



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY

November 17, 2021

The Honorable Peter DeFazio, Chair  
The Honorable Sam Graves, Ranking Member  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman DeFazio and Ranking Member Graves:

Thank you for your leadership in holding today's hearing, "Industry and Labor Perspectives: A Further Look at North American Supply Chain Challenges." We respectfully request that this letter from Advocates for Highway and Auto Safety (Advocates) be included in the hearing record.

### **Introduction**

Advocates is a coalition of public health, safety, law enforcement, and consumer organizations, insurers and insurance agents that promotes highway and auto safety through the adoption of federal and state laws, policies and regulations. Advocates is unique both in its board composition and its mission of advancing safer vehicles, safer motorists and road users, and safer roadway environments.

While our nation is facing numerous COVID-19 related challenges regarding the supply chain and movement of goods, we also have experienced a major surge in motor vehicle crash fatalities. Alarming estimates recently released by the National Highway Traffic Safety Administration (NHTSA) indicate that crash fatalities have spiked to more than 20,000 in the first half of 2021, representing a nearly 20 percent increase over the same time period the previous year. This is the highest number of fatalities recorded during the first half of the year since 2006 and the highest half-year increase identified by the Fatality Analysis Reporting System (FARS).<sup>1</sup>

Every year over 500,000 truck crashes occur on our roads. They result in deaths, injuries, lost productivity, closed roadways, unfunded costs, expenditure of time and resources of first responders as well as their endangerment, damage to infrastructure such as roads, bridges and safety barriers, fuel consumption of delayed vehicles, and increased emissions. Fatal truck crashes also continue to occur at a disturbingly high rate. In 2020, nearly 5,000 people were killed in crashes involving a large truck. Since 2009, the number of fatalities in large truck crashes has increased by 45 percent. Additionally, 159,000 people were injured in crashes involving a large truck in 2019, and injuries of large truck occupants increased by 18 percent over the prior year. In fatal two-vehicle crashes between a large truck and a passenger motor

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<sup>1</sup> All statistics are from the United States Department of Transportation unless noted.

vehicle, 97 percent of the fatalities were occupants of the passenger vehicle.<sup>2</sup> The cost to society from crashes involving commercial motor vehicles (CMVs) was estimated to be \$143 billion in 2018, the latest year for which data is available.<sup>3</sup>

While concerns about sparsely stocked shelves for the holidays are understandable, remembering the lesson George Bailey learned in the Christmas classic “It’s a Wonderful Life” that each life is irreplaceable and its absence has many tragic ripple effects must be paramount. Safety provisions in the Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act led by this Committee, some of which were included in the Infrastructure Investment and Jobs Act (IIJA) signed into law this week, will eradicate dangers on our nation’s roadways. We urge you to continue your leadership, commitment and efforts to end the massive motor vehicle crash death and injury toll and to reject any action that further endangers truck drivers and all road users.

### **Weakening Truck Safety Protections Will Needlessly Endanger Drivers and the Public**

In response to the ongoing COVID-19 pandemic, the Administration has provided temporary exemptions from certain truck safety rules. Advocates has continued to assert that any exemptions must be narrowly tailored in time and scope with appropriate safeguards to protect truck drivers as well as everyone sharing the roads with them including construction workers, road maintenance crews, first responders and law enforcement officers whose “offices” are also the roads. We have strongly opposed enshrining temporary exemptions into statute and urge transparency about their use by making any related data available to the public.

Further, current issues involving the nation’s supply chain have highlighted problems that the trucking industry has not effectively addressed for decades including high turnover rates and poor working conditions. As noted in a recent segment on the television news show “60 Minutes,” the problems facing our nation’s supply chain are complex with the pandemic highlighting glaring deficiencies in America’s infrastructure. Correspondent Bill Whitaker explained, “There is a lot of finger-pointing. The truckers blame the terminals. The terminals blame the shippers. The retailers blame the truckers and the shippers.”<sup>4</sup> Degradation of truck safety regulations will not solve these issues. We urge the Committee to reject the following special interest proposals that will jeopardize all road users.

**“Teen Truckers” pose a major safety threat.** Some segments of the trucking industry have been pushing to allow teenagers to operate CMVs in interstate commerce for at least 20 years, often relying on their own forecasts for the number of drivers needed, projections that have consistently failed to materialize.<sup>5</sup> Seeking to attach this effort to current discussions on the supply chain is a façade that Congress should not accept and certainly not use as the basis for drastic policy changes to well established federal law. This “band-aid” solution will not resolve the myriad of self-inflicted “wounds” underlying the driver retention issue but rather will result in more “blood” shed on our roadways.

