

UPCOMING TRAININGS & CONFERENCES

A full list of NDAAs virtual learning sessions is available at ndaa.org/training-courses/.

NDAAs Mastering Masking Digital Course/ On Demand Training (CLE Available)
ndaa.org/training/mastering-masking-2/

NDAAs Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training
ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/

NDAAs Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)
ndaa.org/training/prosecuting-dui-cases/

NDAAs Investigation and Prosecution of Drug-Impaired Driving Cases Online Course/On Demand Training (CLE Available)
ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/

NDAAs 2024 Job Fair
 January 27-28, 2024, Washington, D.C.

NDAAs Prosecutor Advocacy Day
 January 29-30, 2024, Washington, D.C.

RESOURCES

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CDL-Related Resources
ndaa.org/programs/ntl/commercial-drivers-license/

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Operation Safe Travel

Educating and Enforcing Traffic Safety Standards in North Carolina

By Eric Sweden, Retired Raleigh (NC) Police Watch Commander

In 2019, traffic collisions in America cost nearly \$340 billion.¹ Those collisions killed more than 36,000 people, injured 4.5 million others, and damaged 23 million vehicles.² These crashes also cost each American about \$1,035 in increased insurance premiums, taxes, congestion on our roadways, excessive fuel consumption, and increased environmental impact.³

Last year, there were just over 13.86 million semi-trucks on American roads moving about 72% of America's freight by weight, or nearly 11.46 billion tons, with a value of \$940.8 billion.⁴

¹ Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2023, February). *The economic and societal impact of motor vehicle crashes, 2019 (Revised)* (Report No. DOT HS 813 403). National Highway Traffic Safety Administration.

² *Id.*

³ *Id.*

⁴ Economics and Industry Data | American Trucking Associations, Economics and Industry Data, available at www.trucking.org/economics-and-industry-data, accessed December 1, 2023. *When Trucks Stop, America Stops* by American Trucking Associations, 2019, available at www.trucking.org/sites/default/files/2019-12/When_Trucks_Stop_America_Stops.pdf, accessed December 12, 2023.

Clearly, these figures demonstrate that the Commercial Motor Vehicles (CMV) industry is the backbone of America's economy. Our economy relies heavily on the trucking industry, without which, things we have grown accustomed to, like a globalized economy and same day delivery, would not be possible. This translates to 8.7 million CMV drivers⁵ who are required to maintain a commercial driver's license (CDL) to do so. While the economic impact is no doubt significant, perhaps more important is that those CDL holders are also entrusted with the lives of those they transport (for example, children on school buses) and those they encounter on our nation's roads. In 2020, 38,824 people died in crashes,⁶ about 8% of them involved a CMV.⁷ While 8% may seem like a low number, it still reflects nearly 5,000 lives lost.

With great power comes great responsibility, which is why the CMV industry, and consequently the CDL program, is highly regulated. CMV crashes are disproportionately high compared to that of passenger vehicle crashes.⁸ Furthermore, CMV crashes are more likely to be fatal to non-CMV passenger vehicle occupants.⁹ A fully loaded CMV weighs 80,000lbs and that 80,000lb commercial motor vehicle traveling 12 miles per hour has the same kinetic energy as a 3,200lb passenger vehicle traveling 62 mph.¹⁰

It stands to reason that CDL holders are held to a higher standard, reflecting the inherent risk involved in the operation of a CMV. It is an immense responsibility for which Congress, and subsequently the Federal Motor Carrier Safety Administration (FMCSA), has imposed higher standards and a more stringent barrier of entry than a regular driver's license. Driving a CMV requires advanced skills and knowledge. In order to drive a CMV, a driver must obtain a commercial driver's license CDL which necessitates that the driver meet certain qualifications above that of a non-commercial license. Not only are CDL holders held to a higher standard to obtain a CDL, they are also subject to more strict laws and regulations to retain it. Additionally, the safe operation of CMVs is governed by specific federal regulations.

