julie, became a founding member of San Francisco Bay Area Families for Safe Streets. The group is made up of and works to support traffic crash survivors and the loved ones of people who have been killed or injured in traffic crashes. Nothing can replace Dylan, so they will continue to fight for families to ensure that all road users are protected and so that other families do not have to go through what they have had to endure.

Dylan's family misses him dearly every single day. His brothers have lost their role model, his mom has lost her daily confidant. Every year at Christmas, which was his birthday, his family hosts a memorial toy drive for foster children in memory of Dylan. They have been doing it since 2014 after deciding to become a foster family themselves. Each year, hundreds of toys are donated to local foster children. Dylan's absence has completely changed the holiday for the family and this toy drive helps them get through it and know that they are keeping his memory alive by helping other children.

**Link to Memorial Page:** <https://www.safertrucking.org/remember/dylan-mitchell>

## Contact Us

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# Legislative Update

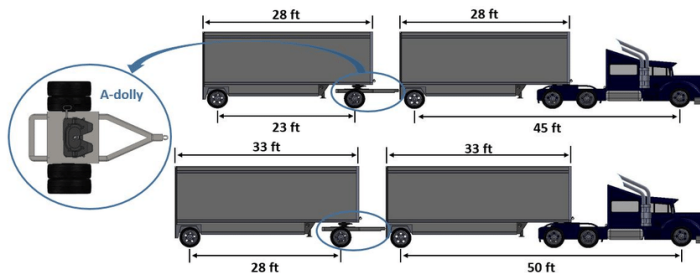
## Representative Brian Mast Introduces Two Bills to Increase Size and Weight of Large Trucks

The Institute for Safer Trucking opposes efforts to increase truck size and weight and urges the public to visit our website to learn more about the dangers of heavier and longer trucks on our roadways.

**H.R. 8411: This bill would extend the permissible length of a semitrailer from 28 to 33 feet.**

### *The Problems with Longer Trucks:*

- According to the U.S. Department of Transportation's (DOT) Comprehensive Truck Size and Weight Study's technical reports, a Double 33 is less safe to operate than the current configuration of Double 28s. These longer trucks require an additional 22 feet to stop, which will make collisions resulting from the truck striking another vehicle in the rear more likely and potentially more devastating.
- Research also shows that 9 percent of double trailer trucks involved in fatal crashes experienced a jackknife compared to 5 percent of single trailer trucks.
- Longer trucks take more time to pass, cross into adjacent lanes, interfere with traffic, as well as swing into opposing lanes on curves, and when making right-angle turns.



*An existing double 28-foot trailer compared to the proposed "Double 33" configuration.*

**H.R. 8412: This bill would increase the permissible weight of a semitrailer from 80,000 pounds to 97,000 pounds.**

### *The Problems with Heavier Trucks*

- The Department of Transportation Comprehensive Truck Size and Weight Limits Study found that heavier trucks experience anywhere from 47 to 400 percent higher crash rates.
- A 20 percent increase of the weight of a heavy truck increases bridge damage by 33 percent.
- A 2010 study on freight diversion concluded that increasing truck weights to 97,000 pounds, which this bill would accomplish, would result in a net increase of nearly 8 million more trucks on our roads and bridges - a 56 percent increase.



# 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](https://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

# Memorial: Roya Sadigh

## About Roya

Roya Christine Sadigh was born June 19, 1978. She was a beautiful, kind and intelligent young woman. She had a quick wit; laughter came frequently and easily for Roya. Her mother, Lois, says people naturally gravitated to Roya because she was such a wonderful young lady with so many endearing and loving qualities. Lois says, "The name Roya means dream – she always feels like a very sweet dream."



## Crash Description

On November 24, 2004, Roya was driving with her fiancé to visit his family for Thanksgiving. They were driving east on I-94 in Indiana when the car lost control on the snowy and slushy road near Michigan City, ultimately sliding under the side of a tractor trailer. Despite attempts by several witnesses to the crash to try and help her, Roya's injuries were catastrophic, and she died on her way to the hospital.

## Life After the Crash

After Roya's crash, Lois learned that not only was there technology that could have prevented Roya's death, but that the solutions were known and not acted on. That technology is an underride guard. Lois has spent countless hours advocating for tougher underride protections on truck trailers to ensure other families do not have to experience the same pain and loss that she has had to endure.



**Link to Memorial Page:** <https://www.safertrucking.org/remember/roya-sadigh>

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