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<sup>2</sup> Insurance Institute for Highway Safety, Large Trucks (Apr. 2021). See: <https://www.iihs.org/topics/large-trucks>.

<sup>3</sup> 2019 Pocket Guide to large Truck and Bus Statistics, FMCSA, Jan. 2020, RRA-19-012.

<sup>4</sup> 60 Minutes, Packed ports and empty shelves: Inside the issues behind the U.S. supply chain crisis (Nov. 14, 2021).

<sup>5</sup> FMCSA Document ID: 2000-84100-0782. American Trucking Associations, Truck Driver Shortage Analysis 2015 (Oct. 2015).

The trucking industry is facing a driver retention crisis, not a driver shortage. In fact, a March 2019 U.S. Bureau of Labor Statistics (BLS) analysis found that “the labor market for truck drivers works about as well as the labor markets for other blue-collar occupations” and “a deeper look [at the truck industry labor market] does not find evidence of a secular shortage.”<sup>6</sup> Rather, industry data shows driver turnover at some carriers is near 90 percent.<sup>7</sup> As U.S. Department of Transportation (DOT) Secretary Pete Buttigieg recently noted, such a high rate of turnover is indicative that there are some real issues with the quality of the job of driving a truck.<sup>8</sup> In addition, states issue more than 450,000 new commercial driver licenses (CDLs) each year demonstrating that there are candidates to fill vacancies.<sup>9</sup> Instead of proposing initiatives that will degrade public safety, the industry should be focused on addressing the retention issues through improved, safe working conditions.

Younger drivers are demonstrated to be less safe. The Insurance Institute for Highway Safety (IIHS), citing numerous studies, has stated that “age is a strong risk factor for truck crash involvement.”<sup>10</sup> In fact, age is the most important factor in the high rate of involvement of younger CMV drivers in fatal crashes. The general pattern of over-involvement in fatal crashes for younger CMV drivers dominates all other factors. Studies of young CMV drivers show that as the age of the driver decreases, large truck fatal crash involvement rates increase.<sup>11</sup>

CMV drivers under the age of 19 are four times more likely to be involved in fatal crashes, as compared to CMV drivers who are 21 years of age and older, and CMV drivers ages 19-20 are six times more likely to be involved in fatal crashes (compared to CMV drivers 21 years and older).<sup>12</sup> This plain-truth reality is not surprising given that generally younger drivers are more likely to be involved in fatal crashes because they lack driving experience and skills, and tend to take greater risks. Development of the brain region vital to decision making, specifically the pre-frontal cortex, may not be fully reached until one’s mid-20s.<sup>13</sup> While proponents of younger truck drivers have justified this misguided policy proposal by citing state laws that allow them to operate intrastate, expanding the operations of these dangerous drivers extends existing safety problems while introducing additional safety considerations such as unfamiliar terrain and weather conditions.

Diverse stakeholders including safety groups, law enforcement, public health and consumer organizations, truck drivers, labor unions, some trucking companies, and truck crash victims and survivors oppose efforts to lower the age to operate CMVs in interstate commerce. Additionally, the

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<sup>6</sup> United States Department of Labor, Bureau of Labor Statistics, Is the U.S. labor market for truck drivers broken? (Mar. 2019).

<sup>7</sup> American Trucking Associations, Fourth Quarter Truck Driver Turnover Rate Shows Muddled Picture (Mar. 12, 2021).

<sup>8</sup> See: <https://www.msnbc.com/morning-joe/watch/transportation-secretary-buttigieg-on-supply-chain-issues-worker-shortage-125851717987> (Nov. 10, 2021).

<sup>9</sup> Greg Rosalsky, Is There Really A Truck Driver Shortage?, National Public Radio (May 25, 2021).

<sup>10</sup> Insurance Institute for Highway Safety, Comments to the docket, FMCSA-2000-8410-0515; citing Christie, R. and Fabre, J. 1999. Potential for fast-tracking heavy vehicle drivers. Melbourne, Australia: National Road Transport Commission; Blower, D. 1996. The accident experience of younger truck drivers. Ann Arbor, MI: University of Michigan Transportation Research Institute; Frith, W.J. 1994. A case-control study of heavy vehicle drivers’ working time and safety. *Proceedings of the 17th Australian Road Research Board Conference*, 17-30. Queensland, Australia: Australian Road Research Board; Stein, H.S. and Jones, I.S. (1988).