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To ensure CMV safety, it is essential for drivers to adhere to these federal motor carrier regulations. These regulations cover various aspects of CMV operations, including driver qualifications, vehicle maintenance, hours of service, and cargo securement. The FMCSA is responsible for enforcing these regulations to enhance road safety.¹¹

- To qualify as a CMV operator, drivers are required to meet specific qualifications, including obtaining a commercial driver's license CDL, passing medical examinations, and completing specialized training for handling large vehicles.¹²

⁵ 2022 Pocket Guide to Large Truck and Bus Statistics, Federal Motor Carrier Safety Administration, Office of Analysis, Research, and Technology, FFA-22-007, December 2022.

⁶ Stewart, T. (2022, March). *Overview of motor vehicle crashes in 2020* (Report No. DOT HS 813 266). National Highway Traffic Safety Administration.

⁷ 2022 Pocket Guide to Large Truck and Bus Statistics, Federal Motor Carrier Safety Administration, Office of Analysis, Research, and Technology, FFA-22-007, December 2022.

⁸ FMCSA *Commercial Motor Vehicle Safety Facts*, citing Fatality Analysis Reporting System (FARS) and Federal Highway Administration, Highway Statistics 2017 data, available at www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/safety/data-and-statistics/473411/cmvtrafficsafetyfactsheet2018.pdf, accessed December 1, 2023.

⁹ Insurance Institute for Highway Safety-Highway Loss Data Institute website, *Fatality Facts 2021 Large Trucks*, available at www.iihs.org/topics/fatality-statistics/detail/large-trucks, accessed December 1, 2023.

¹⁰ National District Attorneys Association's National Traffic Law Center, *Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations, Second Edition* (2017), available at ndaa.org/resource/CDL-Monograph/, accessed December 1, 2023.

¹¹ About Us | FMCSA (dot.gov).

¹² Commercial Driver's License Program | FMCSA (dot.gov).

- To prevent driver fatigue, hours of service (HOS) regulations limit the number of hours a CMV operator can drive within a designated period. These rules aim to reduce the risk of crashes caused by drowsy driving.¹³
- To maintain the commercial vehicles, CMV owners and operators must regularly inspect and maintain their vehicles to ensure they meet safety standards. This includes checking brakes, tires, and other critical components.¹⁴

North Carolina's Operation Safe Travel

North Carolina is known for many positive and noteworthy reasons. For example, it claims the distinction of Babe Ruth's first professional home run in 1914, it is home to Krispy-Kreme Donuts and Bojangles fried chicken, and is the birthplace of Pepsi and Barcodes.¹⁵ As of 2023, North Carolina is the 17th best state to live in and has one of the largest paved highway systems in the nation at 80,000 miles.¹⁶ North Carolina, unfortunately, is also among the top 10 states for fatal large truck and bus crashes,¹⁷ as well as in the top 10 for reported cases of human trafficking.¹⁸

In North Carolina, the responsibility for enforcing the safety standards and inspection procedures for CMVs promulgated by the Commercial Vehicle Safety Alliance (CVSA) falls primarily to the North Carolina State Highway Patrol (NC SHP) Motor Carrier Troopers. These nearly 70 Troopers are responsible for CMV safety and enforcement for over 80,000 paved highway miles.¹⁹

The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit organization comprised of, among others, local, state, and federal commercial motor vehicle safety officials as well as CMV industry representatives and works in partnership with the Federal Motor Carrier Safety Administration (FMCSA).^{20,21} Its mission is to improve CMV safety and enforcement "... by providing guidance, education, advocacy for enforcement and industry across North America."²² CVSA launched "Operation Safe Driver," a program aimed at reducing unsafe driver behaviors by educating all drivers about ways to share the roads safely.²³ In 2007, this program launched an annual one-week enforcement and educational campaign, Operation Safe Driver Week, that targets unsafe driving behaviors by



¹³ Hours of Service Drivers Final Rule | FMCSA ([dot.gov](https://www.dot.gov)).

¹⁴ See Federal Motor Carrier Safety Regulations, 49 CFR § 396, governing Inspection, Repair, and Maintenance.

