

November 28, 2017

The Honorable Steve Chabot, Chair  
The Honorable Nydia Velazquez, Ranking Member  
U.S. House of Representatives  
Committee on Small Business  
Washington, D.C. 20515

Dear Chairman Chabot and Ranking Member Velazquez:

As you prepare for tomorrow's hearing, "Highway to Headache: Federal Regulations on the Small Trucking Industry," our public health, safety and law enforcement organizations, trucking companies, truck drivers, families of loved ones killed in truck crashes and truck crash survivors write to express our staunch opposition to any attempts to delay, create special interest exemptions from, or impede full implementation of the long overdue electronic logging device (ELD) rule.

The rule requires most commercial motor vehicles (CMVs), namely large trucks and buses in interstate commerce, to install an ELD to track driver on-duty time by December 18, 2017. The regulation was required in bipartisan legislation, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21, P.L. 112-141), enacted in 2012. Subsequently, the regulation was issued by the Federal Motor Carrier Safety Administration (FMCSA) in 2015.

Truck driver fatigue has been a well-documented safety problem in the industry for decades. The National Transportation Safety Board (NTSB) has repeatedly cited fatigue as a major contributor to truck crashes and included reducing fatigue-related crashes in its 2017/2018 "Most Wanted List" of safety changes. ELDs are a proven and cost-effective technology that will save lives and reduce injuries, and according to the U.S. Department of Transportation will result in over \$1 billion in annualized net benefits. Additionally, ELDs provide an objective record of a CMV driver's on-duty time, will increase compliance with hours of service (HOS) rules, and will simplify and streamline the efforts of law enforcement.

There already is widespread use of ELD technology in the United States and other countries. Nearly a third of trucks currently in service are equipped with electronic logging technology. Similar technology has been used in Europe for decades and is required in the European Union, Japan, and many other countries. Members of the trucking industry have known about this rule for years and have had ample time to prepare for it.

Moreover, the legal challenge to the final rule was unanimously rejected by the U.S. Court of Appeals for the Seventh Circuit in 2016. The three judge panel denied each and every claim brought by the parties that sought to vacate the rule. In addition, the request to the U.S. Supreme Court to review the Seventh Circuit's ruling was denied.

Truck crash deaths and injuries are on the rise. In 2016, 4,317 people were killed in crashes involving large trucks, representing an increase of more than five percent from the previous year and the highest number of fatalities since 2007. Additionally, in 2015, the most recent year for

which complete data is available, an estimated 116,000 people were injured in crashes involving large trucks.

We urge the Committee to oppose any weakening of this overdue, commonsense truck safety regulation. Delaying, deferring or carving out exemptions to the ELD requirement will only contribute to more fatigued commercial drivers sharing the road with families and jeopardizing everyone's safety.

Sincerely,

Joan Claybrook, Chair  
Citizens for Reliable and Safe Highways and,  
Former Administrator, NHTSA

Jacqueline Gillan, President  
Advocates for Highway and Auto Safety

John Risch, National Legislative Director  
SMART-TD (UTU)

Deborah A.P. Hersman, President and CEO  
National Safety Council

Steve Owings, Co-Founder  
Road Safe America

Andrew McGuire, Executive Director  
Trauma Foundation

Jack Gillis, Director of Public Affairs  
Consumer Federation of America

James P. Hoffa, General President  
International Brotherhood of Teamsters

Lane Kidd, Managing Director  
Alliance for Driver Safety & Security  
(The Trucking Alliance)

Dominick L. Stokes,  
Vice President for Legislative Affairs  
Federal Law Enforcement Officers Association

Stephen W. Hargarten, M.D., MPH  
Society for the Advancement of Violence  
and Injury Research

Jason Levine, Executive Director  
Center for Auto Safety

Janette Fennell, Founder and President  
KidsAndCars.org

Daphne Izer, Founder  
Parents Against Tired Truckers (PATT)

