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April 12, 2016

The Honorable Jim Frazier
Chair, Assembly Transportation Committee
1020 N Street, Rm 112
Sacramento, CA 95814
Fax: (916) 319-2193

RE: AB 1960 (Lackey) BIT Exemption for Agricultural Vehicles – OPPOSE

Dear Assembly Member Frazier,

The *Western States Trucking Association*¹ (“WSTA”) is writing to inform you of our opposition to AB 1960 (Lackey), which would exempt any operators of certain commercial motor vehicles (“CMV”) from participation in the California Highway Patrol’s (“CHP”) Basic Inspection of Terminal (“BIT”) program. WSTA believes that such an exemption raises serious safety concerns for all motorists on California’s roads.

The WSTA actively supported AB 529 (Lowenthal) in 2013, which enacted a number of critical reforms to the BIT program within the state of California. We’ve worked closely with CHP both in discussing BIT reform implementation and in conducting industry outreach about the changes that took effect on January 1, 2016.

Our support of expansion of the BIT program to include all operators of CMV’s between 10,001 and 26,000 pounds is based on improvements to highway safety. While the definition of a CMV under California law and federal law differ slightly, California aligns with federal requirements regulating CMV’s with a GVW or GVWR of 10,001 pounds or more. For example, drivers of CMV’s considered regulated pick-up trucks must comply with state/federal hours-of-service regulations; obtain a California CVRA decal or even driver medical certification when operating outside California’s borders with a class C license. Our experience is many of the operators of CMV’s below 26,001 pounds are either woefully ignorant of their legal responsibilities or simply don’t care which ultimately impacts highway safety for all users.

Both state and national crash data involving CMV’s show that a plateau has been reached in improving CMV safety. **Exempting any class of operators of CMV’s from CHP safety oversight lessens the ability of California to make meaningful improvements in highway safety which was ultimately the goal of reforming the BIT program.**

Nationally, in 2013 there were 3,906 fatalities involving “large” trucks. “Large” is defined as 10,001 pounds or greater (Source: 2013 National Highway Traffic Safety Administration Fatality Analysis

¹ The Western States Trucking Association (formerly the California Construction Trucking Association) is the oldest, independent nonprofit trucking association in the U.S. originally founded in 1941. We are headquartered in Upland, CA and our nearly 6,000 member and affiliated motor carriers are engaged in virtually every mode of truck transportation including construction, port drayage, cross-border, general freight, heavy-haul and agricultural operations. The WSTA advocates on behalf of our owner-operator, fleet, and broker members for sound public policy, laws, and regulations.

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Reporting System). 17 percent of that total (695) involved CMV's between 10,001 and 26,000 pounds. During the same time period there were 4,244 fatal crashes in California, 682 involving pick-up and or panel trucks with/without a trailer representing 16 percent of total statewide fatalities (Source: CHP Statewide Integrated Traffic Records System). Exempting any operators in the lower GVW/GVWR categories from complying with BIT requirements will undermine the ability to improve safety.

The WSTA believes that initiatives such as the U.S. Department of Transportation's Toward Zero Deaths (TZD) which is also supported by the California Office of Traffic Safety can only have a meaningful impact if everyone who shares the road also shares equal responsibility and accountability.

Not only does the WSTA not support exemptions (carve-outs) but we actually believe California ought to pilot a requirement that all CMV operators currently excluded from drug and alcohol testing requirements be included in the same requirements as all operators of CMV's above 26,000 pounds. We are well aware that regulated CMV drivers who have failed a drug/alcohol test evade accountability by migrating to CMV operations below 26,000 pounds – it is not illegal.

Improvements in highway safety goals can be achieved if every stakeholder complies with the same rules. Exempting any class of CMV operator will only encourage others stakeholders to seek exemptions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Brown", with a long horizontal flourish extending to the right.

Executive Director/C.O.O.

Western States Trucking Association

leebrown@wsta.org

CC: The Honorable Tom Lackey
Members, Assembly Transportation Committee
Brooks Ellison, WSTA's Legislative Advocate

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