

Safer Trucking Newsletter

WINTER 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.



Memorial: Michael McCarter

About Michael

Michael McCarter was born and raised in Toledo, OH. He graduated from Central Catholic High School and went on to become a Certified Master Journeyman Plumber and Pipefitter. He was a member of Local 50 Plumbers and Pipefitters Union. During his 16-year career at Local 50, Mike served in various capacities from Apprentice to General Foreman. He was proud to be part of teams that built vital local structures. He had recently established McCarter's Properties and Repairs LLC and was often called on by loved ones for help with various projects and repairs. Michael also encouraged and mentored others into the trades. He was so proud that his persistence and preparation allowed him to take care of his family.

Michael and his childhood sweetheart of over 25 years, Akisha, lived in Toledo with their two young daughters. He had a special, close relationship with his girls, who adored him. Family was the center of Michael's world. He was affectionately known as "Uncle Bub" by many. His love also spread far beyond his immediate family. Mike had a way of putting people at ease and in turn, they enjoyed being in his presence. His charisma, hilarious sense of humor and lively personality were hard to resist. The McCarter family was surrounded by many loving friends and family. Michael was a hard worker, devoted husband and father, and a loyal friend.

Crash Description

On October 15, 2021, Michael was on his way home from work. A truck driver, distracted on his phone, lost control of his truck and crossed the highway slamming into and landing onto Michael's car. Michael was pinned in his car for 90 minutes before they could extract him. He sustained several irreparable skull fractures and died because of the crash.

Life After the Crash

While Michael was the breadwinner in the family, he and Akisha supported their children together. That was all taken from them because of someone's reckless behavior. The girls, who were just 10 and 7 at the time of the crash, are now forced to grow up with out the support of their father that they loved so much. Akisha has vowed to do her best, just like he did, to support her family. She also wants to ensure that no other mother has to experience the heavy burden of not only consoling your child about why their father isn't coming home, and at the same time worrying about how you are going to provide for their basic needs on her own.

In June of 2022, Akisha traveled to Washington, DC to advocate for stronger truck safety legislation to Congress and the US Department of Transportation. Because the carrier with its name on the truck at the time of the crash only carried the minimum level of insurance, Akisha is unlikely to receive any assistance that would help her support her family. The mandatory minimum insurance requirement of \$750,000 was put in place in 1980, before Akisha were even born. It was meant to be adjusted every year for inflation. It has not been raised for over 40 years. Increasing the minimum insurance that truck drivers are required to carry would incentivize companies to hire more competent and responsible drivers.

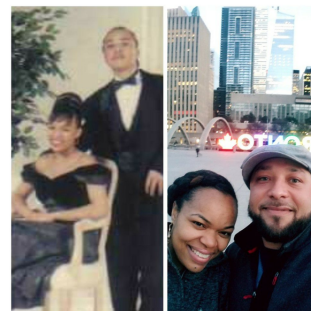
To turn pain into purpose, Akisha has established a Memorial Scholarship Fund in Michael's honor at Owens Community College in Northwood, OH for anyone entering the Skilled Trades. It helps with the pain a little knowing that Mike is still positively impacting others and that his legacy is far reaching.

While Akisha and her girls face an uncertain future, she shares their story to bring attention to the human cost of reckless behavior and outdated policies. Real people with real lives are in their cars on the road with them. The choices a driver makes impacts whole communities. Michael was their rock, and his loss is felt tremendously by all that knew him.

Link to Memorial Page: <https://www.safertrucking.org/remember/michael-mccarter>

Contact Us

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



Regulatory Update

Department of Transportation Releases Significant Rulemaking Report

The Department of Transportation (DOT) provides the Significant Rulemaking Report to inform the public regarding its regulatory activities. This information can be used in conjunction with other tools available to the public. For instance, by using the Docket Number when it is provided in the Report, you can locate the public docket for a particular rulemaking. By using the Federal Register citation, you can also locate the document in the Federal Register.

Important Rulemakings:

- **Broker and Freight Forwarder Financial Responsibility**
 - RIN 2126-AC10
 - Stage: Notice of Proposed Rulemaking (NPRM)
 - Expected Date: January 2023
 - Summary: FMCSA will propose changes to the broker/freight forwarder financial responsibility requirements as required by MAP-21.

