

June 5, 2009

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

We are writing to inform you of our opposition to the nomination of Anne S. Ferro, currently President of the Maryland Motor Truck Association, as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). FMCSA is the agency within the U.S. Department of Transportation charged with the responsibility of overseeing and regulating the safety of commercial motor vehicles (trucks and buses), men and women who drive trucks and the motorists and their families who share the road with commercial vehicles.

For the past ten years, since FMCSA was created, this federal agency has failed to meet its statutory mission of making safety its highest priority. Each year about 5,000 people are killed – including nearly 800 commercial drivers – and more than 110,000 are injured in crashes involving commercial vehicles. There has been little, if any progress, in reducing truck crash deaths and injuries in the past decade due to ineffective leadership at the agency and efforts by the trucking industry to stymie and oppose programs, policies and regulations to promote the health and safety of truck drivers and the motoring public.

Unfortunately, Ms. Ferro is an apologist for the failure of FMCSA to improve the safety record of commercial vehicles. For example, one of the most important and well-documented safety problems in the motor carrier industry is driver fatigue. According to the National Transportation Safety Board (NTSB), truck driver fatigue is a factor in 30 to 40 percent of all truck crashes. However, the response of the Bush Administration to this critical safety problem was to issue a hours of service (HOS) rule that not only expanded the consecutive number of hours a truck driver can operate a fully-loaded rig from 10 to 11 straight hours, but also dramatically increased the total hours a truck driver can work to 88 hours in a calendar week – an increase of 28 percent.

The Bush Administration HOS rule permitting tired truckers to drive and work longer hours not only defies common sense and well-documented research and scientific data, but it was found to be profoundly lacking in legal legitimacy in two unanimous back-to-back decisions of the U.S. Court of Appeals for the District of Columbia which remanded the rule to the agency to be revised. In one case the court ruled that the FMCSA had ignored the impact of the longer hours on driver health as well as safety. While six (6) federal appellate judges in two cases have found the Bush Administration HOS rule arbitrary and capricious, Ms. Ferro continues to publicly support the HOS rule, in concert with the American Trucking Associations, as a safe and wise policy. As recently as January 10, 2009, Ms. Ferro co-wrote a letter defending the Bush Administration rule in response to an editorial published in the *Baltimore Sun* criticizing the safety of the rule.

In fact, she wrote, "...reversing the 2004 change in the hours-of-service regulations would be foolish, would make our highways less safe and would cost lives." Ms. Ferro's letter reflects a "stay-the-course" attitude, and the mistaken view that the Bush Administration policies are working so well that no change is necessary.

On October 31, 2008, House Speaker Nancy Pelosi included the Bush Administration HOS rule on a list entitled "*Ghoulish Midnight Regulations Planned by Outgoing Bush Administration: Last Minute Regulatory Changes Harmful to Americans*".

In the next few years, the Obama Administration will be making key decisions on life or death issues affecting truck safety including whether or not to defend the Bush Administration HOS rule in litigation that we have filed once again to protect the health and safety of truck drivers. The Obama Administration also has a pivotal role to play in stopping efforts by the trucking industry to dramatically push for dangerous heavier and longer trucks in the surface transportation reauthorization bill as well as addressing serious, unresolved safety problems in cross border trucking. We firmly believe that the individual appointed to this agency should not come from the very industry the agency is required to regulate, especially given the trucking industry's positions on these health and safety issues.

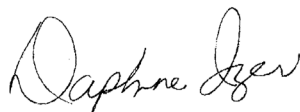
Ms. Ferro consistently supports the trucking industry party-line on motor carrier issues in opposition to positions taken by consumer, health and safety groups, truck crash victims and their families and the hard-working men and women who drive trucks. We cannot support a candidate who represents the Bush Administration "status quo" rather than embracing your call for change. FMCSA needs a candidate and the public deserves an Administrator who is an avowed safety advocate without industry conflicts and will promote progressive policies that genuinely advance the health and safety of truck drivers and the American people. For these reasons we cannot support her nomination.



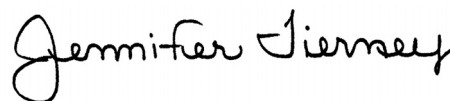
James P. Hoffa
General President
International Brotherhood of Teamsters



John Lannen
Executive Director
Truck Safety Coalition



Daphne Izer
Founder
Parents Against Tired Truckers (P.A.T.T.)



Jennifer Tierney
Board Member and Director, North Carolina
Survivors Network
Citizens for Reliable and Safe Highways
(CRASH)