Amy Fletcher  
Perrysburg, OH  
Volunteer, Truck Safety Coalition  
Wife of John Fletcher  
Killed in a truck crash 1/24/12

Kim Telep  
Harrisburg, PA  
Volunteer, Truck Safety Coalition  
Wife of Bradley Telep  
Killed in a truck crash 8/29/12

Peter Malarczyk  
Hastings-on-Hudson, NY  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 12/29/15  
Son of Ryszard and Anita Malarczyk  
Killed in a truck crash 12/29/15

Marchelle Wood  
Falls Church, VA  
Volunteer, Truck Safety Coalition  
Mother of Dana Wood  
Killed in a truck crash 10/15/02

Lisa Shrum  
Fayette, MO  
Volunteer, Truck Safety Coalition  
Daughter of Virginia Baker, Step-daughter of  
Randy Baker  
Killed in a truck crash 10/10/06

Tami Friedrich Trakh  
Corona, CA  
Board Member, CRASH  
Sister of Kris Mercurio, Sister-in-Law of Alan  
Mercurio, Aunt of Brandie Rooker & Anthony  
Mercurio  
Killed in a truck crash 12/27/89

Kate Brown  
Gurnee, IL  
Volunteer, Truck Safety Coalition  
Mother of Graham Brown  
Injured in a truck crash 5/2/05

Tina Silva  
Ontario, CA  
Volunteer, Truck Safety Coalition  
Sister of Kris Mercurio, Sister-in-Law of Alan  
Mercurio, Aunt of Brandie Rooker & Anthony  
Mercurio  
Killed in a truck crash 12/27/89

Jackie Novak  
Hendersonville, NC  
Volunteer, Truck Safety Coalition  
Mother of Charles "Chuck" Novak  
Killed in a truck crash 10/24/10

Michelle Lemus  
Los Angeles, CA  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 4/10/14

Monica Malarczyk  
Hastings-on-Hudson, NY  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 12/29/15  
Son of Ryszard and Anita Malarczyk  
Killed in a truck crash 12/29/15

Alan Dana  
Plattsburgh, NY  
Volunteer, Truck Safety Coalition  
Son of Janet Dana, Uncle of Caitlyn &  
Lauryn Dana, Brother-in-law of Laurie  
Dana  
Killed in a truck crash 7/19/12

Michelle Novak  
Delevan, NY  
Volunteer, Truck Safety Coalition  
Aunt of Charles "Chuck" Novak  
Killed in a truck crash 10/24/10

Jane Mathis  
St. Augustine, FL  
Vice President, TSC  
Board Member, PATT  
Mother of David Mathis  
Mother-in-Law of Mary Kathryn Mathis  
Killed in a truck crash 3/25/04

Frank Wood  
Falls Church, VA  
Volunteer, Truck Safety Coalition  
Father of Dana Wood  
Killed in a truck crash 10/15/02

Sandra Lance  
Chesterfield, VA  
Volunteer, Truck Safety Coalition  
Mother of Kristen Belair  
Killed in a truck crash 8/26/09

Jennifer Tierney  
Kernersville, NC  
Board Member, CRASH  
Daughter of James Mooney  
Killed in a truck crash 9/20/83

Santiago Calderon  
Arcata, CA  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 4/10/14

Dawn King  
Davisburg, MI  
President, Truck Safety Coalition (TSC)  
Board Member, Citizens for Reliable and Safe  
Highways (CRASH)  
Daughter of Bill Badger  
Killed in truck crash 12/23/04

Linda Wilburn  
Weatherford, OK  
Board Member, PATT  
Mother of Orbie Wilburn  
Killed in a truck crash 9/2/02

Larry Liberatore  
Severn, MD  
Board Member, PATT  
Father of Nick Liberatore  
Killed in a truck crash 6/9/97

Wanda Lindsay  
New Braunfels, TX  
Volunteer, Truck Safety Coalition  
Wife of John Lindsay  
Killed in a truck crash 5/7/10

