

# Warning! Safety Violations Ahead: Motor Carrier Companies Keep Unsafe Trucks on U.S. Roads



**M**ore than 9 million trucks travel U.S. roads each year, and many of them are in serious violation of federal safety standards. These violations include such practices as overloading trucks, allowing unqualified or untrained drivers behind the wheel, failing to maintain tires and brakes, and salary systems that encourage truck drivers to exceed speed limits and maximum driving hours.

While the issue of truck safety largely goes unnoticed, the effects of these violations are deadly. Though trucks make up less than 4% of all passenger vehicles on U.S. roads they are involved in 12% of all motor vehicles fatalities. More than 4,000 people die every year in collisions with trucks and over 80,000 more are seriously injured. More people die in collisions with trucks than in collisions with planes, trains, ships and interstate buses combined.<sup>1</sup> Truck accidents occur for a variety of reasons, but many are preventable, and often are a direct result of trucking companies violating safety standards to cut corners and maximize profits.

In an original analysis of data not previously available to the public, the American Association for Justice found commuters are sharing roads with trucks that have incurred thousands of safety violations, such as defective brakes, bald tires, loads that dangerously exceeded weight limits, and drivers with little or no training or drug and alcohol dependence.

Researchers at the American Association for Justice examined over a million lines of data on the entire U.S. trucking industry obtained from the Federal Motor Carrier Safety Administration (FMCSA). The results are shocking. As of April 2009, there were more than 28,000 trucking companies, representing more than 200,000 trucks, operating on U.S. roads with safety violations. And there is every reason to believe this is just the tip of the iceberg.

West Virginia, North Dakota, Nebraska, Vermont, and Iowa had the highest rate of companies in violation of federal safety requirements. The effects of these violations are deadly. While truck accidents occur for a variety of reasons, many are preventable, and often a direct result of trucking companies violating safety standards to cut corners and maximize profits.

## Introduction

In March 2002, married truck drivers Nelta and Tom Osborn discovered that the air brakes on their rig were compromised by a small hole caused by a hose dragging on the ground, which made the emergency brakes suddenly engage. Rather than call a mobile mechanic, the pair fixed the hole with a toothpick and electrical tape and continued driving. The dispatcher for the trucking company complimented them on their resourcefulness and for two hours they drove with the makeshift repair, passing numerous repair shops where a \$12 fix would have made the hose safe again.

Just outside of Texarkana, Texas, the hose failed and the emergency brakes screeched the truck to a stop. Driving behind the truck was 23-year-old Matthew Giuliano, a newly-commissioned Army officer, who was on his way to Fort Hood for his first assignment. Giuliano, without any brake lights or flashing hazards to warn him of the impending danger, did not have time to react and slammed into the stationary truck. He was killed instantly.<sup>2</sup>

Giuliano was the unfortunate victim of the largely ignored issue of truck safety. Every year, tens of thousand of people are killed or seriously injured in trucking accidents.

## Crash Facts

The more than 9 million trucks that travel U.S. roads each year make up only 4% of all passenger vehicles, yet are involved in 12% of all motor vehicle fatalities.<sup>3</sup> Fatalities per miles driven are 56% higher for trucks than for all motor vehicles combined.<sup>4</sup>

According to the Federal Motor Carrier Safety Administration, in 2007, the most recent year for which complete data is available, 4,808 people died in collisions with trucks and 86,245 were seriously injured.<sup>5</sup>

Not surprisingly, the vast majority of people killed in accidents with trucks are the drivers and passengers of the cars that get hit.<sup>6</sup> In fact, more people die in collisions with trucks than in collisions with planes, trains, ships and interstate buses combined.<sup>7</sup>

## Fatalities Involving Large Trucks By State (2007)

State	2007
Alabama	134
Alaska	5
Arizona	97
Arkansas	114
California	363
Colorado	82
Connecticut	27
Delaware	6
District of Columbia	2
Florida	302
Georgia	229
Hawaii	3
Idaho	27
Illinois	154
Indiana	146
Iowa	71
Kansas	77
Kentucky	104
Louisiana	121
Maine	21
Maryland	69
Massachusetts	28
Michigan	123
Minnesota	84
Mississippi	75
Missouri	136
Montana	31
Nebraska	43
Nevada	29
New Hampshire	12
New Jersey	64
New Mexico	57
New York	156
North Carolina	168
North Dakota	12
Ohio	134
Oklahoma	110
Oregon	53
Pennsylvania	194
Rhode Island	7
South Carolina	91
South Dakota	14
Tennessee	149
Texas	493
Utah	39
Vermont	5
Virginia	111
Washington	79
West Virginia	48
Wisconsin	85
Wyoming	24
<b>U.S. Total</b>	<b>4,808</b>

