Statement of

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before the

SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY AND SECURITY

Field Hearing on Addressing Surface Transportation Needs in Rural America

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Driving Trucking's Success

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Chairman Lautenberg, Senator Thune, members of the Subcommittee, my name is Larry Anderson, and I am President of A&A Express, Inc, located in Brandon, South Dakota. I am appearing here today on behalf of the American Trucking Associations (ATA). ATA is the national trade association for the trucking industry, and is a federation of affiliated State trucking associations, conferences and organizations – including the South Dakota Trucking Association, of which I am a past chairman – that together have more than 37,000 motor carrier members representing every type and class of motor carrier in the country. I currently serve as the ATA State Vice President for the State of South Dakota. Thank you for the opportunity to testify.

Mr. Chairman, almost all of the United States' natural resources and food production are located in rural areas. These products must all be transported to processing plants, warehouses and, ultimately, to population centers in the U.S. and abroad for consumption. The future economic security of rural areas and the nation as a whole requires these industries to have efficient transportation connections that ensure good mobility for both employees and freight. The highway system, which the vast majority of rural businesses and residents rely on exclusively for their transportation needs, is the key to good mobility, and must take precedence when rural transportation priorities are determined. In South Dakota, for example, trucks transported 86% of manufactured tonnage in 2007.[1] Over 70% of South Dakota's communities rely exclusively on trucks to move their goods.[2]

Rural economies – particularly the agricultural sector – are increasingly dependent on truck transportation for movement of freight. Between 1978 and 2004, grain producers increased their truck shipments by 157%, while rail grain tonnage rose by 16% and barge volumes increased by 31%.[3] This increased dependence on trucks by grain farmers and their customers produced a structural shift in the grain transportation market. Trucks' market share increased from 31% to 48%, while rail share declined from 48% to 35% and barge share dropped from 21% to 17% of grain movements.[4] While the decision about which mode to use ultimately rests with the farmer or customer, clearly the shedding of freight rail trackage since passage of the 1978 Staggers Act has shifted a greater share of natural resources transportation to the trucking industry. This undoubtedly led to a higher cost to shippers and, in particular, small communities and small farmers who no longer have direct rail access. Improved trucking industry efficiencies are essential to their economic survival. This issue became so critical in South Dakota, in fact, that the State legislature passed a law allowing the State Department of Transportation to authorize the use of trucks with greater carrying capacity to serve the freight transportation needs of communities affected by abandoned rail service.

INVEST IN RURAL HIGHWAYS

Every day thousands of trailers and containers, carrying everything from grain to machine parts, flow through our ports, across our borders, and on our rail, highway, air and waterway systems as part of a global multimodal transportation logistics system. It is a complex array of moving

[1] American Transportation Research Institute. *South Dakota Fast Facts*, 2009.
[2] *Ibid.*
[3] U.S. Department of Transportation. *Transportation of U.S. Grains: a Modal Share Analysis, 1978-2004*, Oct. 2006.
[4] *Ibid*.

parts that provides millions of good jobs to Americans, broadens the choices of products on store shelves and creates new and expanding markets for U.S. businesses. Highways are the lynchpin of this system. Trucks move 69% of our Nation's freight tonnage, and earn 83% of freight revenue; the trucking industry is expected to move an even greater share of freight in the future.[5] In addition, trucks transport 69% of the value of freight moved between the U.S. and our Canadian and Mexican trading partners.[6]

However, trucks are also crucial to freight moved on rail, in the air and on the water. The highway system connects all of these modes to manufacturing and assembly plants, retail outlets, homes, farms, mines and warehouses. An efficient highway system is the key to a fluid global supply chain, which in turn is a fundamental element of a growing and prosperous economy.

While the condition of our highways and bridges has steadily improved in recent years, our infrastructure is aging and large sections will have to be repaired or replaced in the coming years, at an enormous cost. More than 11,500 miles of rural Interstate and arterial highways are in less than acceptable condition.[7] Nearly 60,000 rural bridges are structurally deficient and almost 47,000 are functionally obsolete.[8] In 2007, 34% of South Dakota's major highways were in poor or mediocre condition, and in 2008, 21% of the State's bridges were structurally deficient.[9] In addition, while highway congestion is generally considered to be a uniquely urban phenomenon, the Federal Highway Administration has projected that by 2020 approximately nine percent of rural highways with heavy freight densities will be severely congested.

