

**“Reasonable Expectations for Hauling on Ohio’s Roadways”**

**November 18, 2021**

**H.B. No. 27**

**Proponent Testimony of Andy Young**

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**BEFORE**

**Ohio House of Representatives  
Criminal Justice Committee**

**Introduction and Biography of Andy Young**

Good morning, Chair Jeff LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the Ohio House of Representatives Committee on Criminal Justice.

My name is Andy Young, and I am a truck driver holding an active, interstate, Class A Commercial Driver’s License. I am the owner of a classic Peterbilt 359 that regularly hauls a much newer 45-foot car hauler trailer. I am also an attorney and the managing partner of the Cleveland, Ohio, office of The Law Firm for Truck Safety. I am a decades-long member of the Ohio Association for Justice (OAJ), and a past-chair of OAJ’s Truck Safety Section. My law practice focuses on representing victims and survivors of truck crashes in Ohio and throughout the country. Many of my clients are truck drivers who have been hurt or killed by other unsafe truck drivers, truck companies, and road users. I have been published and lecture throughout the country on truck safety, truck litigation, and trial tactics. I am also a member of the Owner-Operators Independent Drivers Association (OOIDA). I have provided hearing testimony in the past before the Ohio Senate Transportation Committee and the United States House of Representatives, Subcommittee on Highways and Transit which is part of the Committee on Transportation and Infrastructure. I also serve on the City of Cleveland’s Vision Zero Taskforce. The purpose behind Vision Zero is to eliminate (or bring to zero) serious injuries and deaths due to traffic crashes.

**PROPONENT FOR H.B. 27**

My motivation for providing this proponent testimony in favor of H.B. 27 is primarily to protect road users from life-threatening encounters. H.B. 27 will increase the \$150.00 minor misdemeanor fine for failing to secure a load on a vehicle. This bill will increase that fine to \$500.00 when no physical harm is caused by a load falling

from a vehicle and it will allow for a \$2,500.00 fine when a load falls from a vehicle and causes harm to a person or property.

All too often, items fall from pickup trucks or other vehicles, creating hazardous situations for innocent road users. Nothing is scarier than encountering something in the middle of the roadway when you are driving at highway speeds, forcing an emergency maneuver or stop, something every one of us has experienced. All too often, we learn of situations when a load falling from a vehicle results in a fatal crash.

Personal responsibility dictates that if you are driving a vehicle that is carrying a load or towing a trailer carrying a load, then you must make sure that load is properly restrained. Improper cargo securement can lead to objects falling from a vehicle onto other vehicles or cause a load to shift into the cabin of the operator's vehicle during an emergency braking maneuver. Load shifts can cause a vehicle to become unstable or unsafe, triggering a rollover.

Earlier this month, on November 3, 2021, John P. Santimarinno, Jr. was killed in Belmont County, Ohio. An International dump truck and trailer was driving east on U.S. 250. The trailer was loaded with an excavator. The truck was negotiating a turn when the trailer and excavator overturned into the westbound lanes, striking Mr. Santimarinno's van. It is believed that a load shift and improper securement of the excavator was an aggravating factor in this crash.

Numerous other incidents similar to this one have resulted in cargo being dropped onto the highway, causing equally horrific situations. Representative Patton deserves praise for bringing this bill before this assembly to hopefully serve as a deterrent to those who carelessly load items to be hauled on our roadways. Unsecured loads can be deadly, yet we see it all the time. The Ohio State Highway Patrol likely has statistics in the thousands for vehicles failing to secure their load. A good percentage of those likely led to collisions caused by unsecured loads resulting in harm to both property and persons.

Ignorance, inexperience, or simply carelessness results in cargo failing to be firmly secured on or within a vehicle. Tie-downs, straps, chains, tarps, cargo nets, chocks, wedges, or cradles are all easily available at a fraction of the cost of these fines. It is not overly complicated and takes little time to ensure that cargo and loads are properly secured. Those who do not take the time should be properly penalized with meaningful fines to deter the practice of haphazardly securing items.

The increased fines and penalties proposed by H.B. 27 will hopefully **convince or encourage** individuals hauling a load to ask questions like the following. Is there any chance of debris or cargo falling from my vehicle? Is my load secured so that it does not come out the back, sides, or front of my vehicle? If not, then I need to double-

check, triple-check and then check once more before a catastrophe of my own making happens.

H.B. 27 will educate Ohioans on the importance of securing loads and will be a deterrent to those who fail to secure their cargo. It will allow law enforcement to fine offenders, who will think twice about hauling a poorly secured load again in the future. H.B. 27 will make our roadways safer. H.B. 27 will save lives.

As a proponent of H.B. 27, I hope for a speedy passage of this bill. The frequency of cargo-related crashes is tragic, and the damage caused by cargo falling from a vehicle is far too great. Passage of this bill is imperative to protect our Ohio citizens.

I thank you for the opportunity to provide this written testimony for your consideration. Thank you for your public service helping to keep Ohioans safe.

Respectfully submitted,  
Andy Young