¹⁵ The Fact File website, "57 Interesting Facts About North Carolina," available at thefactfile.org/north-carolina-facts/, accessed on December 12, 2023.

¹⁶ *U.S. News and World Report*, "The 2023 Best States Rankings," available at www.usnews.com/news/best-states/north-carolina, accessed December 12, 2023.

¹⁷ *Large Truck and Bus Crash Facts 2021*, Analysis Division, Federal Motor Carrier Safety Administration, FMCSA-RRA-23-002, November 2023, available at www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2023-11/LTBCF_2021-FINAL_508.pdf, accessed December 12, 2023.

¹⁸ North Carolina Stop Human Trafficking, available at encstophumantrafficking.org/2022/01/18/n-c-ranks-no-9-in-u-s-for-human-trafficking-cases/, accessed December 12, 2023.

¹⁹ North Carolina Department of Public Safety website, Commercial Motor Vehicle Enforcement, available at www.ncdps.gov/our-organization/law-enforcement/state-highway-patrol/commercial-motor-vehicle-enforcement, accessed December 12, 2023.

²⁰ Commercial Vehicle Safety Alliance website, "About" information, available at www.cvsa.org/about-cvsa/, accessed on December 4, 2023.

²¹ Commercial Vehicle Safety Alliance website, "About" information, available at www.cvsa.org/about-cvsa/, and Operation Safe Driver information, available at www.cvsa.org/programs/operation-safe-driver/, both accessed on December 4, 2023.

²² Commercial Vehicle Safety Alliance website, "About" information, available at www.cvsa.org/about-cvsa/, accessed on December 4, 2023.

²³ Commercial Vehicle Safety Alliance website, Operation Safe Driver information, available at www.cvsa.org/programs/operation-safe-driver/, accessed on December 4, 2023.

both commercial motor vehicle drivers and car drivers in an effort to combat the number of deaths and injuries from crashes involving large trucks, buses, and cars.²⁴ Similar to CVSA's program week, Operation Safe Travel, North Carolina's first of its kind project, aspired to educate and enforce safety standards and rules for CMV operators, passenger vehicles, and additional law enforcement personnel.

Operation Safe Travel developed as two high-level NC SHP Troopers discussed the success of similar operations conducted in Oregon and Georgia. Brainstorming from the ideas and lessons learned in those two state operations inspired them to consider what could work in North Carolina. The eventual goal of North Carolina's campaign was to (1) conduct safety checks on commercial vehicles, (2) identify possible impairment issues with operators, and (3) educate operators on indicators of human trafficking.

The initial step was to identify all potential NC SHP personnel essential for this effort as well as the necessary external highway safety partners. This included the NC SHP Motor Carrier Troopers, District Troopers, and the Special Operations' Air Wing and Canine Unit. To quickly assess operators for impairment, it also involved the NC SHP Drug Recognition Experts (DRE) as well as NC Department of Health and Human Services, which operates mobile alcohol testing buses. A mobile command post was also deemed critical to monitor and control the operation without overloading the daily course of troop communications. Since support data indicated drugs may be carried on CMVs, the NC National Guard Counter Drug Unit was also invited to participate. Given that the NC State Bureau of Identification (SBI) and the Federal Bureau of Investigation (FBI) both collect and distribute information regarding human trafficking, they were also requested. NC SHP Field Liaison Officers assigned to the SBI Information Sharing and Analysis Center (ISAAC) have access to criminal records check and additional information for quick checks if a suspicious vehicle, incident, or operator be encountered and were identified as a potential asset. Lastly, local law enforcement, emergency medical services, and judicial districts were identified as partners as the operation became larger in size.

Operation Safe Travel, North Carolina's first of its kind project, aspired to educate and enforce safety standards and rules for CMV operators, passenger vehicles, and additional law enforcement personnel.

