



# National Transportation Safety Board

Washington, DC 20594

## Safety Recommendation

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**Date:** March 15, 2016

**In reply refer to:** H-16-01 through -04  
H-12-17 (Reiteration)

Mr. T. F. Scott Darling III  
Acting Administrator  
Federal Motor Carrier Safety Administration  
Washington, DC 20590

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On February 9, 2016, the National Transportation Safety Board (NTSB) adopted its summary report concerning the January 27, 2014, crash in which a 2004 Freightliner truck-tractor semitrailer, operated by DND International Inc., collided with stopped vehicles providing assistance to a disabled 2000 Volvo truck-tractor semitrailer, operated by Michael's Cartage Inc., in the right lane of eastbound Interstate 88, near Naperville, Illinois. At the time of the crash, the Federal Motor Carrier Safety Administration (FMCSA) considered both DND International and Michael's Cartage to be high-risk carriers.<sup>1</sup> Additional information about this crash and the resulting recommendations may be found in the report of the investigation, which can be accessed at our website, [www.nts.gov](http://www.nts.gov), under report number NTSB/HAR-16/01/SUM.

As a result of this investigation, we reiterated Safety Recommendation H-12-17 and issued the following four new recommendations to the FMCSA:

### H-16-01

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; when implementing the improvements, seek legislative authority for such changes as necessary.

### H-16-02

Develop and implement, or if necessary, seek authority to implement, a notification program that automatically sends a letter to any motor carrier with

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<sup>1</sup> See *Commerical Truck Collision with Stopped Vehicles on Interstate 88, Naperville, Illinois, January 27, 2014*, Highway Accident Summary Report NTSB/HAR-16/01/SUM (Washington, DC: National Transportation Safety Board, 2016).

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.

#### H-16-03

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.

#### H-16-04

Form a working group consisting of safety partners, industry representatives, and insurers, along the lines of the Federal Aviation Administration/industry Commercial Aviation Safety Team and General Aviation Joint Steering Committee programs, to determine ways to share information that would work best to induce noncompliant and unsafe motor carriers to take appropriate remedial action.

We also reiterated the following recommendation to the FMCSA:

#### 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.

Chairman HART, Vice Chairman DINH-ZARR, and Members SUMWALT and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the safety recommendations by number. We encourage you to submit your response electronically to [correspondence@ntsb.gov](mailto:correspondence@ntsb.gov).

[Original Signed]

By: Christopher A. Hart,  
Chairman