Furthermore, rural highways will require large expenditures to address highway safety needs. In 2007 rural roads accounted for 34% of vehicle miles traveled, yet 56% of highway fatalities were on rural roads.[10] According to a new report, roadway condition is a contributing factor in more than half of roadway fatalities, and these crashes cost the nation more than $217 billion each year.[11] In South Dakota alone, these crashes cost the State $717 million in 2006.

Given the significant investments that will have to be made in rural highways, it is critically important to make sure that the next Federal surface transportation bill does not limit or take away the flexibility of State Departments of Transportation to invest in rural highway maintenance and new capacity projects. Nor should the legislation shift the ratio of funding toward alternative transportation investments at the expense of money needed simply to fund a basic highway program.

Mr. Chairman, incremental solutions will not allow us to meet the nation's current and future transportation needs. The Federal surface transportation program in its current form will not suffice. While more resources than are currently available will be necessary to finance the

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[5] Global Insight, *U.S. Freight Transportation Forecast to…2020*, 2009.
[6] U.S. Department of Transportation, Bureau of Transportation Statistics *Transborder Freight Data*, 2007.
[7] Federal Highway Administration, *Highway Statistics 2007*.
[8] *Transportation Statistics Annual Report*, U.S. Department of Transportation, Bureau of Transportation Statistics, 2008
[9] *Future Mobility in South Dakota*, The Road Information Program, Feb. 2009
[10] Federal Highway Administration, *Highway Statistics 2007*.
[11] *On a Crash Course: The Dangers and Health Costs of Deficient Roadways*. Pacific Institute for Research and Evaluation, May 2009.

transportation improvements needed to get our country out of traffic gridlock and to make driving less hazardous, we can no longer afford to spend limited Federal resources on projects that do not meet our most important national needs. Therefore, Federal funds must be invested in a manner that will most effectively address these requirements.

ATA believes that limited Federal resources must be focused on the most critical highways. The National Highway System (NHS), which comprises just four percent of total road miles, yet carries 45% of all traffic and 75% of truck traffic, is critical to the Interstate movement of people and goods, and should receive a significant amount of dedicated funding in the next surface transportation bill. It is important to note that nearly 69% of NHS mileage is rural. Furthermore, ATA supports a dedicated fund to address the most critically congested highway freight bottlenecks.

REFORM FEDERAL TRUCK SIZE AND WEIGHT LAWS

Mr. Chairman, these challenges will be difficult to address, and many of the solutions will be expensive. Clearly, there is no single answer to the problem and we will need to be creative in our approach. However, there is a very simple way for rural States to make great strides toward reducing freight transportation costs, with a very low investment. If States are permitted, under Federal law, to reform their regulations governing the weight and length of trucks, the trucking industry can significantly reduce its costs, lower its energy consumption and output of criteria and greenhouse gas emissions and, most importantly, reduce the number of truck-involved crashes. While many rural States – particularly those in the West – currently benefit from more productive vehicle configurations, Federal law prevents States from making logical changes to these regulations, artificially inflating freight costs, forcing the trucking industry to burn more fuel than is necessary, and needlessly putting lives at risk.

Today's size and weight regulations evolved over the course of many decades to meet economic demands, satisfy engineering standards and fulfill other objectives. The simplest description of size and weight regulation is as follows: the Federal government has assumed the role of establishing both minimum and maximum weight limits on Interstate Highways to satisfy both interstate commerce and infrastructure preservation goals; in order to promote interstate commerce, the Federal government has also established minimum truck length and width regulations on a nearly 210,000-mile long Federally designated National Network (NN) and on reasonable access routes which serve the NN. The States' role is to govern weight regulations off the Interstate System and to establish maximum length and height limits on all roads.

However, the system is much more complex than this simple description would suggest. Through a series of grandfather rights and exemptions, 38 States allow weight limits in excess of the Federal standard on at least some portion of their Interstate Highway Systems. In total, 48 States allow weight limits in excess of Federal maximums on some portion of their highway systems. Furthermore, all States except Hawaii allow trailers longer than the 48' minimum Federal standard on substantial parts of their highway networks.

Where these exceptions in law exist, there is little uniformity from one State to another in terms of weight limits, routing requirements, equipment specifications, commodity exemptions,

whether a permit is required and the details of the permit. While this can be problematic, in many cases these exceptions are designed to meet a specific need within a narrow geographic region and, sometimes, within a limited time-frame. For example, many exceptions are granted to assist farmers who must rapidly transport their crops from the field to storage facilities, processing plants or intermodal transportation facilities during harvest season before spoilage occurs.

