

NATIONAL TRANSPORTATION SAFETY BOARD
Public Meeting of February 9, 2016
(Information subject to editing)

Commercial Truck Collision with Stopped Vehicle
on Interstate 88, Naperville, Illinois
January 27, 2014

This is a synopsis from the NTSB's report and does not include the Board's rationale for the conclusions, probable cause, and safety recommendations. NTSB staff is currently making final revisions to the report from which the attached conclusions and safety recommendations have been extracted. The final report and pertinent safety recommendation letters will be distributed to recommendation recipients as soon as possible. The attached information is subject to further review and editing to reflect changes adopted during the Board meeting.

Executive Summary

On January 27, 2014, about 9:20 p.m. central standard time, a 2004 Freightliner truck-tractor semitrailer, operated by the motor carrier DND International Inc., collided with stopped vehicles that were providing assistance to a disabled 2000 Volvo truck-tractor semitrailer, operated by the motor carrier Michael's Cartage Inc., in the right lane of eastbound Interstate 88 (I-88), at milepost 122 near Naperville, Illinois. A flare line separated traffic from the response area containing the stopped vehicles. The responding Highway Emergency Lane Patrol (HELP) truck was using an active yellow arrow board to direct traffic away from the area, and the responding police patrol car had activated its flashing blue and red lights. The Federal Motor Carrier Safety Administration (FMCSA) classified both the carriers involved in this crash as high-risk carriers, meaning that their ratings in the Behavior Analysis and Safety Improvement Categories (BASICS), which the agency uses to assess carrier safety, were above certain established threshold levels.

As a result of the collision, an Illinois State Toll Highway Authority worker operating the HELP truck died. An Illinois State Police trooper was seriously injured in a postcrash fire that completely consumed his patrol car, and the driver of the Freightliner combination vehicle was seriously injured. The driver of the disabled Volvo combination vehicle, who was sitting in the right front seat of the HELP truck when the crash occurred, received minor injuries.

Due to its focused scope, this investigation did not address any issues beyond establishing the probable cause of the crash and assessing the FMCSA's oversight of the two carriers involved in it. Consequently, this summary report concentrates on the following safety issues:

- **Commercial driver fatigue.** In the 37 hours prior to the crash, the DND International driver slept a total of less than 4.5 hours. His fatigue is evidenced by his failure to see

the stopped and lighted vehicles in the lane ahead of him on the night of the crash until immediately before he struck them, which limited his ability to take effective action to avoid the crash. In addition, the driver's activities during his trip on January 26, the day preceding the crash, were not accurately reflected in his logbook entries.

- **Inadequacy of FMCSA efforts to address the safety deficiencies of high-risk carriers or prioritize action to halt their operations:** Both motor carriers involved—DND International and Michael's Cartage—had longstanding records of operating unsafely, causing the FMCSA to classify them as high-risk carriers. Unsafe operations on the part of DND International led to the circumstances that caused this crash. DND International, which operated the 2004 Freightliner combination vehicle, did not ensure that its drivers adhered to hours-of-service requirements, which enabled the driver fatigue that caused the DND International driver to strike the group of vehicles stopped in the right lane of eastbound I-88. Had DND International adhered to the *Federal Motor Carrier Safety Regulations (FMCSRs)*, it is possible that the driver of the Freightliner combination vehicle would not have been so fatigued as to run into the stopped vehicles. The FMCSA is responsible for overseeing motor carrier compliance with the *FMCSRs*, a duty that the FMCSA carries out through a variety of interrelated systems. With respect to its oversight of the high-risk carriers DND International and Michael's Cartage, the FMCSA had substantial evidence over a long period that they were significantly deficient in compliance with the *FMCSRs*, but the FMCSA did not take effective action to keep either carrier from operating unsafely.

As a result of the investigation, the NTSB makes four new safety recommendations to the FMCSA and reiterates one recommendation to the FMCSA.

Findings

1. The DND International Inc. driver was impaired by fatigue at the time of the crash due to his lack of adequate sleep, which resulted in his delayed response to the vehicles stopped ahead of him.
2. The DND International Inc. driver routinely falsified his logbook entries and had a history of logbook falsification.
3. DND International Inc. failed to adequately monitor its drivers' compliance with hours-of-service rules.
4. The Michael's Cartage Inc. driver routinely falsified his logbook entries and had a history of logbook falsification above the critical level.
5. Michael's Cartage Inc. failed to adequately monitor its drivers' compliance with hours-of-service rules.
6. The owner-operator of the 2000 Volvo truck-tractor that became disabled and stopped in the right lane of eastbound I-88 failed to adequately maintain his vehicle.