### TRUCK CRASH FACTS - FMCSA

**4,808** FATALITIES IN CRASHES INVOLVING LARGE TRUCKS

**142,949** LARGE TRUCKS INVOLVED IN NON-FATAL CRASHES

**86,245** INJURIES IN CRASHES INVOLVING LARGE TRUCKS

**2,293** LARGE TRUCKS INVOLVED IN HAZMAT CRASHES

### **Cutting Corners to Maximize Profits**

Florida truck driver Vivian Bernard complained to his bosses at Benton's Express that his truck was being routinely overloaded for his weekly trip between Ocala and Gainesville. The illegally added weight put undue stress on the tires, but also allowed Benton's to carry more freight for lower costs. Bernard's bosses ignored his complaints. In 2004, Bernard suffered a tire blowout, and was lucky to avoid a deadly accident. A subsequent *Ocala Star-Banner* investigation found that Benton's routinely faked paperwork to try and get away with illegally overloaded trucks. In fact, Benton's was not alone. Several other companies in the same region routinely overloaded trucks in an attempt to cut costs.<sup>8</sup>

Truck accidents occur for a variety of reasons, but many are preventable, and often are a direct result of trucking companies violating safety standards to cut corners and maximize profits. The average profit margin for trucking companies is very low, and nine out of ten start-up companies go out of business in a little over one year.<sup>9</sup>

These violations include such practices as overloading trucks, allowing unqualified or untrained drivers on the road, failing to maintain tires and brakes, and compensations systems that encourage truck drivers to exceed speed limits and maximum driving hours.

### **- Original Research on Trucking Industry Data - 200,000 Dangerous Trucks on U.S. Roads**

Researchers at the American Association for Justice examined data on the entire U.S. trucking industry obtained from the Federal Motor Carrier Safety Administration (FMCSA). Over a million lines of data were analyzed in an effort to pinpoint just how many unsafe trucks might be on the road. The results are shocking. As of April 2009, there were more than 28,000 trucking companies, representing more than 200,000 trucks, operating on U.S. roads with safety violations.

<b>TRUCKING COMPANY SAFETY VIOLATIONS</b>	
COMPANIES	28,274
TRUCKS	211,542
BUSES	48,616
HAZMAT COMPANIES	2,226

The unsafe trucking companies listed in the report run the gamut from small fleets to large, and include tractor-trailers, cargo tank trucks, motor coaches, school buses, and more than 2,000 Hazmat companies.

### Trucking Company Violations in Detail

Data on all 28,274 companies can be found online at [www.justice.org/trucksafetyviolations](http://www.justice.org/trucksafetyviolations), and is broken down by state. All of the listed companies have either conditional or unsatisfactory safety ratings. A conditional rating means that the truck company's records indicate the truck was out of compliance with one or more safety requirements. An unsatisfactory rating means that the truck company's records indicated evidence of substantial noncompliance with safety requirements. The Federal Motor Carrier Safety Administration updates the entire database of unsafe trucking companies each month.

#### Tip of the Iceberg

In December 2002, Kim Hughes and her family were driving down a Texas state highway, returning from a holiday shopping trip, when an oncoming 18-wheel truck carrying a trailerload of sand crossed the road's center line and collided with her GMC Yukon.<sup>10</sup> Hughes, her 14-year-old son, 70-year-old mother, and 17-year-old daughter, pregnant with twins, were all killed. Her daughter's 14-month-old son was the only survivor in the car.

The driver of the truck, an illegal immigrant named Ricardo Rodriguez was unharmed. Rodriguez had used a fake social security number to get a commercial driving license, and had a history of arrests and truck safety violations. After the crash, Rodriguez admitted to his employers, TXI Transportation Co., that he had entered the U.S. illegally, had exaggerated his truck-driving experience, and had a fake social security number. Despite this, he continued driving for TXI for 18 months.