Beth Badger  
Columbus, GA  
Volunteer, Truck Safety Coalition  
Daughter of Bill Badger  
Killed in truck crash 12/23/04

Nancy Meuleners  
Bloomington, MN  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 12/19/89

Debra Cruz  
Harlingen, TX  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 8/8/08

Paul Badger  
Davidson, NC  
Volunteer, Truck Safety Coalition  
Son of Bill Badger  
Killed in truck crash 12/23/04

Bernadette Fox  
Davis, CA  
Volunteer, Truck Safety Coalition  
Best friend of Daniel McGuire  
Killed in a truck crash 7/10/14

John Ramsey  
Edneyville, NC  
Volunteer, Truck Safety Coalition

Henry Steck  
Homer, NY  
Volunteer, Truck Safety Coalition

Ed Slattery  
Lutherville, MD  
Board Member, PATT  
Volunteer, Truck Safety Coalition  
Husband of Susan Slattery  
Killed in a truck crash 8/16/10  
Sons Matthew & Peter Slattery critically  
injured in a truck crash 8/16/10

Ron Wood  
Washington, D.C.  
Volunteer, Truck Safety Coalition  
Son of Betsy Wood, Brother of Lisa Wood  
Martin, Uncle of Chance, Brock, and Reid  
Martin  
Killed in a truck crash 9/20/04

Gary Wilburn  
Weatherford, OK  
Volunteer, Truck Safety Coalition  
Father of Orbie Wilburn  
Killed in a truck crash 9/2/02

Laurie Higginbotham  
Memphis, TN  
Volunteer, Truck Safety Coalition  
Mother of Michael Higginbotham  
Killed in a truck crash, 11/18/14

Vickie Johnson  
Hartwell, GA  
Volunteer, Truck Safety Coalition  
Wife of Curt Johnson, Step-mother of Crystal Johnson  
Killed in a truck crash 10/1/09

Randall Higginbotham  
Memphis, TN  
Volunteer, Truck Safety Coalition  
Father of Michael Higginbotham  
Killed in a truck crash, 11/18/14

Bruce King  
Davisburg, MI  
Volunteer, Truck Safety Coalition  
Son-in-law of Bill Badger  
Killed in truck crash 12/23/04

Marc Johnson  
Hartwell, GA  
Volunteer, Truck Safety Coalition  
Brother of Curt Johnson  
Killed in truck crash 10/1/09

Melissa Gouge  
Washington, D.C.  
Volunteer, Truck Safety Coalition  
Cousin of Amy Corbin  
Killed in a truck crash 8/18/97

Morgan Lake  
Sunderland, MD  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 7/19/13

Christina Mahaney  
Jackman, ME  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 7/19/11  
Mother of Liam Mahaney  
Killed in a truck crash 7/19/11

Julie Branon Magnan  
South Burlington, VT  
Volunteer, Truck Safety Coalition  
Injured in a truck crash 01/31/02  
Wife of David Magnan  
Killed in a truck crash 01/31/02

Cindy Southern  
Cleveland, TN  
Volunteer, Truck Safety Coalition  
Wife of James Whitaker, sister-in-law  
Anthony Hixon and aunt of Amber Hixon  
Killed in a truck crash 9/18/09

Steve Izer  
Lisbon, ME  
Board Member, PATT  
Father of Jeff Izer  
Killed in a truck crash 10/10/93

Warren Huffman  
Odessa, MI  
Volunteer, Truck Safety Coalition  
Brother of Tim Huffman  
Killed in a truck crash 5/6/13

Tammy Huffman  
Odessa, MI  
Volunteer, Truck Safety Coalition  
Sister-in-law of Tim Huffman  
Killed in a truck crash 5/6/13

Ashley McMillan  
Memphis, TN  
Volunteer, Truck Safety Coalition  
Girlfriend of Michael Higginbotham  
Killed in a truck crash 11/18/14

cc: Members of the Committee on Small Business