7. Although the Carrier Safety Measurement System appropriately identified DND International Inc. as a high-risk carrier, procedural delays in the Federal Motor Carrier Safety Administration oversight process allowed this high-risk carrier to continue to operate without intervention for at least 2 years.
8. Although Michael's Cartage Inc. was the subject of numerous compliance reviews that resulted in conditional and unsatisfactory safety ratings, and its Behavior Analysis and Safety Improvement Category scores were routinely unacceptable, the Federal Motor Carrier Safety Administration was not able to take effective action to stop the carrier's noncompliant behavior and unsafe operations.
9. The Federal Motor Carrier Safety Administration was unable to act effectively on its Carrier Safety Measurement System data and compliance review results identifying high-risk carriers.
10. Motor carriers with Behavior Analysis and Safety Improvement Category scores that define them as high-risk carriers have been proven to have a higher future crash risk than other carriers.
11. The significant and continuing delays in enacting rulemaking on the Safety Fitness Determination process is depriving the Federal Motor Carrier Safety Administration of the tools it needs to use its data most effectively to address the safety risks posed by high-risk carriers.
12. DND International stopped operating not through the Federal Motor Carrier Safety Administration's imminent hazard order process, which was ultimately unsuccessful, but because DND International's insurance was cancelled due to nonpayment, when the insurer raised its rates after the January 27, 2014, crash. Notifying the insurer of a high-risk motor carrier that the carrier's Behavior Analysis and Safety Improvement Category scores indicate a heightened crash risk could prompt the insurer to increase its rate to offset the increased risk, which might place a sufficient financial burden on the carrier to persuade it to comply with safety requirements.
13. The Federal Motor Carrier Safety Administration could most likely achieve more effective action to stop unsafe and noncompliant carrier behavior by working more closely with safety and industry partners, including insurers, to share relevant information.
14. Although the new "Fit, Willing, and Able" policy appears to be a promising approach to strengthening Federal Motor Carrier Safety Administration compliance oversight, the agency could have a more significant safety impact by using this authority more often with respect to high-risk carriers.

PROBABLE CAUSE

The National Transportation Safety Board determines that the probable cause of the Naperville, Illinois, crash was the DND International Inc. driver's delayed response to the stopped vehicles ahead of him in the roadway because he was fatigued due to inadequate sleep. Contributing to the circumstances that resulted in the crash was the failure of DND International Inc. to ensure that its driver adhered to federal hours-of-service regulations.

Also contributing to the crash was inadequate safety oversight by the Federal Motor Carrier Safety Administration.

RECOMMENDATIONS

As a result of this investigation, the National Transportation Safety Board makes the following new safety recommendations:

New Recommendations

To the Federal Motor Carrier Safety Administration:

1. Develop and implement, or if necessary, seek authority to implement, a notification program that automatically sends a letter to any motor carrier with Behavior Analysis and Safety Improvement Category scores defined as “high risk,” making it a “mandatory carrier.” This letter should state that the carrier is in high-risk status and should warn that the carrier has been placed on the mandatory compliance review list because of its increased crash risk. In addition, send the carrier’s insurance provider or surety a copy of the letter.
2. Form a working group consisting of safety partners, industry representatives, and insurers, along the lines of the Federal Aviation Administration’s Commercial Aviation Safety Team/General Aviation Joint Steering Committee programs to determine ways to share information that would work best to induce noncompliant and unsafe carriers to take appropriate remedial action.
3. Use the policy articulated in the August 2012 “Policy on Granting, Withholding, Suspending, Amending or Revoking Operating Authority Registration,” to suspend the operating authority of any carrier that has five or more intervention alerts in its Behavior Analysis and Safety Improvement Categories, demonstrating that it is not fit, willing, or able to comply with the *Federal Motor Carrier Safety Regulations*. The carrier should be informed as to what actions it must take to demonstrate that it has corrected its safety issues and improved its safety procedures to reverse the suspension.
4. Review the process and procedures for imminent hazard orders to identify ways in which this process can be improved to work more swiftly and effectively; seek legislative authority for such changes as necessary.

Previously Issued Recommendation Reiterated in this Report

As a result of this investigation, the National Transportation Safety Board reiterates the following safety recommendation:

To the Federal Motor Carrier Safety Administration:

H-12-17

Include safety measurement system rating scores in the methodology used to determine a carrier's fitness to operate in the safety fitness rating rulemaking for the new Compliance, Safety, Accountability initiative.