A formal operations plan was developed, written, and submitted for approval. The formal operations plan assembled community/resource partners and operational assets to stop and identify unsafe vehicles and operators. Directing these CMVs to a weigh station along a highly traveled, main artery allowed for a controlled environment to detect distracted, drowsy, and impaired operators. The plan combined and co-located local, state and federal partners which included, among others, law enforcement from all levels, law enforcement specializing in drug and impairment identification, Breath Alcohol Test (BAT) Mobile Unit, North Carolina State Bureau of Investigation Fusion Center, District Attorney's Office, Magistrate, Mothers Against Drunk Driving, and the North Carolina Truckers Association. The Troop D, District 9 Sergeant who oversees the District's Motor Carrier Safety Assistance Program (MCSAP) Troopers chose a Monday to conduct the project. "They run heavy, and they run hot from the weekend," he added. The Sergeant also decided that the operation be conducted at both the east and west weigh stations on the I-40/I-85 corridor between Greensboro and Durham, NC.

All participants were provided the plan in advance, but the Sergeant also conducted a briefing for all involved so the roles and areas of responsibility were understood and deconfliction could occur. A Sergeant was assigned to each weigh station as the supervisor. A safety officer was identified, and one Supervisor was responsible for the overall project. The site supervisor was authorized to turn off the bypass, calling in CMVs, and pause or stop the site operation depending on traffic, weigh station congestion, or safety to those within the footprint of the operation or the motoring public. The Troop I Special Operations Division utilized drones to monitor both the footprint of the project and a mile in each direction.

²⁴ *Id.*

Operation Safe Travel's Success

Operation Safe Travel was conducted for the first time on July 15, 2022, with what is believed to be a "Best Practice" operational plan in place. Due to a forecast of heavy rains, the project supervisor closely monitored the weather ensuring the operation was conducted as safely as possible. The project supervisor approved the operation at 6:00 a.m. with the initial briefing to involved personnel occurring at 6:30 a.m. All assets involved in the operation were in place and ready to start at 8:00 a.m. The site supervisor routed CMVs through the site operation by shutting off the bypass. MCSAP Troopers were present for the weigh station operations and to conduct random patrols. Highway Patrol Troopers, County Sheriff's Deputies and local law enforcement conducted random patrols in conjunction with DRE and Standardized Field Sobriety Test (SFST) Instructors for enforcement of motor vehicle code and detection of impairment. A Breath Alcohol Test (BAT) Mobile Unit was present for breath testing, DRE evaluation and magistrate processing. One K-9 was assigned to each area to assist with security and drug detection. Once CMVs were stopped, the North Carolina State Bureau of Investigation Fusion Center was able to run criminal histories and provide an information sheet regarding Human Trafficking. Although rain delayed the start, Operation Safe Travel yielded nearly 100 inspections, dozens of commercial vehicles placed out of service, one implied consent violation, 15 seatbelt and a child restraint violation citation, two people identified with outstanding warrants and, although one driver fled from his vehicle, he was quickly taken into custody.

A second operation was performed in June 2023. Similar in purpose, the second operation included roving patrols on nearly 50 miles of north and southbound I-95 from Halifax County to Johnston County. This project was just as successful, yielding nearly 200 violations, nearly 200 inspections, and 12 vehicles placed out of service.

Conclusion

Most trucks that operate on American highways follow the rules. But these projects underscore the urgent need for enhanced highway safety in the United States. The staggering economic and human costs of traffic collisions demand proactive measures and collaboration among all stakeholders. A collaboration of all traffic safety partners can undoubtedly lead to safer roadways. Operation Safe Travel in North Carolina serves as a promising example of how a multi-agency, concerted effort can make a difference. By conducting safety checks, addressing impairment issues, and raising awareness about human trafficking indicators, this initiative showed that significant improvements are possible. Working together can contribute to safer roadways, fewer lives lost, reduced human trafficking, less vehicle damage, and lower costs for all Americans. When it comes to highway safety, we can strive for safer, more efficient, and less costly highway experiences for everyone.