Often these needs can be satisfactorily fulfilled under the current legal framework. However, in too many cases Federal restrictions on size and weight limits force the State to make a difficult decision: put businesses and jobs at risk or allow trucks to use secondary roads that were not built to accommodate larger or heavier vehicles. This issue has been most prominently illustrated in Maine, where the State, in order to protect the viability of critical jobs-producing industries with high freight transportation costs and significant international competition, has made the difficult decision to allow heavier trucks to use the secondary road system despite the fact that Interstate highways, which were built to standards that can better accommodate these vehicles, run parallel to these routes and would make a far better, much safer alternative. Unfortunately, Federal restrictions on Interstate Highway operations prevent the State from shifting trucks to these safer, more efficient and better engineered highways. There are many other examples similar to Maine's situation. For example, the Minnesota legislature recently changed State regulations to allow heavier trucks to support the State's agriculture and timber industries. However, Federal law prevented the State from allowing these trucks to operate on Interstate Highways. This situation repeats itself throughout the country. South Dakota, for instance, has an increased weight tolerance for vehicles hauling agricultural products, but these heavier vehicles are limited to secondary roads due to Federal restrictions governing Interstate Highway weight limits.

Despite these challenges, thanks to strong minimum Federal size and weight standards and Federal preemption of State law, most trucks have access to major highways throughout the United States. These Interstate commerce protections are absolutely critical to an efficient freight transportation system and must continue. However, Federal law in this area was last updated in 1982. Both the trucking industry and the U.S. economy have changed substantially over the last 26 years. Since the early 1980s, the U.S. population has grown by 32%, real GDP has increased by 82%, and since 1990 truck tonnage has increased by 39%.

While other modes have adapted their equipment to meet these growing demands, the capacity of the trucking industry's cargo-carrying equipment has remained essentially stagnant due primarily to Federal restrictions on truck size and weight limits. One comparison of productivity changes in various modes due to equipment improvements[12] found that trucking industry improvements have lagged far behind other freight modes since 1980. The author found that ocean intermodal vessel capacity has increased by 300%; rail intermodal capacity by 200%; grain train capacity by 93%; and aircraft capacity (weight) by 52%. In the meantime, the cubic capacity of a truck has increased by just 18% and the weight by 9%. The author also found that U.S. truck weights were lower than what is currently allowed on a broad scale in Canada, Mexico and the European Union. Federal restrictions have prevented the trucking industry from adapting to new economic

[12] Berndt, Mark, Wilbur Smith Assoc., *Are Highways Failing to Enable a Seamless Intermodal Supply Chain?* Transportation Research Board Annual Meeting, Jan. 13-17, 2008. Session 502 Presentation.

realities as other modes have, and the U.S. is falling behind other countries who have recognized the benefits of more productive vehicles and have allowed their trucking industries to use safer, cleaner and more economical vehicles.

Mr. Chairman, modernization of Federal size and weight regulations should be a priority in the next highway reauthorization bill. Decades of experience and volumes of research indicate that more productive vehicles can be operated without a detrimental effect on safety or the condition of highways and bridges.[13]

Here are just a few examples illustrating why Federal regulations must be reformed:

South Dakota Highway Access for LCVs

Since the 1991 Federal freeze on longer combination vehicles (LCVs) took effect, several 2-lane highways were upgraded to 4-lane highways in South Dakota, including Highway 37 from Mitchell to Huron and Highway 12 between Aberdeen and Interstate 29. However, due to the freeze, LCVs cannot use these highways and instead must use less safe 2-lane routes. This restriction adds many miles to a carrier's route. If trucks could use Highway 12 this would cut their trips by approximately 220 miles, while using Highway 37 would save about 28 miles. Furthermore, transportation costs for the communities of Fort Pierre and Pierre could be substantially reduced by allowing LCVs to operate on a 32-mile section of 4-laned U.S. 83 from I-90, on which LCVs can currently operate.

These common-sense changes to LCV routes would reduce truck-involved crashes, save fuel, lower emissions and reduce transportation costs. The route changes are supported by State officials and the South Dakota trucking industry. However, Federal law stands in the way of these very beneficial reforms.

