Congress of the United States
Washington, DC 20515

July 22, 2015

T.F. Scott Darling
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Administrator Darling,

We write to express our strong support to move forward with a Federal Motor Carrier Safety Administration (FMCSA) rule to increase the minimum levels of financial responsibility for motor carriers, including trucks and buses. Each year, nearly 4,000 Americans are killed in truck accidents alone and many more are injured. The safety of our nation's interstate highways is critically important and we urge the FMCSA to strengthen protections for individuals and families who suffer from devastating highway accidents, utilizing minimum insurance rates to improve safety outcomes. By requiring higher levels of insurance for interstate operators, companies will be encouraged to examine their overall safety practices, risk perceptions, and mitigation techniques, and insurers will be incentivized to conduct routine inspections that Congress envisioned when it passed the Motor Carrier Act of 1980. Additionally, raising minimum insurance requirements will alleviate the financial burdens that result from crashes where medical bills alone can overwhelm a family's life savings.

Congress recognized the connection between the issue of financial responsibility and the fitness of carriers operating in interstate commerce years ago. When the Motor Carrier Act of 1980 began deregulating the motor carrier industry, Congress sought to ensure that barriers to entry for trucking firms would remain reasonably high by requiring insurance minimums to be updated regularly. Congress passed a similar bill, the Bus Regulatory Reform Act of 1982, for the segment of the industry transporting passengers. Both bills were implemented in 1985. Thus, while the minimum insurance levels in 1985 for general freight carriers and small bus operators were $750,000 and $1.5 million respectively, Congress made clear through their debate and report language that the minimums were to increase regularly, in lock-step with inflation.

Unfortunately, over the past 35 years, as truck and bus accidents have been on the rise and medical inflation has steadily increased the costs of health care related expenses, the minimum insurance commercial motor vehicles are required to carry has remained stagnant, contrary to the intent of Congress. In FMCSA's April 2014 report to Congress, the Agency concluded that in

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real terms, insurance premiums have actually decreased for the same level of coverage since the 1980s. Therefore, as interstate highways have gotten more dangerous, trucking companies are spending a smaller proportion of their overall budgets on insurance.

The consequences of underinsurance can be devastating. Just last month, a tour bus collided with a tractor-trailer in Pennsylvania, killing three people and injuring a dozen others. Though eyewitnesses saw the truck cross the median and into the path of the charter bus, the cause of the accident remains under investigation. What is clear is the fact that the current minimum insurance for passenger carriers, $5 million, will not be enough to compensate the victims and their families. When truck and bus companies' insurance policies cannot provide appropriate compensation for the crashes they cause, the resulting health care costs are passed onto taxpayers through government programs such as Medicare, Medicaid, and Tricare.

We urge the FMCSA to complete the important work it began last November in opening rulemaking to review and adjust levels of minimum insurance for interstate motor carriers. While Congress debates funding through the Transportation, Housing, and Urban Development (T-HUD) appropriations bill, FMCSA must move quickly to open the next phase of rulemaking, an NPRM.

Given the fierce debate over the appropriations process in Congress and the threat of a Presidential veto for the T-HUD bill, and given the last time a stand-alone T-HUD bill was signed into law was November 2005, nearly a decade ago, it is unlikely Congress will meaningfully speak on this issue in the coming months. We urge FMCSA to go forward with its rulemaking and not delay the implementation of a critical safeguard for future victims of truck crashes. FMCSA must not wait for resolution of policy riders that are extremely unlikely to become law but rather continue to advance this important safety measure.

Again, we applaud the efforts of DOT in making the issue of enhancing safety through insurance minimums one of its highest priorities and strongly urge FMCSA to adopt the proposed rule as quickly as possible.

Sincerely,

Matt Cartwright
Member of Congress

Robert Brady
Member of Congress

Wm. Lacy Clay
Member of Congress

Emanuel Cleaver, II
Member of Congress

Joe Courtney
Member of Congress

Ted Deutch
Member of Congress

Mark DeSaulnier
Member of Congress

Lloyd Doggett
Member of Congress

Keith Ellison
Member of Congress

Anna G. Eshoo
Member of Congress

Chaka Fattah
Member of Congress

Raúl M. Grijalva
Member of Congress

Janice Hahn
Member of Congress

Mike Honda
Member of Congress

Jared Huffman
Member of Congress

John Larson
Member of Congress

Ted Lieu
Member of Congress

Jim McDermott
Member of Congress

John Garamendi
Member of Congress

Jim McGovern
Member of Congress

Mark Pocan
Member of Congress

C.A. Dutch Ruppersberger
Member of Congress

Linda Sánchez
Member of Congress

Jan Schakowsky
Member of Congress

Bennie Thompson
Member of Congress

Filemon Vela
Member of Congress