About the Author

Eric J. Sweden retired in 2021 from the City of Raleigh, North Carolina Police Department as a Watch Commander. He served in the Field Operations, Administrative, and Investigative Divisions of the police department during his career. Eric served as a field training officer, academy training officer, hostage negotiator team leader, collision reconstructionist, Detective, Patrol Sergeant, and District Lieutenant before his assignment to Watch Commander.

Eric was a member of the Department's Collision Reconstruction Unit where he was assigned to investigate high profile, serious injury, and fatality collisions. He is a DWI/ Drug Recognition Expert Instructor through the International Association of Chiefs of Police as well as an Instructor Trainer. Eric is recognized as a General and Specialized Instructor and Instructor Trainer through the NC Department of Justice, Training and Standards Commission. In 2022, Eric worked with the NC State Highway Patrol to implement "Operation Safe Travel."

Eric has been tendered as an Expert Witness in alcohol and drug impaired driving as well as collision reconstruction in both District and Superior Court in North Carolina.



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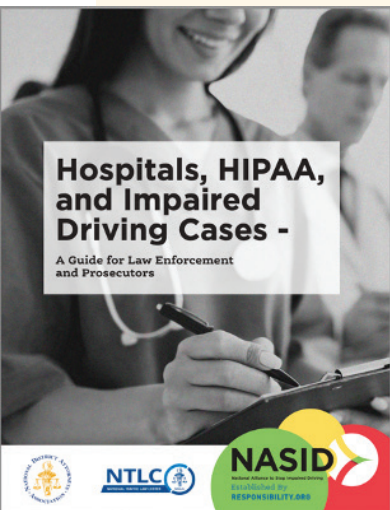
Prosecuting the BUI

New Curriculum for Prosecutors

NDAA's National Traffic Law Center (NTLC) and the National Association of Boating Law Administrators (NASBLA) are pleased to announce the completion and availability of a new curriculum for prosecutors, *Prosecuting the BUI*. The two-hour training module is designed to enhance courtroom preparation and presentation for prosecutors of boating under the influence (BUI) cases. This is the second of two curricula created by NASBLA and NTLC, thanks to grants awarded by the United States Coast Guard. The first curriculum, *Courtroom Testimony in BUI Cases*, was developed to assist law enforcement officers in preparing for and giving testimony in BUI cases.



Both curricula are available for no charge and upon request from NTLC or NASBLA. For additional information on either of these courses, please contact NTLC Staff Attorney [Erin Inman](#).



Hospitals, HIPAA, and Impaired Driving Cases— A Guide for Law Enforcement and Prosecutors

New Monograph for Prosecutors and Law Enforcement

Law enforcement and prosecutors often need medical records or blood samples from a hospital in impaired driving cases, such as when there's suspicion of drug impairment, a collision requiring medical attention, or a suspect refusing a breath test. The relationship between the hospital, law enforcement, and prosecutors is complicated by patient privacy and hospital liability issues, especially when the hospital is outside the investigating agency's jurisdiction. Dealing with a hospital, officers and prosecutors are frequently confused by the legal implications of the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA).

For this reason, the National Traffic Law Center, along with a group of subject matter experts from around the country, and with funding from Responsibility.org and the National Alliance to Stop Impaired Driving (NASID), created a new monograph, *Hospitals, HIPAA, and Impaired Driving Cases—A Guide for Law Enforcement and Prosecutors*. This guide outlines HIPAA's general legal principles and specific provisions related to criminal law, along with exceptions for law enforcement and prosecutors in investigations, including impaired driving cases. It offers suggestions for building cooperative relationships with hospital personnel to enhance investigations and minimize the necessity for their court testimony, including the implementation of a law enforcement phlebotomy program to bypass hospital blood draws.

This project was made possible by the dedication of the following subject matter experts:

Sarah Garner, NC TSRP
Ed Hirsch, Montana TSRP
Vin Petty, Florida TSRP
Melissa Shear, DC TSRP
Tyson Skeen, Utah TSRP
Ken Stecker, Michigan TSRP

This monograph is available on the NTLC website at ndaa.org/resource/hospitals-hipaa-and-impaired-driving-cases-a-guide-for-law-enforcement-and-prosecutors/.