Oregon, South Dakota, Ohio and Montana Overall Length Restriction

The 1991 ISTEA freeze on LCVs froze not only the length, weight and routes of operation of LCVs, but also any other State regulations pertaining to LCVs. The comprehensive nature of the freeze gives States almost no flexibility to make changes, even when they are consistent with Congress' larger objective of ensuring that LCVs do not operate beyond their current dimensional, weight or geographic limits.

The legal length limits for Montana and Oregon, as codified under 23 CFR 658, Appendix C, place an overall length limit on triples (i.e. from the front of the tractor to the rear of the last trailer). For Montana the limit is 110' for a conventional tractor and 105' for a cabover (a tractor with a flat face). In Oregon, the overall length limit is 105'. Federal law also imposes overall length limits on South Dakota (110') and Ohio (105' for Turnpike operations).

Some carriers would like to use sleeper cabs for their triples units to improve driver comfort and safety, and standardize operations. The Montana law would allow the use of some sleepers, but sleepers with a longer wheelbase would exceed the 110' limit. Oregon's length limit only allows triples to be operated with cabovers. However, U.S. manufacturers no longer build cabovers.

[13] See for example Transportation Research Board, Truck Weight Limits – Issues and Options, 1990, and New Trucks for Greater Productivity and Less Road Wear, 1990.

In 2001, Montana asked the Federal Highway Administration (FHWA) for permission to move from an overall length limit to a cargo-carrying length limit, provided that trailer length did not increase. FHWA agreed on the basis that Congress intended only to limit trailer length, not tractor length. In late 2004, Oregon asked FHWA for the same dispensation. This time, FHWA refused, citing ISTEA's freeze on all LCV-related regulations. Subsequently, FHWA threatened Montana with sanction of the State's Federal highway money if the State did not revert to an overall length limit on triples, and Montana responded by making the change.

Congress' intent when enacting the LCV freeze was not to limit tractor length. However, that is the effect in this case. A statutory change is needed to eliminate this unintended consequence of the freeze.

Washington State Triples Access and Weight Increase

Both Oregon and Idaho allow triple trailer trucks to operate on their highways. While Washington State allows LCV doubles operations, triples are prohibited under Federal law. Allowing triples to access very short stretches of highway into Washington would allow the communities of Spokane and Vancouver, among others, to realize significant economic benefits resulting from reduced freight transportation costs.

Furthermore, the Washington State legislature has passed legislation authorizing a weight increase on Interstate Highways. However, Federal law prevents this change in law from taking effect.

Benefits of Size and Weight Reform

The following information describes the many benefits of truck size and weight reform. Additional details regarding the potential advantages of specific reforms are discussed later.

Safety Benefits

While it would not make sense from a safety or economic standpoint to allow larger or heavier trucks to operate on every highway, Congress should not continue to ignore the growing body of evidence that supports the fact that the use of more productive trucks can improve highway safety. The use of more productive vehicles offers two safety benefits. First, carriers need fewer trucks to haul a given amount of freight, reducing accident exposure. Second, studies have consistently found that certain trucks with greater carrying capacity have a much better safety record than trucks that are in common use today. A study sponsored by the Federal Highway Administration found that the accident rate for LCVs is half that of other trucks.[14] Specifically, the study found the following crash rates (expressed in crashes per million miles traveled):

Single tractor-semitrailers (non-LCV): 1.93
Double 28' trailers (non-LCV): 1.70
Rocky Mountain Doubles (LCV) (e.g. 48' + 28'): 0.79
Turnpike Doubles (LCV): (e.g. 48' + 48'): 1.02
Triples (LCV): 0.83

[14] Scientex. *Accident Rates For Longer Combination Vehicles,* 1996.

These figures are borne out by carriers' own experience. For example, one large operator of triple-trailer trucks reports that in 2007 the accident rate for triples was 0.43 per million miles traveled, while the comparable figure for the company's non-LCV doubles fleet was 1.95 accidents per million miles traveled.