<sup>11</sup> Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287-295 (1991).

<sup>12</sup> Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287-295 (1991).

<sup>13</sup> Arian, M, et al., Maturation of the adolescent brain, *Neuropsychiatric Disease and Treatment* (Apr. 3, 2013).

public has rejected lowering the minimum age for interstate truck and bus drivers with 62 percent of respondents in opposition, according to a 2020 public opinion poll conducted by Engine’s Caravan Survey.<sup>14</sup> Furthermore, in 2001, a petition was filed with the Federal Motor Carrier Safety Administration (FMCSA) to lower the age at which a person could obtain a CDL to operate in interstate commerce from 21 to 18 as part of a pilot program. The FMCSA declined to lower the minimum age for an unrestricted CDL because the agency could not conclude that the safety performance of younger drivers was on par with, or even close to, that of older CMV drivers. In comments to the docket for the petition, the public strongly rejected the idea with 96 percent of individuals who responded opposing the proposal along with 88 percent of the truck drivers and 86 percent of the motor carriers.<sup>15</sup>

Relatedly, Advocates strongly opposes the Developing Responsible Individuals for a Vibrant Economy, “DRIVE-Safe,” Act (S. 659/H.R. 1745) and “teen trucker” pilot programs. While at first glance some provisions may seem to be pro-safety, the adverse could result. Specifically, certain technologies, such as active braking collision mitigation systems and speed limiters, are only required during the scant probationary period. The result is a teen driver would initially learn to drive in a truck fitted with this technology acting to curb some dangerous outcomes but after the probationary period, she/he/they could get behind the wheel of a truck without any of the safety technology and its benefits. The teen driver is then at a deficit lacking experience in safely operating trucks without the technology. As a noted aside, we welcome the confirmation that the recommended technology, for which Advocates has been pushing to be standard equipment for many years including submitting a petition to NHTSA to do so, provides safety benefits and hope the proponents of the bill will join our efforts to accelerate the adoption of proven safety technologies in all trucks.<sup>16</sup>

Further, the training proposals in this bill are woefully inadequate. The first probationary period only consists of 80 hours of behind-the-wheel training which can be completed in a little over one work week while abiding by hours of service (HOS) requirements. Further, the 160 hours of driving time in the second probationary period can be covered in an additional two weeks. In comparison, the Federal Aviation Administration (FAA) requires pilots working for passenger airlines to have approximately 1,500 hours of flight time. These paltry training requirements also pale in comparison to other less dangerous jobs. For example, Oregon requires a licensed electrician to have 576 hours of classroom training and 8,000 hours of experience as an apprentice, and Missouri requires at least 4,000 hours of experience as a certified journeyman plumber before applying for a master plumber’s license.

Additionally, the qualifications for a teen truck driver passing the probationary periods are left entirely to the discretion of the employer who is incentivized to get the driver on the road as soon as possible. No standard tests or evaluations given by an independent party are required. Furthermore, a teen truck driver who is involved in a crash or is given a citation for a moving violation during the probationary periods is not disqualified from continuing to operate a truck.