- **Safety Fitness Procedures**
 - RIN 2126-AC52
 - Stage: Advance Notice of Proposed Rulemaking (ANPRM)
 - Expected Date: January 2023
 - Summary: FMCSA is seeking 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.

- **Automatic Emergency Braking Systems**
 - RIN 2126-AC49
 - Stage: Notice of Proposed Rulemaking (NPRM)
 - Expected Date: January 2023
 - Summary: This joint rulemaking of the National Highway Traffic Safety Administration (NHTSA) and FMCSA will be seeking comments on a proposal to require and/or standardize equipment performance for automatic emergency braking (AEB) systems on heavy trucks. The rulemaking is expected to propose performance standards and motor carrier maintenance requirements for AEB systems on heavy trucks and accompanying test procedures for measuring the performance of the AEB systems in NHTSA compliance testing.

- **Heavy Vehicle Speed Limiters**
 - RIN 2126-AB63
 - Stage: Supplemental Notice of Proposed Rulemaking (SNPRM)
 - Expected Date: June 2023
 - Summary: The new rulemaking, in consultation with NHTSA, will consider whether additional regulatory actions should be taken concerning CMV manufacturer requirements. Specifically, motor carriers operating commercial motor vehicles in interstate commerce with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of 26,001 pounds or more that are equipped with an electronic engine control unit (ECU) capable of governing the maximum speed be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle

Federal Legislative Update

The 118th Congress is now in full swing, and the committee assignments have been set. The Institute for Safer Trucking has already met with top members' staff and committee staff to share their legislative priorities. Below are the chairs and ranking members for the committees of jurisdiction for all matters truck safety. These Members of Congress will play a powerful role over the next two years, so if you have good contacts with them, please let us know!

House of Representatives

Committee on Transportation and Infrastructure



Chair
Sam Graves (R-MO-6)



Ranking Member
Rick Larsen (D-WA-2)

[Full Committee](#)

Senate

Committee on Commerce, Science, and Transportation



Chair
Maria Cantwell (D-WA)



Ranking Member
Ted Cruz (R-TX)

[Full Committee](#)

Subcommittee on Highways and Transit



Chair
Rick Crawford (R-AR-1)



Ranking Member
Eleanor Holmes Norton
(D-DC)

[Full Subcommittee](#)

Subcommittee on Surface Transportation, Maritime, Freight, and Ports



Chair
Gary Peters (D-MI)



Ranking Member
Todd Young (R-IN)

[Full Subcommittee](#)

Memorial: Caitlyn Preston

About Caitlyn

Caitlyn Preston was born on October 16, 2000. She graduated from Kenton Ridge High School in May of 2019. She was to go to Tiffin college and study forensic science. An avid bowler, she received an athletic bowling scholarship to compete on the Tiffin bowling team. She was known by her friends as loving and caring; the one you could always go to if you needed advice or a hug.

Caitlyn loved the outdoors; camping, fishing, hiking, and boating. She loved cheerleading, soccer and singing. A family friend described Caitlyn as "beautiful, funny, smart, compassionate, sarcastic, comedic, a talented artist, choir singer, and bowler. She had an amazing future planned and was eternally optimistic." She had her path all planned out but that got taken away from her eight days after she graduated from high school.

Crash Description

On May 28 of 2019 is when Shirley last saw her daughter and told her she loved her. On State Route 72 in Cedarville, Ohio the truck driver was not paying attention and lost control as the semi truck that he was driving hit Caitlyn head on in a front underride crash, killing her. He was talking on a hands-free cell phone and drove off the right side of the road. He then attempted to steer back onto the roadway when he overcorrected and went left of center into the driver's side door of Caitlyn's car. The driver didn't have to pay any fines and was back on the road within weeks.



Life After the Crash

Caitlyn's mom, Shirley, describes the crash as "devastating" and has suffered a severe decline in health since the crash. Without her daughter she feels "lonely, cold, and struggles to find enjoyment in any activities."

