

September 16, 2019

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science & Transportation
512 Dirksen Senate Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science & Transportation
512 Dirksen Senate Building
Washington, DC 20510

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Sam Graves
Ranking Member
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Wicker and DeFazio, and Ranking Members Cantwell and Graves,

As Congress begins to craft the next surface transportation reauthorization, we write to express our opposition to a series of bills that would impose tens-of-billions of dollars in unfunded mandates on American businesses engaged in trucking. Collectively, these proposals neglect the diverse operations and working conditions of our members and would mandate extremely costly and excessively burdensome one-size-fits-all requirements. Perhaps most concerning, these bills would do nothing to improve highway safety.

- **H.R. 1511/S. 665, the Stop Underrides Act**, would require the installation of front, side, and rear underride guards on all trailers with a gross vehicle weight rating (GVWR) that exceeds 10,000 pounds and all single unit trucks with a GVWR greater than 10,000 pounds and a carriage that is more than 22 inches above the ground.

The requirements of this legislation are simply unworkable. Certain trailers, including low boys and auto transporters, aren't capable of being fitted with side or rear underride guards. The bill mandates front underride guards on single unit trucks, yet no front underride equipment is currently available on the market because the concept lacks any practicality. And the installation of side underride guards strong enough to achieve their supposed safety value would create serious operational challenges for drivers, and displace a significant amount of payload.

Over the last five decades, the National Highway Traffic Safety Administration (NHTSA) has considered numerous proposed rules involving underride guards, but consistently concluded mandates would be impractical and the costs associated with their implementation would far outweigh any perceived safety benefits. In more than 40 years, these conditions have not changed. Today, there remains a lack of research indicating underride guards would reduce crash severity and fatalities.

- **S. 2033, the Cullum Owings Large Truck Safe Operating Speed Act of 2019**, would effectively create dangerous speed differentials on roadways in 35 states by mandating commercial motor vehicles (CMVs) over 26,000 pounds be equipped with speed limiters set to 65 miles-per-hour (mph). Decades of highway research shows speed differentials result in more interactions between truck drivers and other road users.

Studies have consistently demonstrated that increasing interactions between vehicles directly increases the likelihood of crashes.^{1,2}

We are concerned the proponents of this legislation are overstating its perceived safety benefits. In fact, the bill would do nothing to prevent 77% of all crashes involving heavy vehicles, because data reveals these incidents occur when the truck is traveling below 65 mph.

Congress has wisely authorized states to set speed limits based on their own unique factors, and we believe that enforcement of these standards remains the most appropriate way to promote safety on our highways.

- **H.R. 3773, the Safe Roads Act**, would require new CMVs to be equipped with and utilize an automatic emergency braking (AEB) system. While AEB is designed to help reduce or prevent rear-end collisions, this technology is still in its infancy and can create new challenges and dangers for drivers, such as false or unexpected system activation. AEB technology is also very expensive and studies have shown it is not clear that the benefits of these systems would outweigh the costs.³

To be clear, this technology would be required on all new CMVs, including all trucks and vehicles involved in interstate commerce that have a vehicle weight or GVWR of at least 10,001 pounds. Not only does this encompass all tractor trailers, but also many pickup trucks and other heavy-duty vehicles.

Given the uncertainty surrounding this technology and wide scope of this legislation, Congress must refrain from advancing this costly mandate.

- **H.R. 3781, the INSURANCE Act**, would impose significant costs on our members by requiring an unnecessary increase in minimum liability coverage for motor carriers from \$750,000 to over \$4.9 million. This increase would apply to all businesses transporting property, not just long haul trucking operations.

Studies have indicated the current minimum insurance level adequately covers damages in all but 0.06% of crashes. This is a clear sign today's level of coverage is adequate. What studies haven't shown is any improvement to safety associated with increasing insurance requirements. The INSURANCE Act is nothing more than an opportunity for its most ardent supporters - trial lawyers - to receive greater payouts from judgments and settlements at the expense of American businesses.

As has been made clear by the problematic implementation and roll-out of the Electronic Logging Device (ELD) mandate, one-size-fits-all regulations inevitably give rise to expected and unforeseen challenges across a range of industries. Like the ELD mandate, we are concerned these four proposals will do nothing to improve highway

¹ David Solomon, *Accidents on Main Rural Highways Related to Speed, Driver, and Vehicle*, Bureau of Public Roads (1964).

² Johnson and Pawar, *Cost-Benefit Evaluation of Large Truck-Automobile Speed Limits Differentials on rural Interstate Highways*, Mack-Blackwell Rural Transportation Center (2005).

³ K. Grove et al., *Field Study of Heavy-Vehicle Crash Avoidance Systems*, NHTSA (June 2016).

safety, while forcing countless American businesses to spend billions-upon-billions of dollars on unproven technologies and exorbitant insurance premiums.

We encourage you to reject these proposals when developing the next surface transportation reauthorization.

Sincerely,

Agricultural Retailers Association
Agriculture Transportation Coalition
American Dairy Coalition
American Farm Bureau Federation
American Pipeline Contractors Association
American Pyrotechnics Association
Associated Equipment Distributors
Associated Oregon Loggers
Association of Professional Towers of Ohio
Corn Refiners Association
Distribution Contractors Association
Mid-West Truckers Association
National Asphalt Pavement Association
National Association of Small Trucking Companies
National Cotton Council
National Cotton Ginners' Association
National Council of Farmer Cooperatives
National Grain and Feed Association
National Hay Association
National Ready Mixed Concrete Association
National Stone, Sand and Gravel Association
National Utility Contractors Association
National Wildfire Suppression Association
NFIB
North American Millers' Association
Owner-Operator Independent Drivers Association
Police Towers of America
Power and Communications Contractors Association
Precast/Prestressed Concrete Institute
Towing and Recovery Association of America
United States Cattlemen's Association