TXI, a major Texas trucking company with more than 150 trucks, has a history of safety problems. A 2006 *Dallas Morning News* investigation found TXI trucks—over the course of just two years—were involved in 2 fatal crashes and 31 crashes resulting in injuries. This same investigation found, inspectors had pulled TXI drivers over 40 times, and the trucks themselves had failed 28.8% of inspections for such problems as defective brakes, bald tires or broken wheel rims.

Yet despite these safety violations, TXI was then, and continues now, to be rated as "Satisfactory" by FMCSA. TXI thus does not appear in the list of companies with safety violations produced here. Which leaves two questions: how can a company with so many clear safety issues, and with such a deadly track record, be considered "satisfactory;" and secondly, just how much worse are the companies that are considered "conditional" or "unsatisfactory?"

### Rate of Companies in Violation of Safety Requirements by State (2009)

State	Companies in Violation of Safety Requirements per 100,000 Population
West Virginia	58
North Dakota	51
Nebraska	48
Vermont	35
Iowa	32
Montana	28
Delaware	26
Idaho	24
Arkansas	23
Connecticut	22
Kentucky	22
Minnesota	20
North Carolina	20
Oregon	20
Indiana	19
Mississippi	19
Wisconsin	19
South Dakota	18
New Hampshire	15
South Carolina	15
<b>U.S. Average</b>	<b>15</b>
Ohio	13
Alabama	12
Kansas	12
Louisiana	12
Georgia	11
Pennsylvania	11
Illinois	10
Maryland	10
Massachusetts	10
Michigan	10
Wyoming	10
Oklahoma	9
Utah	8
Virginia	8
Tennessee	7
Washington	7
Colorado	6
Maine	6
New Mexico	5
New York	5
Rhode Island	5
New Jersey	4
Alaska	3
Florida	3
Missouri	3
Nevada	3
Texas	3
District of Columbia	2
Arizona	1
California	1
Hawaii	1

## **Warning! Safety Violations Ahead: Motor Carrier Companies Keep Unsafe Trucks on U.S. Roads**

A 2005 Government Accountability Office (GAO) report found that “nearly one-third of commercial motor vehicle crashes that states are required to report to the federal government were not reported, and those that were reported were not always accurate, timely, or consistent.”<sup>11</sup> As Texas Department of Public Safety Officer John Pellizarri told the *Dallas Morning News*, “If the motoring public knew what was running down the road with them, they’d be really scared.”<sup>12</sup>

The fact is the list of unsafe trucks may be merely the tip of the iceberg. So many deadly accidents turn out to involve unsafe trucks that were not recorded as in violation of safety standards that there is reason to believe there may be many more than 200,000 unsafe trucks on U.S. roads.

### **Reincarnations**

In August 2008, a bus carrying 55 Vietnamese-American Catholics to a religious festival blew a tire on a Texas highway. The bus hit the guard rail and crashed. Seventeen people were killed. The blown tire had been retreaded, in violation of federal safety standards. The bus owner, Iguala BusMex Inc., was a new company awaiting approval for a federal license. Its incorporation papers would later show that it had the same owner and address as Angel Tours Inc., a company that had been forced to take its vehicles off the road after multiple violations.<sup>13</sup>

The case highlighted a frightening fact. Companies that are found in violation of safety standards often simply change their names and continue operating as before. A 2009 GAO report found that more than 1,000 trucking companies were “reincarnations” of prior companies that had been fined or found in violation.<sup>14</sup>

### **Safety Recommendations**

In June 2009, the Commercial Vehicle Safety Alliance (CVSA) conducted comprehensive roadside inspections across the nation. The dates of the inspection were announced four months ahead of time and given plenty of publicity within the trucking industry, so companies had plenty of warning to fix potential problems. Even so, 22.2% of trucks failed inspection and were taken out of service.<sup>15</sup> Despite the fact that more than one in five trucks on the road had turned out to be unsafe, the trucking industry regarded that as a success. Bill Graves, President and CEO of the American Trucking Association (ATA), said the results “illustrate the trucking industry’s deep commitment to the safety of all motorists.”<sup>16</sup>

Tell that to the daughters of Patrick Nunez, of Riverview, Michigan, who died in 2007 when his car was struck by a fully-loaded, 75-ton gravel truck whose driver had lost control. The truck’s driver, who had a seizure disorder and was on the powerful epilepsy drug Tegretol, swerved into Mr. Nunez’ car while it was traveling on I-75 in Detroit. Not only was the driver on medication known to cause drowsiness and delayed reaction time, but during his deposition, the driver admitted that he had received no formal training from his employer, Utica Transit Mix & Supply Co., and that he had failed to inspect the truck’s tires and brakes.