A lawsuit was filed and settled prior to the criminal jury trial. The company was insured for above the minimum insurance, paid full policy limits, agreed to put money towards collision avoidance technology, and contribute money towards Caitlyn's annual bowling scholarship founded by her family. However, the truck driver that killed Caitlyn is still driving, despite his neglect, and never had to pay fines to Caitlyn's family. The lack of justice, as well as the tragic death of Caitlyn, makes living in the day to day very difficult for Shirley.

Shirley hopes by sharing Caitlyn's story anyone else in a similar situation will know they are not alone in their anger and grief, and hopes to raise awareness for safer trucking regulations.

Link to Memorial Page: <https://www.safertrucking.org/remember/caitlin-preston>

Contact Us

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State Legislative Update

Below are state efforts to make it more difficult to hold motor carriers, shippers, brokers, and insurers accountable in state courts. Please watch this space as it may be happening in your backyard!



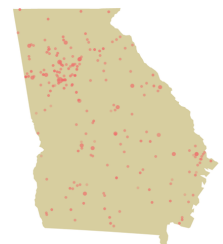
Indiana

Senate Bill 324 - DEFEATED

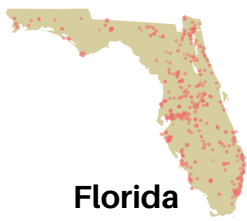
Would create a procedure to bifurcate a trial of a civil action filed against the operator of a commercial motor vehicle and the employer of the operator or the owner of the commercial motor vehicle involved in a motor vehicle accident. Would require certain defendants to file a motion to bifurcate within a specified period of time and provide that certain evidence may be presented in the first phase of a bifurcated trial. Would permit a plaintiff to pursue punitive damages in the second phase of a bifurcated trial.

Senate Bill 203 - Active

Would repeal provisions authorizing joinder of motor carriers and their insurance carriers in tort and contract causes of action. In effect, this would prohibit plaintiff's attorneys from filing separate, individual lawsuits against a commercial motor vehicle operator, a motor carrier, and an insurer. It would also increase the hours of service for motor carriers operating in intrastate commerce.



Georgia



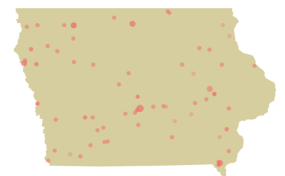
Florida

House Bill 837 - Active

Would require more than mere negligence to constitute actionable bad faith and would impose a duty upon insureds and claimants to act in good faith. It would also create a mechanism for distribution of insurance proceeds when two or more third-party claims exceed policy limits.

House Study Bill 114 - Active Senate File Bill 228 - Passed Senate (Amended)

Would prevent trucking companies from being sued for "direct negligence in hiring, training, supervising, or trusting" an employee if their drivers are involved in a serious crash. The bill would also cap non-economic damages at \$2 million if someone does try to sue for cases involving commercial truck drivers.



Iowa

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.

2020 TRUCK CRASH STATISTICS TRUCKING HAS GOTTEN DEADLIER!

31% INCREASE IN TRUCK CRASH FATALITIES IN THE US FROM 2011-2020

WHILE TRUCK VEHICLE MILES TRAVELED ONLY INCREASED

5%

TOP 10 WORST STATES

TRUCK CRASH FATALITIES

1. Texas - 643
2. California - 398
3. Florida - 344
4. Georgia - 234
5. Tennessee - 179
6. Illinois - 178
7. North Carolina - 170
8. Indiana - 153
9. Ohio - 149
10. Alabama - 141

TRUCK CRASH FATALITIES PER 100,000 POPULATION

1. Wyoming - 4.33
2. South Dakota - 3.16
3. Arkansas - 2.89
4. Nebraska - 2.86
5. Montana - 2.85
6. Idaho - 2.81
7. Alabama - 2.81
8. Mississippi - 2.77
9. North Dakota - 2.70
10. Kentucky - 2.62

