



December 29, 2017

The Honorable Steven Choi
California State Assembly
State Capitol, Room 2016
Sacramento, CA 95814

SUBJECT: AB 971/972 (Choi) – OPPOSE

Dear Assemblyman Choi:

The California Trucking Association (CTA) is committed to ensuring the safety of the motoring public, but must respectfully oppose Assembly Bills 971 and 972, which would create duplicative and potentially federally preempted law for load securement while also holding drivers responsible for vehicular manslaughter if an item being transported by a vehicle falls and proximately causes the death of a person other than the driver of the vehicle

The CTA is the nation's largest statewide trade association representing the trucking industry. Established in 1934, our 1,400+ members represent all segments of the industry, including both small and mid-sized family owned companies headquartered in California as well as large logistics providers in the Fortune 1000.

First, it appears this bill would create a duplicative infraction for load securement as such law already exists in California Vehicle Code 2803.

Also, truck drivers are not always responsible for securement of loads, nor do truckers or trucking companies always own trailing equipment. It would be inappropriate to charge drivers with vehicular manslaughter when liability for falling items may not be assigned to drivers themselves, as in the case of a faulty tie-down, strap or sealed container. Such a blanket law would have a chilling effect on the hiring of qualified truck drivers at a time where the industry is already experiencing chronic driver shortages.

Finally, commercial vehicle load securement is extensively regulated by the United States Department of Transportation. 49 U.S.C. 31141 says that additional regulation by States may be preempted if the State law or regulation has no safety benefit, the State law or regulation is incompatible with the regulation prescribed by the Secretary, or enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

It is likely that some provisions of both bills would be challenged under 49 U.S.C. 31141.

For the reasons outlined in this letter, the CTA must regretfully **OPPOSE** AB 971 and 972 (Choi). We would be happy to continue to the dialogue on load securement safety with your office and other important stakeholders.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Sauer'.

Eric Sauer, Senior Vice President of Government Affairs
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