Defective brakes accounted for more than half of all vehicle violations. For drivers, more than 1% were found to be under the influence of alcohol or drugs. If these results were to be extrapolated to the entire trucking industry, there would be at least 38,500 truck drivers under the influence of alcohol or drugs, and 1.9 million unsafe trucks on the road.<sup>17</sup>

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Cutting corners on safety is relatively low risk because the chances of being caught are so small. Less than 1% of all trucks fell under the CVSA inspection event. In addition, insurance requirements have not changed in nearly 30 years. In 1980, Congress set the minimum level of insurance for tractor trailers to \$750,000.<sup>18</sup> Since then, that amount has not changed. If the minimum insurance standards had been adjusted for inflation they would now be \$2 million. Large trucking companies will often carry more than the minimum level of coverage, but smaller companies are more likely to carry the bare minimum. Given the fact that 87% of the companies in violation of safety standards have fleets of 10 trucks or less, and the deadly nature of truck accidents, which can destroy the lives of many people in one instance, this minimum level is clearly inadequate. Injured victims are now frequently forced to turn to Medicare/Medicaid to cover the costs of devastating accidents.

According to the National Transportation Safety Board (NTSB), federal agencies need to adopt several common sense safety improvements. These include such common-sense measures as preventing truck drivers from putting trucks with mechanical problems on the road, and ensuring drivers are qualified and medically able to drive.<sup>19</sup> In addition, the FMCSA has developed a series of projects highlighting smart technology that can enhance safety, from collision mitigation systems to brake monitoring systems.<sup>20</sup>

### **Conclusion**

Trucks are vital for the U.S. economy. More than 9 million trucks travel our roads, hauling nearly 70% of all freight transported within the United States.<sup>21</sup> For the 580,000 trucking companies in the country, the profit margins are slim and every effort must be made to be as economical as possible.

However, trucks are also inherently dangerous. They are far larger and heavier than cars, take longer to stop, and cause much more damage in collisions. It is important that our reliance on trucks, and the trucking industry's need to keep costs down, do not eclipse the need to maintain the highest possible safety standards.

The research described here shows that the issue of truck safety needs to be further highlighted. More than 200,000 trucks are operating unsafely on U.S. roads, and everything suggests that number may just be the tip of the iceberg.

Both federal regulators and trucking industry representatives have pronounced themselves satisfied with the current state of truck safety. This is despite the results of safety inspections that found at least one in five trucks are unsafe.

Clearly, there is a need for the public to know the true state of truck safety. Only through highlighting the dangers of unsafe trucks can we ensure that efforts to improve safety are maintained. If not, thousands more innocent people will die every year.

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<sup>1</sup> 204 train fatalities, 563 general aviation fatalities and 40 commercial aviation fatalities, 685 boating accidents - Aviation statistics from *Annual Review of U.S. General Aviation Accident Data, 2005*, National Transportation Safety Board (NTSB) and *Annual Review of Air Carrier Accident Data, 2005*, National Transportation Safety Board (NTSB); Railroad statistics from Federal Railroad Administration, Office of Safety Analysis and includes all non-trespasser deaths; boating statistics from *Recreational Boating Statistics, 2007*, U.S. Coast Guard.

<sup>2</sup> Gregg Jones, Holly Becka, Jennifer LaFleur, Steve McGonigle, *18 wheels and countless dangers*, Dallas Morning News, September 17, 2006; *Guiliano v. Celadon Trucking Services, Inc.*, et al., District Court of Texas, 170th Judicial District, McLennan County, April 21, 2005.

<sup>3</sup> Registered trucks, table 1, registered passenger vehicles, table 2, Fatalities p.65, *Large Truck and Bus Crash Facts 2007*, Federal Motor Carrier Safety Administration, January 2009,

<http://ai.fmcsa.dot.gov/CarrierResearchResults/HTML/2007Crashfacts/2007LargeTruckCrashFacts.htm>

<sup>4</sup> Large Truck and Bus Crash Facts 2007, Federal Motor Carrier Safety Administration, January 2009,

<http://ai.fmcsa.dot.gov/CarrierResearchResults/HTML/2007Crashfacts/2007LargeTruckCrashFacts.htm>.