Canada, which has similar roadways, vehicles and operating environments to the U.S., has produced a significant body of research on the safety of more productive vehicles. That research has conclusively and consistently found a safety benefit from the use of these vehicles.[15]

While lower accident rates are obviously beneficial, reducing accident exposure can also have a significant impact on the number of truck-involved accidents. FHWA's Western Scenario study[16] found that expanding the use of LCVs in the western States where they currently operate, and making the regulations more uniform, will reduce truck miles in those States by 25.5%. Therefore, even if the accident rates for LCVs and non-LCVs were the same, a 25.5% reduction in truck-involved accidents can be expected in those States. In addition, FHWA found that allowing 6-axle, 97,000 pound trucks nationwide would reduce truck miles – and therefore accident exposure – by 11% nationwide.[17]

Another important factor is the type of road that is being used. Because Federal law restricts heavier trucks from using the Interstate System, many States have allowed heavier trucks to operate on non-Interstate roads, which are inherently less safe than Interstate highways. Maine allows 5-axle trucks weighing 88,000 pounds and 6-axle trucks weighing 100,000 pounds to operate on the Maine Turnpike. A study looking into the impacts of shifting that traffic from the Turnpike to secondary roads found that the fatal accident rate on the secondary roads was 10 times higher than on the Turnpike, and the injury accident rate was seven times higher.[18]

Infrastructure Benefits

While ATA recognizes that significant resources will be needed to improve the condition of our highways and address highway congestion with or without size and weight reforms, the use of more productive trucks will allow Congress and the States to avoid some of these costs. Gross weight can be increased and not cause additional pavement damage as long as axle weight is controlled. This is why, for example, a turnpike double (typically twin 48' trailers) that weighs 126,000 pounds can cause half the damage of an 80,000 pound tractor-semitrailer on a ton-mile basis.

While increased weight may in some cases increase bridge maintenance costs, these costs are generally lower than the pavement savings and other benefits, such as lower shipper costs, less energy use and lower emissions.[19] Proper bridge management can mitigate the impacts of heavier trucks on bridges. Unfortunately, some studies have exaggerated the effects on bridges

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[15] See for example: Woodrooffe and Assoc. Longer Combination Vehicle Safety Performance in Alberta 1995 to 1998, March 2001.; Barton, R. & Tardif, L-P., Literature Review of the Safety Record of LCV in Canada, Canada Safety Council, 2003.

[16] U.S. Department of Transportation. *Western Uniformity Scenario Analysis*, 2004

[17] U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, August 2000.

[18] Wilbur Smith Assoc., Study of Impacts Caused by Exempting the Maine Turnpike and New Hampshire Turnpike from Federal Truck Weight Limits, June 2004.

[19] Transportation Research Board, *New Trucks for Greater Productivity and Less Road Wear,* 1990.

by wrongly assuming that these trucks would have full access to the highway system and that any bridge not designed to handle multiple loadings of these vehicles would have to be replaced. In reality, the trucks would in almost all cases either be prohibited from using these bridges or the bridge would be strengthened, at much lower cost. For example, a study by the National Academy of Sciences found that allowing heavier trucks on California highways would overstress only six percent of the State's bridges. Nearly all of these bridges were on secondary routes that could easily be restricted by the State DOT without a significant impact on the heavier trucks' operations.[20]

Energy and the Environmental Benefits

Size and weight reform is an effective strategy for mitigating the impacts of carbon dioxide on climate change and addressing the health effects of air pollution due to a reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage by up to 39%, with similar reductions in criteria and greenhouse gas emissions.[21] In fact, the Environmental Protection Agency identified the use of double and triple trailer trucks as an effective emissions reduction strategy as part of its Smartway Transport Partnership program.[22] In addition, a recent ATA evaluation of strategies to reduce the trucking industry's carbon footprint identified greater use of more productive trucks as the single most effective technique to lower the industry's greenhouse gas output.[23]

Economic Benefits

A number of studies have been conducted to determine the potential economic impacts of increasing size and weight limits. All generally predict a net positive economic return. The largest study to date was the U.S. DOT's *Comprehensive Truck Size and Weight Study* (2000), which looked at the potential impacts of various changes in size and weight regulations. Economic impacts are expressed as a change in shipper costs. According to the study, allowing heavier trucks to operate nationwide would produce savings of seven percent and extensive use of LCVs would reduce shipping costs by 11%. Expanded use of LCVs in the western States alone would reduce costs by more than $2 billion per year.