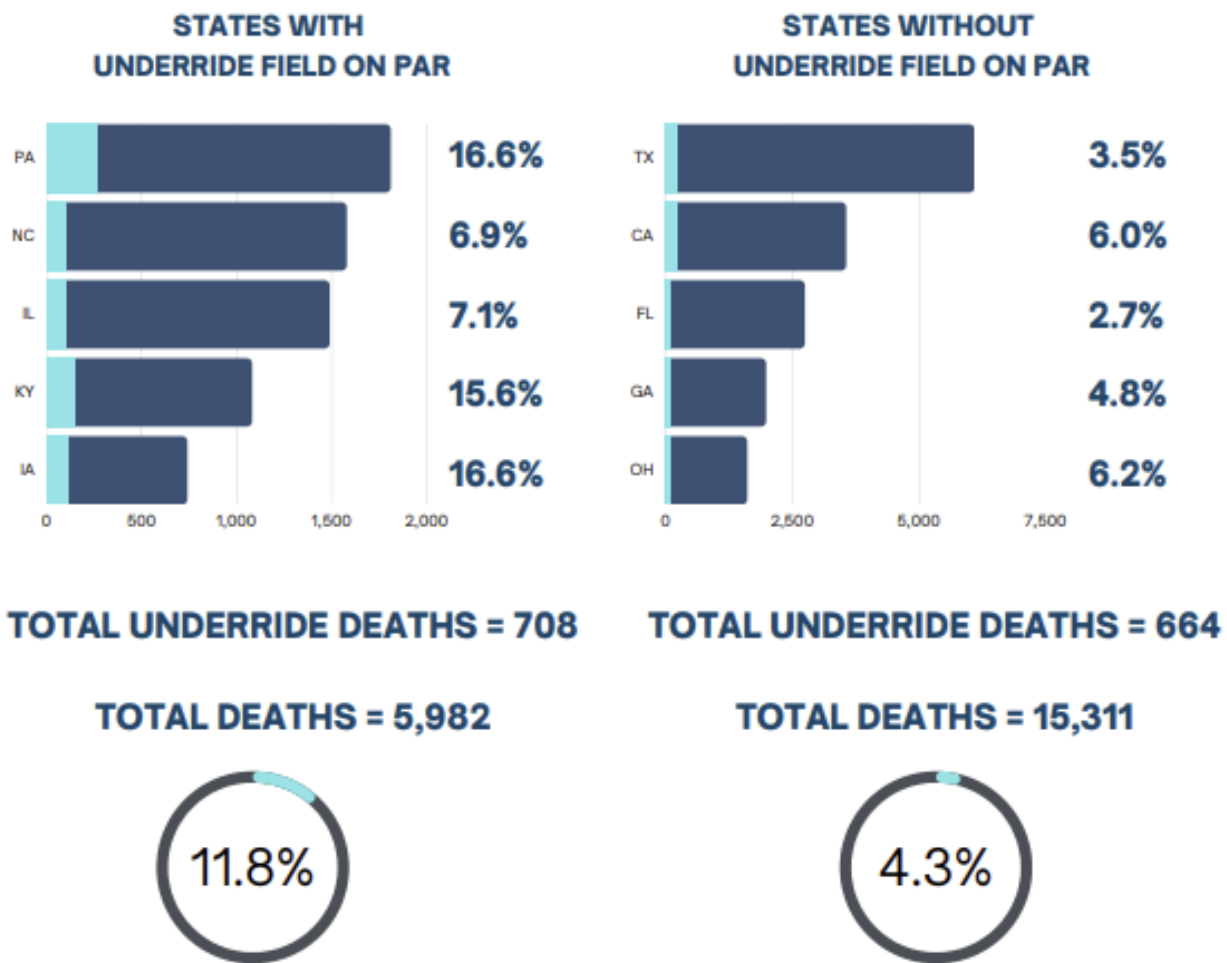
Facts from Safer Trucking Report

ADDRESS UNDERRIDE CRASHES UNDERRIDE UNDERCOUNT 2011 - 2020

Over the last ten years, states with underride fields on their PAR reported

2.7X

as many underride fatalities as states without an underride field.*



*The Institute for Safer Trucking compared five states with underride fields on their PAR with five states that did not have an underride field. All states reported underride deaths for every year between 2011 and 2020. The states that have an underride field are Pennsylvania, North Carolina, Illinois, Kentucky, and Indiana. The states without underride fields included Texas, California, Georgia, Florida, and Ohio.

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