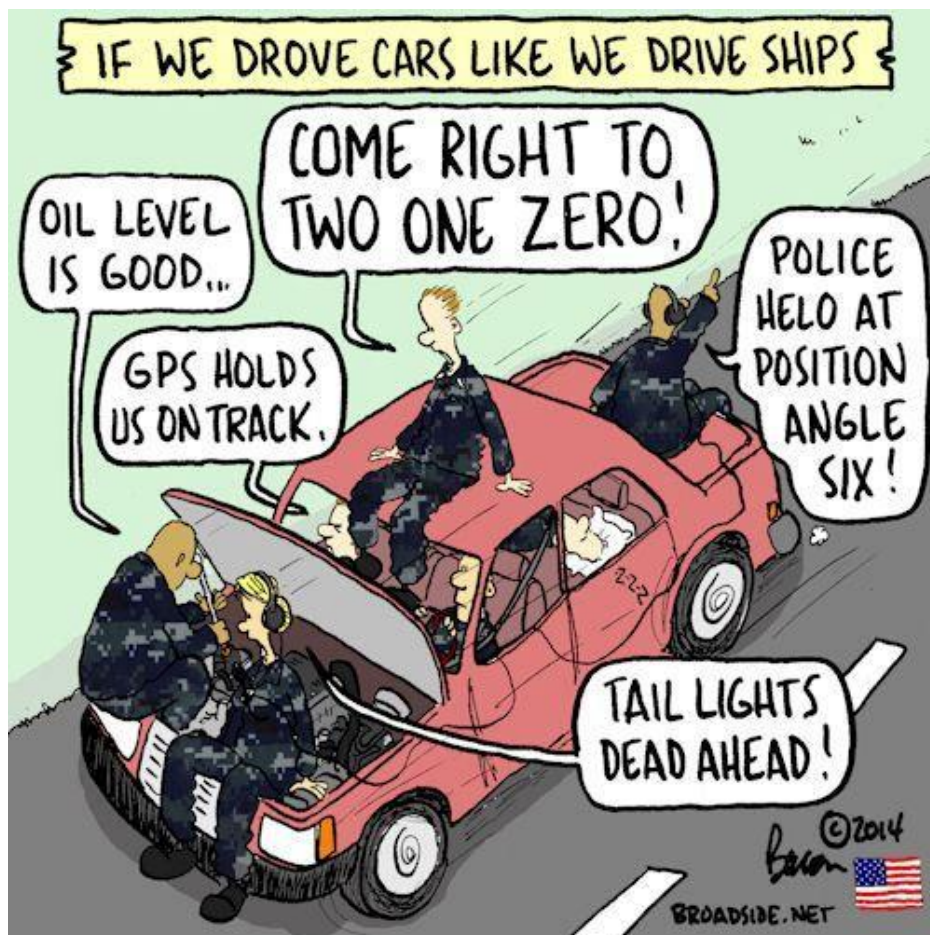
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<sup>14</sup> Engine’s Caravan Survey Public Opinion Poll (2020).

<sup>15</sup> Young Commercial Driver Pilot Training Program, Notice of denial of petition to initiate a pilot program, 68 FR 34467, 34469 (June 9, 2003).

<sup>16</sup> 80 F.R. 62487 (Oct. 16, 2015).

Industry representatives have also argued that members of the military who are of teenage years are permitted to be at the helm of a naval aircraft carrier and thus, should be allowed to operate a truck in interstate commerce. This assertion is an apples to oranges comparison. First, a young person at the helm would have had a significant amount of naval training that would include at least eight weeks of intensive boot camp and six weeks of boatswains mate school. In sharp contrast, the DRIVE-Safe Act requires a potential teen truck driver to undergo approximately three weeks of behind-the-wheel training. Second, a young person on an aircraft carrier would be under the supervision and direction of a Captain. Not only are orders such as turning a vessel directed by the Captain, but the Captain's decision to instruct such a maneuver would be supported by a chain of command of officers and enlisted men and women involved in navigation of the ship through radar, sonar and numerous other functions. Moreover, trucks are not equipped with highly sophisticated radar and other navigational systems, are not staffed with specialists to monitor each system, and do not have the movements of the driver directed by a team of support staff constantly overseeing operations. Third and fourth, ships operate most often in open waters and at speeds not exceeding 30 knots (less than 35 miles per hour), which stands in stark contrast to densely traveled highways and roads where trucks can operate at speeds up to 80 mph. The cartoon below similarly captures this type of comparison.<sup>17</sup>



Allowing teenagers to drive trucks in interstate commerce will worsen and expand the major problems with truck driver working conditions from inside state lines to the entire nation.

<sup>17</sup> Broadside.net, Jeff Bacon, 2014.

Improving working conditions to ensure experienced drivers stay on the job, rather than tapping into an unsafe pool of teenage drivers to fill the void, will ideally lead to healthier and more fulfilled drivers as well as attract new applicants. In sum, attempts to pull teenagers from high school hallways onto high speed highways should be rejected by Congress.