A 1990 Transportation Research Board study found that simply lifting the 80,000 pound gross weight cap (and retaining bridge formula and axle weight limits) nationwide would reduce truck costs by 2.1%, or net overall savings of 1.4%. Adopting Canadian limits would reduce costs by 11.7%, and 8.8% on a net basis. These are averages - savings differ substantially depending on commodity, configuration and other factors.[24]

A study by Oak Ridge National Labs for FHWA concluded that the use of LCVs in a truckload operation could reduce a shipper's logistics costs by between 13% and 32%, depending on the

[20] Transportation Research Board Special Report 267, *Regulation of Weights, Lengths and Widths of Commercial Vehicles*, 2002.
[21] American Transportation Research Institute, *Energy and Emissions Impacts of Operating Higher Productivity Vehicles, March* 2008.
[22] Environmental Protection Agency.
[23] American Trucking Assns., Strategies for Further Reduction of the Trucking Industry's Carbon Footprint, Oct. 2007.
[24] Transportation Research Board, Special Report 225 – Truck Weight Limits: Issues and Options.

truck's weight and configuration, the difference in the price charged between an LCV shipment and a single-trailer truck, and the lane volume and length.[25]

Cornell University studied the economic benefits of New York State's overweight divisible load permitting system, and found that it produced direct benefits of up to $708 million annually, with additional infrastructure costs of no more than $35 million.[26]

A Montana State University study of the impacts on that State's economy if size and weight limits were brought down to the Federal limits found a projected reduction in Gross State Product of 0.4%. However, different economic sectors would suffer disproportionately. For example, transportation costs for dairy products would increase 54%, wood chips 37%, cement 31%, and fuel 40%.[27]

Congestion Benefits

According to the most recent report on congestion from the Texas Transportation Institute, in 2005 drivers in metropolitan areas wasted 4.2 billion hours sitting in traffic, burning 2.9 billion gallons of fuel.[28] ATA views size and weight reform as a key component of a long-term strategy to address highway congestion, along with our proposals to address critical freight bottlenecks. Reducing truck VMT through changes in size and weight limits could allow States to avoid costly, disruptive highway expansion projects. Furthermore, some States have explored the possibility of building truck-only lanes on corridors with high levels of congestion and significant truck traffic. Allowing trucking companies to operate more productive vehicles on these lanes would attract truck traffic away from general purpose lanes and help offset additional costs if toll financing is used. However, the rigidity of Federal size and weight regulations would, in many cases, prevent States from allowing more productive vehicles to operate on these separate lanes.

PROPOSED REFORMS TO FEDERAL TRUCK SIZE AND WEIGHT REGULATIONS

Mr. Chairman, ATA recommends several reforms to Federal truck size and weight regulations. It should be noted that other than recommendations 5, 6 and 7, none of these proposals would require States to make changes to their regulations. Instead, Federal law would simply give States the flexibility to change their own regulations. The proposed changes would give States the authority to require a permit, limit the routes on which the vehicles can operate, specify gross and axle weight and vehicle length limitations, restrict the new authority to specific commodities, or impose any other regulation or limitation allowed under Federal and State law. In short, Mr. Chairman, ATA's proposals would give States significant flexibility, while retaining restrictions designed to ensure safe operations and preservation of highway infrastructure.

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[25] Middendorf, David P. and Michael S. Bronzini. Oak Ridge National Labs for Federal Highway Administration. *The Productivity Effects of Truck Size and Weight Policies*, Nov. 1994.

[26] Meyburg, Arnim H., et. al., School of Civil and Environmental Engineering, Cornell U., *Impact Assessment of the Regulation of Heavy Truck Operations*, Sep. 1994.

[27] Hewitt, Julie, et. al. Montana State University, *Infrastructure and Economic Impacts of Changes in Truck Weight Regulations in Montana*, July 1998.

[28] Texas Transportation Institute, *2007 Urban Mobility Report*.

1. Allow western States to harmonize longer combination vehicle laws and regulations.

In April 2004, the Federal Highway Administration released its "Western Uniformity Scenario Analysis." The report looked at the impacts of allowing uniform western State longer combination vehicle (LCV) use, including the impacts if LCV use was expanded to the entire western region's Interstate Highway System (excluding California, Arizona, New Mexico and Texas).

The report found a 25.5% reduction in total truck vehicle miles, and little impact on rail market share or profitability. The study found a slight reduction in pavement maintenance costs, but estimated that bridge costs would more than double. Overall, infrastructure costs would rise by between $43 million and $133 million per year in the study region. The reduced VMT would result in 12% lower energy consumption, 10% less noise, and 12% lower emissions. Shipper savings would total just over $2 billion per year, about a 4% cost reduction.

