

Trucking firm involved in 11-person fatal crash had poor safety rating

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Munfordville, Ky.: The Alabama trucking company whose tractor-trailer slammed into a van in Munfordville, Ky., Friday, [March 26, 2010] killing 11 people, has such a bad history of driver violations that it “should not have been on the road,” says the top safety executive for the American Trucking Association.

Rob Abbott, vice president of safety policy for the trucking industry’s largest trade association, said in an interview that the federal government’s rating of trucking company Hester Inc. indicates that it isn’t safe.

In February, based on inspections during the past 30 months, Hester’s rating was 88.4 percent on a scale of 1 to 100, with 100 being the worst score. Any score of 75 or more is considered “deficient.”

The Federal Motor Carrier Safety Administration rating, which is based on the roadside inspections and moving violations of Hester’s its 30 drivers, puts it in the “deficient” category and in the bottom 12th percentile among carriers its size.

Independent truck safety expert Dave Dorrity, an adjunct professor of safety education at Clemson University, said the company’s inspection history shows it has “egregiously” failed to ensure that its drivers comply with rules limiting their time on the road.

Scott Hester, the owner of the company that was founded in 2004 and has 25 trucks, wouldn’t comment, citing the pending investigation of the crash in which one of its drivers, Kenneth Laymon, crossed the centerline on Interstate 65 before barreling into a van, killing Laymon and 10 Mennonites in the van.

The truck left no skid marks, which Dorrity and other experts say may indicate that Laymon fell asleep or was drowsy. Kentucky State Police Trooper Charles Swiney said investigators haven’t ruled out any cause, including a heart attack. (Emphasis added.)

The National Transportation Safety Board is investigating Laymon’s schedule in the 72 hours before the crash, as well as in his last two weeks.

Under federal rules, drivers are not allowed to drive more than 11 hours in a row or more than 60 hours in seven consecutive days. Driver fatigue is a contributing factor in as many as 40 percent of all heavy-truck crashes, according to the National Highway Transportation Safety Administration.

Thirty-nine of the company's 166 driver violations over the past two years were for driving too many hours or not resting long enough, records show. Another 21 were for log violations, which can include falsifying entries or failing to maintain a log.

Louisville attorney Tim Lange, who represents people injured in truck accidents, said the company's rating means that "statistically, they are running an unsafe operation." And Roger Allen, a truck-safety consultant from Friendship, Texas, said its driver rating is "way towards bad."

"There were 'hours of service' violations left and right," said Allen, a former trucker and truck company owner who testifies as an expert witness for trucking companies and plaintiffs in accident cases.

Records detail service violations

Federal records also show that Hester's drivers were taken out of service for violations — meaning they were forced to stop driving — at nearly twice the average rate nationally.

Under what it calls its "SafeStat" program, the Motor Carrier Safety Administration rates the driver violations history of every trucking line.

The agency's Web site says the SafeStat scores are used to identify which drivers and trucks should be inspected, based on the safety history of the carrier.

Dorrity and other truck-safety experts say that a deficient rating is supposed to trigger an on-site audit of the company, and that drivers are supposed to be automatically inspected when they pull into an inspection station.

But the experts say that hasn't systemically occurred because of a shortage of inspectors.

The government also can shut down a trucking company based on its rating, Dorrity and Allen said.

The agency's records show that it hasn't inspected Hester on site in the past five years.

Dorrity, who has owned and managed trucking companies and investigated more than 500 truck and bus accidents, said Hester's violation history raises the question of "why the government hasn't done anything" about the company

He noted Hester had posted worse scores previously, including a "93" in 2007.

Shashunga Clayton, a spokeswoman for the motor-carrier safety agency, declined to answer questions about Hester.

She said the agency conducts on-site reviews of trucking companies if they are “deficient in multiple areas.” Companies deemed unsatisfactory are given 60 days to correct their problems; if they don’t, they are shut down.

She declined to say whether there is a shortage of inspectors. She said the agency has a field staff of about 300 investigators and state vehicle-enforcement agencies have 13,000 certified inspectors to oversee an industry of more than 700,000 motor carriers.

Driver records not public

Citing privacy reasons, the government doesn’t make the inspection records of individual drivers available to the public, and the Alabama Department of Public Safety refused to release Laymon’s state driver’s history.

Laymon’s sister, Lori Cook, has told reporters that he had 26 years of experience at the wheel and took special precautions to stay alert.

She said he recently stopped smoking to avoid distractions and that he used a hands-free head set to make cell phone calls while driving.

Hester hadn’t had a fatal accident in the 24 months before last week, federal records show. Over that period, it had two accidents, one involving injuries.

Its federal rating for its equipment — tractors and trailers — is in the middle range, and its equipment has been pulled out of service at exactly the average rate for all trucking companies nationally, records show.

Allen said that SafeStat figures for equipment and drivers are considered the “Bible” of the industry by trucking company safety directors. Lange said they are used by insurance companies and freight brokers to identify potentially unsafe carriers.

Abbott, the safety executive for the 37,000-member trucking association, said that based on Hester’s driver rating, “On the surface that appears to be an unsafe carrier that should not have been on the road.”

He said the “vast majority of carriers are safe and responsible and do not commit these type of violations. They would prefer not to share the workplace with carriers like this.”

Clayton W. Boyce, the trucking association’s vice president of public affairs, said in an e-mail that “while this one company’s safety record is under a microscope, the industry’s safety record has never been better.”

Federal data confirm that the fatality rate for crashes involving large trucks has declined dramatically since 1975.

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