**Driver fatigue is a well-known and documented CMV safety problem.** The National Transportation Safety Board (NTSB) has repeatedly cited fatigue as a major contributor to truck crashes. Currently, truck drivers are permitted to drive up to 11 hours per day for a total of 77 hours per week. These grueling hours can lead to cumulative fatigue and devastating safety consequences. Self-reports of fatigue, which almost always underestimate the problem, find that fatigue in truck operations is a significant issue. In a 2006 driver survey prepared for FMCSA, “65 percent [of drivers] reported that they often or sometimes felt drowsy while driving” and almost half (47.6 percent) of drivers said they had fallen asleep while driving in the previous year.<sup>18</sup> Expanding the hours truck drivers can drive in an attempt to move more goods puts truck drivers, their loads and everyone on the roads with them at risk.

In March 2020, FMCSA issued an emergency declaration that exempts drivers providing direct assistance for relief efforts related to the pandemic.<sup>19</sup> The declaration was extended by the agency in May 2021 and again in August 2021 and is currently set to expire November 30, 2021.<sup>20</sup> Advocates has called for the agency to be transparent about the use of this exemption by making any related data available to the public.<sup>21</sup> To date, the agency has not responded or posted any data on its website. It is essential to ensure this process intended to provide narrow flexibility does not result in enhanced risks and danger.

One of the most effective tools to help prevent driver fatigue is the use of Electronic Logging Devices (ELDs) to record drivers’ HOS. Paper logs are frequently referred to as “comic books” throughout the industry because of the ease in falsifying actual driving and work time. The FMCSA estimated that requiring ELDs will save 26 lives, prevent over 500 injuries and avoid over 1,800 crashes annually. The U.S. DOT also estimated the annualized net benefits of adopting ELDs to be over \$1 billion.<sup>22</sup> Congress, recognizing the benefits of ELDs, mandated their use as part of the Moving Ahead for Progress in the 21st Century (MAP-21) Act.<sup>23</sup> In 2015, the FMCSA delivered on this Congressional directive and issued a rule requiring the use of ELDs which went into effect in December 2017.<sup>24</sup> FMCSA reports that since the implementation of the ELD rule, the percentage of driver inspections with an HOS violation has decreased significantly.<sup>25</sup> Despite this compelling evidence, broad support and an established final rule, some continue to object to the use of this technology.

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<sup>18</sup> 75 FR 82170 (Dec. 29, 2010), citing Dinges, D.F. & Maislin, G., “Truck Driver Fatigue Management Survey,” May 2006. FMCSA–2004–19608–3968.

<sup>19</sup> FMCSA, Extension and Amendment of Emergency Declaration 2020-002 (Aug. 31, 2021).

<sup>20</sup> *Id.*

<sup>21</sup> Advocates for Highway and Auto Safety, Statement on Extension of Emergency Declaration and Exemptions from Certain Truck Safety Regulations (Sep. 2, 2021).

<sup>22</sup> 80 FR 78292 (Dec. 16, 2015).

<sup>23</sup> Pub. L. 112-141 (2012).

<sup>24</sup> 80 FR 78292 (Dec. 16, 2015).

<sup>25</sup> FMCSA, Electronic Logging Devices: Improving Safety Through Technology, See: <https://eld.fmcsa.dot.gov/>

It is important to note that the ELD rule did not change the underlying HOS rules. Yet, a barrage of legislative and regulatory proposals continues to target these regulations. For instance, truck drivers hauling livestock or insects are currently exempted from having to use ELDs pursuant to provisions tucked into the Fiscal Year 2021 Further Consolidated Appropriations Act.<sup>26</sup> In addition, the IIJA expands the HOS exemption provided to these carriers to a 150 air-mile radius from the final destination (the current exemption is for a 150 air-mile radius from the source).<sup>27</sup> Allowing certain haulers to skirt the ELD rules jeopardizes the safety of the animals in transport, truck drivers and everyone on the roads with them. It also complicates enforcement efforts. Section 4306 of the INVEST in America Act advanced by this Committee required FMCSA to determine the impact all HOS exemptions have on public safety. Unfortunately, this prudent provision was not included in the IIJA.<sup>28</sup> We hope this Committee will revisit this measure in the future to inform needed reforms to the HOS regulations.