2. Allow States to authorize 6-axle, 97,000 pound tractor semi-trailers.

ATA recommends the authorization of single-trailer trucks with a GVW of 97,000 lbs, provided the truck has six axles, including a tridem axle on the rear of the trailer. Maximum weight on the tridem axle is limited to 51,000 lbs. While current single and tandem axle weight limits would continue, this vehicle would exceed the GVW allowed under the current bridge formula.

3. Remove gross weight limit on 5-axle combination vehicles.

Maintain current Federal axle weight and bridge formula limits, but lift the artificial 80,000 lbs GVW cap. This will have two benefits. First, for those trailers with tandem axles that slide independently, spreading the axles 96 inches or more allows the axles to be weighed independently as single axles, thus allowing up to 20,000 lbs on each axle, for a maximum GVW of 86,000 lbs. Another benefit is that the absence of a GVW cap will help to compensate for the increased weight of tractors due to Federal emissions regulations and State and local idling restrictions.

4. Allow limited expansion of LCVs beyond western scenario States.

Longer Combination Vehicles operate on a limited basis in States beyond those in the western uniformity scenario. LCV doubles and triples are currently allowed on the Ohio Turnpike and Indiana Toll Road. LCV doubles are also allowed on the Florida Turnpike, New York Thruway and Massachusetts Turnpike. In addition, LCV doubles and triples operate on a short section of I-15 in Arizona and in Alaska. Limited expansion in States that are interested in allowing these configurations can help relieve congestion, improve air quality, reduce crashes, and reduce fuel usage. Additionally, Transportation Research Board Special Report 267 recommended nationwide operation of double 33' trailers with weight limits governed by current axle weights and the federal bridge formula.

5. Standardize 53 foot trailer length.

Current Federal law establishes 48' as the minimum trailer length on the National Network (NN). There is no Federal maximum limit on trailer length, and all States impose length restrictions. Trailer length on the Interstate System is limited to 53' except in the following States, which allow trailers longer than 53': Alabama, Arizona, Arkansas, California, Colorado, Florida, Kansas, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, Oklahoma, Texas, Washington, and Wyoming. In addition, 53' trailers are not allowed on I-95 in New York City or on I-295 in Washington, DC. Some jurisdictions restrict the movement of trailers longer than 48' on National Network highways that are not part of the Interstate System.

While national trailer uniformity is Federally protected for 48' trailers, 53' trailers have become the industry standard. Federal law should be brought up to modern standards to ensure the continued protection of the flow of interstate commerce by changing minimum trailer length limits to 53'. In addition, ATA supports capping trailer length at 53' except in States where longer trailers are currently allowed.

6. Allow a 10% axle and gross weight tolerance for auto transporters.

In 2007, more than 52% of the motor vehicles sold in the United States were either minivans, pick-up trucks, or sport utility vehicles. Because these vehicles are heavier than passenger cars, many auto haulers cannot legally load their equipment to maximum capacity and also meet the 80,000 pound gross weight limit. In many instances, there is space on the truck for one or two additional vehicles, but adding additional vehicles would make the truck overweight under Federal law.

While larger vehicle sales are declining in the face of higher fuel costs, sales of hybrid vehicles are increasing substantially. A large hybrid SUV can weigh up to 1,900 pounds more than the non-hybrid version of the same vehicle, while the weight of a hybrid passenger car can exceed its non-hybrid counterpart's weight by more than four hundred pounds.

A 10% axle and gross weight tolerance would allow auto transporters to reduce the number of trips needed to deliver passenger vehicles, reducing accident exposure, fuel use and emissions. Fewer trips also mean lower transportation costs for the automobile manufacturing industry.

7. Ensure nationwide adoption of weight exemption for Alternative Power Units.

One highly effective way to reduce fuel use by the trucking industry is to limit the amount of fuel burned by idling the main engine through installation of an alternative power unit (APU). Unfortunately, the weight of these units are a disincentive to some carriers, who want to avoid the productivity loss they would experience by trading off the loss of cargo capacity for the energy efficiencies gained by installing the APU. To address this issue, Congress included in the Energy Policy Act of 2005 (Public Law 109-58 Section 756(c)), a 400 pound weight exemption for APUs. Congress' intent was to override State law and mandate the weight tolerance. However, according to the Federal Highway Administration's Final Rule issued February 20, 2007 (*72 FR 7741*), the tolerance is permissive rather than prescriptive. This means that while

States may allow the tolerance without risk of Federal sanction for exceeding Federal gross or axle weight limits, they are not required to grant the exemption.