<sup>5</sup> 2007 data is the most recent complete year available; *Large Truck and Bus Crash Facts 2007*, Federal Motor Carrier Safety Administration, January 2009,

<http://ai.fmcsa.dot.gov/CarrierResearchResults/HTML/2007Crashfacts/2007LargeTruckCrashFacts.htm>

<sup>6</sup> *Large Truck and Bus Crash Facts 2007*, Federal Motor Carrier Safety Administration, January 2009,

<http://ai.fmcsa.dot.gov/CarrierResearchResults/HTML/2007Crashfacts/2007LargeTruckCrashFacts.htm>.

<sup>7</sup> 204 train fatalities, 563 aviation fatalities, 685 boating accidents Aviation statistics from *Annual Review of U.S. General Aviation Accident Data, 2005*, National Transportation Safety Board (NTSB); Railroad statistics from Federal Railroad Administration, Office of Safety Analysis and includes all non-trespasser deaths; boating statistics from *Recreational Boating Statistics, 2007*, U.S. Coast Guard.

<sup>8</sup> Fred Hiers, *In Drive for Profits, Trucking Company Routinely Puts Overweight Rigs on the Road*, Ocala Star-Banner, October 21, 2007, <http://www.trucksafety.org/Ocala2.php>.

<sup>9</sup> Timothy Brady, *Going Broke, Breaking Even, or Making a Profit – Pick One*, Trucker.com, June 2007, [http://www.trucker.com/News/dottedline\\_0607.pdf](http://www.trucker.com/News/dottedline_0607.pdf).

<sup>10</sup> Gregg Jones, Holly Becka, Jennifer LaFleur, Steve McGonigle, *18 wheels and countless dangers*, Dallas Morning News, September 17, 2006.

<sup>11</sup> *Highway Safety: Further Opportunities Exist to Improve Data on Crashes Involving Commercial Motor Vehicles*, Government Accountability Office (GAO), GAO-06-102, November 2005.

<sup>12</sup> Gregg Jones, Holly Becka, Jennifer LaFleur, Steve McGonigle *In Wise County, truck accidents killed 56 people in 6 years*, Dallas Morning News, September 17, 2006.

<sup>13</sup> *911 Calls Reveal Texas Bus Wreck Carnage*, CBS News, August 9, 2008,

<http://www.cbsnews.com/stories/2008/08/09/national/main4335699.shtml>.

<sup>14</sup> *Motor Carrier Safety: Reincarnating Commercial Vehicle Companies Pose Safety Threat to Motoring Public; Federal Safety Agency Has Initiated Efforts to Prevent Future Occurrences*, Government Accountability Office (GAO), GAO-09-924, July 2009, <http://www.gao.gov/new.items/d09924.pdf>.

<sup>15</sup> *CVSA's Roadcheck Reinforces the Adage it Pays to be Safe*, Commercial Vehicle Safety Alliance (CVSA), June 25, 2009, [http://www.cvsa.org/news/2009\\_press.aspx](http://www.cvsa.org/news/2009_press.aspx).

<sup>16</sup> *Roadcheck Results Show Improvements in Highway Safety Compliance*, American Trucking Association, June 26, 2009, <http://www.truckline.com/truckingmatters/Pages/Default.aspx>.

<sup>17</sup> Driver numbers from American Trucking Associations,

<http://www.truckline.com/About/Industry/Pages/Default.aspx>.

<sup>18</sup> *Motor Carrier Act of 1980*.

<sup>19</sup> *Most Wanted List: Transportation Safety Improvements*, National Transportation Safety Board (NTSB), 2009, [http://www.nts.gov/recs/brochures/MostWanted\\_2009.pdf](http://www.nts.gov/recs/brochures/MostWanted_2009.pdf).

<sup>20</sup> *Product Guides for Safety and Security Systems Technology*, Federal Motor Carrier Safety Administration (FMCSA), <http://www.fmcsa.dot.gov/facts-research/art-productguides.htm>.

<sup>21</sup> *Take the Wheel*, American Trucking Associations,

[http://www.trucksbringit.com/NR/rdonlyres/CD7256C2-E4E1-4CC3-A0B2-DEA20C8BB7BE/0/ATA\\_GTcareerbrochure.pdf](http://www.trucksbringit.com/NR/rdonlyres/CD7256C2-E4E1-4CC3-A0B2-DEA20C8BB7BE/0/ATA_GTcareerbrochure.pdf).