Additionally, in 2016, the FMCSA published an Advanced Notice of Proposed Rulemaking (ANPRM) requesting information regarding the potential benefits of regulatory action to address the safety risks posed by CMV drivers who are afflicted with obstructive sleep apnea (OSA).<sup>29</sup> Compelling and consistent research has revealed that drivers afflicted with OSA that is not properly treated are more prone to fatigue and have a higher crash rate than the general driver population. In fact, the FAA considers OSA to be a disqualifying condition unless properly treated.<sup>30</sup> Yet, in August of 2017 the FMCSA withdrew the OSA rulemaking without providing any credible analysis or reasoning for such an ill-advised course of action.<sup>31</sup> Advocates was pleased that Section 4308 of the INVEST in America Act advanced by this Committee addressed this critical safety issue, although such language was not included in the IIJA.<sup>32</sup>

**Overweight trucks disproportionately damage America’s crumbling infrastructure and threaten public safety.** While certain special interests are advocating to suspend federal limits on the weight and size of CMVs in response to the current supply chain issues, these laws are essential to protecting truck drivers, the traveling public, and our nation’s roads and bridges.

According to the 2021 Infrastructure Report Card from the American Society of Civil Engineers, America’s roads receive a grade of “D” and our bridges were given a “C”.<sup>33</sup> Nearly 40 percent of our 615,000 bridges in the National Bridge Inventory are 50 years or older, and one out of 11 is structurally deficient.<sup>34</sup> The U.S. DOT Comprehensive Truck Size and Weight Study found that introducing double 33-foot trailer trucks, known as “Double 33s,” would be projected to result in 2,478 bridges requiring strengthening or replacement at an estimated one-time cost of \$1.1 billion.<sup>35</sup> This figure does not even account for the additional, subsequent maintenance costs which will result from longer, heavier trucks. In fact, increasing the weight of a heavy

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<sup>26</sup> Pub. L. 116-260 (2020).

<sup>27</sup> H.R. 3684, 117<sup>th</sup> Congress 1<sup>st</sup> Sess, (2021).

<sup>28</sup> *Id.*

<sup>29</sup> 81 FR 12642 (Mar. 10, 2016).

<sup>30</sup> *Id.*

<sup>31</sup> 82 FR 37038 (Aug. 8, 2017).

<sup>32</sup> H.R. 3684, 117<sup>th</sup> Congress 1<sup>st</sup> Sess, (2021).

<sup>33</sup> 2021 Infrastructure Report Card – Bridges, American Society of Civil Engineers (ASCE); 2021 Infrastructure Report Card – Roads, ASCE.

<sup>34</sup> 2021 Infrastructure Report Card – Bridges (ASCE).

<sup>35</sup> Comprehensive Truck Size and Weight Limits Study: Bridge Structure Comparative Analysis Technical Report, FHWA, June 2015.

truck by only 10 percent increases bridge damage by 33 percent.<sup>36</sup> The Federal Highway Administration (FHWA) estimates that the investment backlog for bridges, to address all cost-beneficial bridge needs, is \$123.1 billion.<sup>37</sup>

Raising truck weight or size limits could result in an increased prevalence and severity of crashes. Longer trucks come with operational difficulties such as requiring more time to pass, having larger blind spots, crossing into adjacent lanes, swinging into opposing lanes on curves and turns, and taking a longer distance to adequately brake. In fact, double trailer trucks have an 11 percent higher fatal crash rate than single trailer trucks.<sup>38</sup> Overweight trucks also pose serious safety risk. Not surprisingly, trucks heavier than 80,000 pounds have a greater number of brake violations, which are a major reason for out-of-service violations.<sup>39</sup> According to a North Carolina study by IIHS, trucks with out-of-service violations are 362 percent more likely to be involved in a crash.<sup>40</sup> This is also troubling considering that tractor-trailers moving at 60 miles per hour are required to stop in 310 feet – the length of a football field – once the brakes are applied.<sup>41</sup> Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in adequate working condition.

There is overwhelming opposition to any increases to truck size and weight limits. The public, local government officials, safety, consumer and public health groups, law enforcement, first responders, truck drivers and labor representatives, families of truck crash victims and survivors, and even Congress on a bipartisan level have all rejected attempts to increase truck size and weight. Also, the technical reports released in June 2015 from the U.S. DOT Comprehensive Truck Size and Weight Study concluded there is a “profound” lack of data from which to quantify the safety impact of larger or heavier trucks and consequently recommended that no changes in the relevant truck size and weight laws and regulations be considered until data limitations are overcome.<sup>42</sup>

Considering Congress recently enacted, and this week President Biden signed into law, the IIJA which invests billions of dollars to improve and make safer our nation’s roads and bridges, any increase to federal truck size and weight limits will undermine this objective, worsen safety problems, and divert rail traffic from privately owned freight railroads to our already overburdened public highways. Despite claims to the contrary, bigger trucks will not result in fewer trucks. Following every past increase to federal truck size and weight limits, the number of trucks on our roads has gone up. Since 1982, when Congress last increased the gross vehicle weight limit, truck registrations have more than doubled.<sup>43</sup> The U.S. DOT study also addressed

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<sup>36</sup> Effect of Truck Weight on Bridge network Costs, NCHRP Report 495, National Cooperative Highway Research Program, 2003.