This presents a number of problems. First, States would have to adopt the exemption individually, a process that has been underway since 2005, and 50-state authorization will likely take many years longer. Second, even a single hold-out would present a problem for an Interstate carrier, who would be reluctant to install the APUs knowing that they risk a ticket if they enter a State that does not allow the tolerance.

Based on conversations with Congressional committee staff and the Member of Congress who sponsored and supported the tolerance language, ATA strongly believes that Congress' clear intent was to override State law and mandate the weight tolerance for APUs. In fact, some carriers installed the units following passage of the Energy Bill based on this assumption, and have been surprised when States have issued citations for an overweight violation. We urge Congress to revise the statute to ensure immediate nationwide adoption of the APU weight exemption.

TRUCK SAFETY INITIATIVES

Finally, Mr. Chairman, ATA would like to recommend several initiatives designed to improve the safety of trucks and reduce the number of crashes and fatalities involving all vehicles. Today's trucks and truck drivers are safer than ever before. In 2007 the large truck fatality rate dropped to 2.12 fatalities per 100 million miles driven, the lowest rate ever recorded.[29] However, we believe more can be done to make our highways safer. ATA urges the Subcommittee to support the following initiatives in the next surface transportation bill:

Drug and Alcohol Testing Clearinghouse – ATA supports the creation of a national clearinghouse for positive drug and alcohol test results. There is a well known loophole in the federal drug and alcohol testing requirements for commercial drivers that is being exploited by some drug-abusing drivers. When a driver moves from one trucking company to another, some "positive" drug and alcohol test results are not being discovered by the hiring company because these "positive" results are self-reported, and not centrally tracked. Prior to hiring an employee, employers would be required to check with the clearinghouse for an applicant's failed tests and previous refusals to test.

National Employer Notification System - ATA supports a mandatory national employer notification system and recommends development of a standard protocol specifying type, format, and frequency of information required to be transmitted from the states. Violations/offenses to be reported to the states should also be standardized. States should be required to fully participate in this national system and provide information in a timely fashion. The retention period for violations/offenses on a driver's motor vehicle record should be left to the state's discretion.

New Carrier Training - ATA recommends that new motor carrier owners, both interstate and intrastate, should be required to satisfactorily complete a safety training class before

[29] Federal Motor Carrier Safety Administration, 2009.

commencing operation. Safety training curricula should meet uniform standards nationwide. The Federal Motor Carrier Safety Administration (FMCSA) safety inspection of new carriers should be conducted at 6 months rather than at the current 18 months. Further, new carriers should be required to attach proof of training to their application for a DOT number.

Truck Speed Governing & Speed Limit – ATA believes the speed of all electronically governed class 7 and 8 trucks manufactured after 1992 should be governed at a maximum speed not to exceed 65 mph. Speed limiters on newly manufactured class 7 and 8 trucks should be made more tamperproof. ATA also supports a national maximum speed limit of 65 mph for all vehicles.

Truck Crashworthiness Standards - ATA supports research into crash-worthiness standards for newly manufactured class 7 and 8 trucks, and a relative scale against which to measure a truck's crashworthiness.

Tax Incentives for Advanced Safety Technologies – ATA supports tax incentives to encourage motor carriers to voluntarily adopt advanced safety technologies, including collision avoidance systems, lane departure warning systems, vehicle stability systems, brake stroke monitors, electronic on-board recorders (EOBRs), and automated transmissions/automated manual transmissions.

Additional information about these safety proposals is available from ATA upon request.

CONCLUSIONS

Thank you for giving ATA the opportunity to address rural transportation issues. An efficient rural highway system is critical to the future mobility and economic success of rural communities. The high freight transportation costs involved in moving natural resources over vast distances means that all modes must be as efficient as possible in order to maintain the global competitiveness of these industries. Given the dominant role played by the trucking industry in moving agricultural products, ensuring an efficient highway system must be the highest priority. ATA believes that making improvements to major highway freight routes, reforming Federal truck size and weight regulations, and making needed changes to federal truck safety laws and regulations, as decribed above, are the keys to a cost-effective and safe rural freight transportation system.

Mr. Chairman, we look forward to working with the Subcommittee to address these issues during authorization of the Federal surface transportation bill. Thank you for the opportunity to testify.