From: Davisson, Michael (Commerce)
Sent: Mon, 7 Apr 2025 21:19:33 +0000
To: Matesic, Hannah (OST)
Subject: FW: WaPo - Truck safety enforcement plummets under Trump, data shows

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Hi Hannah,

Happy Monday, hope you are doing well. Any chance we could get a copy of the instructions mentioned in this article?

The decline in enforcement actions began as soon as Inauguration Day, when a Trump administration lawyer at the Transportation Department issued an order requiring agencies including the Federal Motor Carrier Safety Administration to submit enforcement cases to his office for review. The following day, instructions from the Transportation Department's legal office led to a pause in enforcement cases, according to a document obtained by The Post.

WaPo - Truck safety enforcement plummets under Trump, data shows
By Ian Duncan and Hannah Natanson
April 7, 2025

The agency that pursues safety violations by trucking companies has dramatically slowed its pace of actions, according to a Post review.

The federal agency in charge of trucking safety on America's highways dramatically slowed the pace of enforcement actions after the Trump administration took office in January, according to safety data, agency records and interviews with people familiar with the changes.

The sudden change during the president's first weeks in office reflects a desire by incoming Republican officials to take a more deliberative approach before levying sanctions on trucking companies that do not maintain safety standards.

Industry representatives have complained for years that they are treated unfairly by the agency, which they accuse of using flawed methods to assess safety risks. But safety advocates say that taking a less aggressive approach leaves motorists on U.S. highways at risk.

Enforcement actions by the Federal Motor Carrier Safety Administration dropped nearly 60 percent from Inauguration Day to the end of February, to 157 cases from 382 cases adjudicated in the same period under the Biden administration last year.

The resulting backlog of stalled cases included almost 70 where front-line investigators were seeking to effectively shut down allegedly dangerous trucking companies, according to a document obtained by The Washington Post.

President Donald Trump's team, led by Transportation Secretary Sean P. Duffy, wants to reassert "due process and transparency" in order "to ensure truck operators receive a fair shake and enforcement actions remain lawful, reasonable, and consistent with Administration policy," the department said in a statement to The Post. The department also said safety was the top priority for truck regulators.

Almost 6,000 people were killed in crashes involving large trucks in 2022, according to federal data, a number that surged over the previous decade. Their enormous size means truck crashes can be devastating; most of those killed are riding in other vehicles.

Zach Cahalan, executive director of the Truck Safety Coalition, an advocacy organization, said the federal government is supposed to play a key role in keeping the worst-of-the-worst trucking companies off the highway.

"The inability to use those tools is a really big deal," Cahalan said. "It creates an incredibly unsafe environment on the roads and I would argue is an abdication of their fundamental mission."

The federal government and state inspectors share responsibility for ensuring the safety of the nation's roughly 800,000 trucking businesses. Federal investigators work to identify the most dangerous companies, carrying out more detailed reviews of their operations.

One of the FMCSA's most powerful tools is a system of safety ratings. After carrying out an investigation, the FMCSA can rate a carrier's safety as either satisfactory, conditional or unsatisfactory. An unsatisfactory rating means the company is banned from operating.

To develop a rating, investigators in regional offices around the country examine a host of factors including a company's crash rate and history of rule violations. Red flags include risks like having fatigued drivers, using poorly maintained vehicles and dangerous driving.

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During the Biden administration, federal investigators completed on average 17 investigations a month that resulted in companies receiving an "unsatisfactory" safety record and getting taken off the road, according to the agency's data. For January and February of this year, the figure was zero.

The agency is no longer pursuing enforcement cases against more than a dozen companies, including some involved in recent crashes, according to filings on a federal website. The Transportation Department did not respond to questions about why the cases had been dropped.

"The agency has made great progress in closing investigations over the last 60 days," the Transportation Department said in a statement when asked by The Post about the decline in enforcement activity. The department said the FMCSA was given a partial exemption from requirements that cases be submitted to lawyers at headquarters.

Amid the enforcement slowdown, a truck crash in Austin last month drew the attention of Duffy. Five people were killed and 11 injured after a truck driver slammed into multiple vehicles approaching a work zone on Interstate 35.

Duffy said on X that officials were investigating ZBN Transport, the company involved, and would "make criminal referrals to the relevant authorities if appropriate." The Transportation Department cited the case as an example of "how the agency is able to balance the principle of due process while still fighting to ensure American roadways remain safe."

The truck was carrying a load for Amazon, whose founder Jeff Bezos owns The Washington Post. Amazon said it was cooperating with "all investigations." A person who answered a number for ZBN said it was also cooperating.

Trump has nominated retired Florida Highway Patrol Chief Derek Barrs to lead the FMCSA, and organizations representing both trucking fleets and independent drivers have urged the Senate to confirm him. Barrs declined to comment.

In the meantime, the top Trump appointee in the agency is Jesse Elison, a longtime trucking industry lawyer. He previously worked as general counsel of one trucking company, at Montgomery Transport based in Birmingham, Alabama, and as the vice president of legal at the Bennett Family of Companies, a logistics firm in the Atlanta area. Elison most recently was a partner at the law firm Taylor Nelson, which specializes in representing freight and logistics companies.

In a blog post announcing his departure, the firm said he had worked on regulatory compliance issues and risk management. The firm said that in his role at the safety agency he would be able to "build a better future for our industry." Elison did not respond to a request for comment.

Industry groups have raised concerns about the process for launching federal reviews and assigning the ratings in recent years. They have pointed to a lack of uniformity and the difficulty trucking companies face in defending themselves during an investigation.

The Owner-Operator Independent Drivers Association wrote to the FMCSA in November 2023 saying companies facing an unsatisfactory rating needed due process protections before receiving a ban.

The association also said that receiving even a less-severe “conditional” rating can have severe consequences for a trucking company. The number of federal investigations resulting in those ratings has also dropped sharply this year, from an average 91 a month during the Biden administration to just two so far this year.

In the weeks after Trump’s inauguration, agency records show that regional officials were seeking more time to respond to appeals brought by trucking companies in more than two dozen cases, citing the change in administration.

At least one of the companies that escaped punishment had been involved in a fatal crash. In May 2024 a driver for Utah propane delivery firm Tugg Energy Transportation ran off a highway through a guardrail and crashed into a reservoir, according to FMCSA records and the Utah Department of Public Safety. The day after the crash, emergency crews used cranes to pull the mangled truck cab from the water and found the body of the driver inside.

Two weeks later, a review of the company found several violations and the company was issued a conditional safety rating in July, according to federal records. In November the FMCSA proposed issuing the company $25,000 in fines for violations that included failing to properly inspect, repair and maintain its trucks and failing to instruct employees on hazardous material rules, records show.

Bary Barney, the company’s safety manager, said there was no connection between the crash and the broader safety investigation. He said communication with the agency was difficult and that the fine was based on a misunderstanding.

Two days after Trump’s inauguration, an FMCSA lawyer wrote that a regional official overseeing the case needed more time to respond to a petition for reconsideration filed by the company. Then, on Feb. 27, the lawyer wrote that the agency was “no longer pursuing this action” and asked for the docket to be closed.

Barney said Tugg was not given an explanation of the outcome.

https://www.washingtonpost.com/business/2025/04/07/truck-safety-enforcement-trump-slowdown/

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