<sup>37</sup> 2015 Status of the Nation’s Highways, Bridges, and Transit: Conditions and Performance, Chapter 7, p. 7-34, FHWA, 2016.

<sup>38</sup> An Analysis of Truck Size and Weight: Phase I – Safety, Multimodal Transportation & Infrastructure Consortium, November 2013; Memorandum from J. Matthews, Rahall Appalachian Transportation Institute, Sep. 29, 2014.

<sup>39</sup> Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019 – Calendar), FMCSA.

<sup>40</sup> Teoh E, Carter D, Smith S and McCartt A, Crash risk factors for interstate large trucks in North Carolina, Journal of Safety Research (2017).

<sup>41</sup> Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).

<sup>42</sup> Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

<sup>43</sup> 2017 Annual Report.



this meritless assertion and found that any potential mileage efficiencies from the use of heavier trucks would be offset in just one year.<sup>44</sup> Congress should oppose any increases to federal truck size and weight limits, including mandating double 33 foot trailers, pilot programs and state or industry specific exemptions.

**While autonomous technology could offer the promise of significantly reducing crashes involving CMVs in the future, it is far from ready to be deployed safely on our nation's roads and therefore is not a viable option to address America's supply chain issues.** The advent of this technology must not be used as a pretext to eviscerate essential safety regulations administered by the FMCSA. The public safety protections provided by the Federal Motor Carrier Safety Regulations (FMCSRs) become no less important or applicable simply because a CMV has been equipped with an autonomous driving system (ADS). In fact, additional substantial public safety concerns are presented by autonomous commercial motor vehicles (ACMVs).

Autonomous technology is still in its relative infancy as evidenced by fatal and serious crashes involving passenger motor vehicles equipped with automated driving systems of varying levels. If those incidents had involved ACMVs, the results could have been even more catastrophic, and the death and injury toll could have been much worse. Some of the most pressing safety shortcomings associated with autonomous vehicle (AV) technology, which include the ADS properly detecting and reacting to all other road users, driver engagement and cybersecurity, are exponentially amplified by the greater mass and force of an ACMV. As such, it is imperative that ACMVs be subject to comprehensive regulations, including having a licensed driver behind the wheel for the foreseeable future.

Advocates and numerous stakeholders have developed the "AV Tenets," policy positions which should be a foundational part of any AV legislation.<sup>45</sup> The AV Tenets have four main, commonsense categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. While the AV Tenets were developed for application to vehicles under 10,000 pounds, many of the principles also could apply to larger commercial vehicles. Requiring that ACMVs meet safety standards, including for cybersecurity, and that operations are subject to adequate oversight must be a minimum starting point for their potential deployment.

### Conclusion

Truck crashes continue to occur at an astonishingly high rate. The complex issues facing our nation's supply chain will not be solved by advancing reckless proposals that imperil truck drivers and the public and damage America's aging infrastructure. Furthermore, risky driving behavior such as speeding, impairment, and lack of seat belt use are up, according to recent U.S. DOT projections, leading to more deadly conditions for everyone on and around roads. Yet, the unending assault on essential federal regulations that protect public safety continues. Drastically cutting back truck safety protections under the guise of providing "flexibility" will result in preventable fatalities. Instead, we urge this Committee to advance policies and proven solutions

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<sup>44</sup> Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

<sup>45</sup> See: <https://saferoads.org/autonomous-vehicle-tenets/>

that will improve safety and working conditions to curb the high rates of driver turnover. Nearly 5,000 people killed and 150,000 injured in truck crashes annually cannot continue to be accepted as a societal norm or a cost of moving goods on our nation's roads.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Chase", with a long horizontal flourish extending to the right.

Catherine Chase, President

cc: Members of the Committee on Transportation and Infrastructure