



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

January 31, 2023

The Honorable Sam Graves, Chair
The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Graves and Ranking Member Larsen:

As you prepare for tomorrow's hearing, "The State of Transportation Infrastructure and Supply Chain Challenges," Advocates for Highway and Auto Safety (Advocates) urges you to prioritize safety in policies and legislation involving our nation's roadway infrastructure, commercial motor vehicles (CMVs) and the supply chain. We respectfully request this letter be included in the hearing record.

Fatal Truck Crashes Continue to Occur at an Alarming High Rate

In 2021, over 5,600 people were killed in crashes involving a large truck.¹ Since 2009, the number of fatalities in large truck crashes has increased by 66 percent.² Additionally, nearly 147,000 people were injured in crashes involving a large truck in 2020.³ New data finds that in the first six months of 2022, traffic fatalities in crashes involving at least one large truck are up 10 percent; 2,811 people were killed.⁴ The cost to society from crashes involving large trucks and buses was estimated to be \$143 billion in 2019, the latest year for which data is available.⁵ When adjusted solely for inflation, this figure amounts to over \$156 billion.⁶

Weakening Essential Safety Regulations Endangers Truck Drivers and the Public

Issues involving the nation's supply chain have highlighted problems that members of the trucking industry have not effectively addressed for decades including high turnover rates for

¹ Traffic Safety Facts: Crash Stats; Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2021, NHTSA, May 2022, DOT HS 813 298.

² *Id.* and Traffic Safety Facts 2019: A Compilations of Motor Vehicle Crash Data, NHTSA, Aug. 2021, DOT HS 813 141. Note, the 66 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2021. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck involved crashes increased by 21 percent and between 2016 to 2021, it increased by 20 percent.

³ Traffic Safety Facts, 2020 Data: Large Trucks, NHTSA, Apr. 2022, DOT HS 813 286.

⁴ National Center for Statistics and Analysis. (2022, December). *Early estimates of motor vehicle traffic fatalities and fatality rate by sub-categories through June 2022* (Crash•Stats Brief Statistical Summary. Report No. DOT HS 813 405). NHTSA.

⁵ 2022 Pocket Guide to Large Truck and Bus Statistics, FMCSA, Dec. 2022, RRA-22-007.

⁶ CPI Inflation Calculator, BLS, available at https://www.bls.gov/data/inflation_calculator.htm.

drivers and poor working conditions. We urge the Committee to reject the following proposals that fail to address the root of these issues and will jeopardize all road users.

“Teen Truckers” are a substantial threat to public safety. 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 as a rationale. These projections have consistently failed to materialize.⁷

The trucking industry continues to face 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.”⁸ Rather, industry data shows driver turnover at some carriers is near 90 percent.⁹ As U.S. Department of Transportation (U.S. DOT) Secretary Pete Buttigieg 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.¹⁰ In addition, states issue more than 450,000 new commercial driver licenses (CDLs) each year demonstrating that there are candidates to fill vacancies.¹¹ 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.”¹² 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.¹³

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).¹⁴

⁷ FMCSA Document ID: 2000-84100-0782. American Trucking Associations, Truck Driver Shortage Analysis 2015 (Oct. 2015).

⁸ United States Department of Labor, Bureau of Labor Statistics, Is the U.S. labor market for truck drivers broken? (Mar. 2019).

⁹ American Trucking Associations, Fourth Quarter Truck Driver Turnover Rate Shows Muddled Picture (Mar. 12, 2021).

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

¹¹ Greg Rosalsky, Is There Really A Truck Driver Shortage?, National Public Radio (May 25, 2021).

¹² 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).

¹³ Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287-295 (1991).

¹⁴ Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287-295 (1991).

This plain-truth reality is not surprising. 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 and complex tasks, specifically the pre-frontal cortex, may not be fully reached until one's mid-20s.¹⁵ 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 have repeatedly opposed efforts to lower the age to operate CMVs in interstate commerce. Additionally, the 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.¹⁶ 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.¹⁷

The Infrastructure Investment and Jobs Act (IIJA) enacted in November 2021 included a provision requiring the establishment of pilot program to permit teen truckers to operate in interstate commerce.¹⁸ This imprudent initiative could have a drastic impact on public health, even more so if not executed with needed safeguards. This program is basically a "science experiment" with all road users serving unknowingly as "test subjects." If accepted research protocols are not followed by FMCSA, it could result in preventable deaths and injuries and will also jeopardize the legitimacy of the outcomes of the program. Lastly, the agency's recommendations and conclusions in the required report to Congress must be supported by sufficient evidence and data collected during the program. We urge this Committee to execute effective oversight of this program.

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. Improving working conditions to ensure experienced drivers are safer, rather than tapping into an unsafe pool of teenage drivers to fill the void, will ideally lead to healthier and more fulfilled drivers who stay in their jobs as well as attract new applicants. Further attempts to pull teenagers from high school hallways onto high-speed highways, such as the Ceasing Age-Based (CAB) Trucking Restrictions Act (H.R. 267), should be rejected by Congress.

¹⁵ Arian, M, et al., Maturation of the adolescent brain, *Neuropsychiatric Disease and Treatment* (Apr. 3, 2013).

¹⁶ Engine's Caravan Survey Public Opinion Poll (2020).

¹⁷ Young Commercial Driver Pilot Training Program, Notice of denial of petition to initiate a pilot program, 68 FR 34467, 34469 (June 9, 2003).

¹⁸ Pub. L. 117-58, § 23022 (2021).

Driver fatigue is a well-known and documented dangerous issue that plagues the trucking industry. The National Transportation Safety Board (NTSB) has repeatedly cited fatigue as a major contributor to truck crashes.¹⁹ 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.²⁰ 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.

One of the most effective tools to help prevent driver fatigue is the use of Electronic Logging Devices (ELDs) to record drivers’ hours of service (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.²¹ The U.S. DOT also estimated the annualized net benefits of adopting ELDs to be over \$1 billion.²² Congress, recognizing the benefits of ELDs, mandated their use as part of the Moving Ahead for Progress in the 21st Century (MAP-21) Act.²³ In 2015, the FMCSA delivered on this Congressional directive and issued a rule requiring the use of ELDs which went into effect in December 2017.²⁴ FMCSA reports that since the implementation of the ELD rule, the percentage of driver inspections with an HOS violation has decreased significantly.²⁵ Despite this compelling evidence, broad support and an established final rule, some continue to object to the use of this technology.

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. In addition, the IJA expands the HOS exemption already provided to these carriers to include one covering a 150 air-mile radius from the final destination (the prior exemption was for a 150 air-mile radius from the source).²⁶ Allowing certain haulers to skirt the ELD rules jeopardizes the safety of the animals in transport, truck drivers and all who travel on the roadways.

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).²⁷

¹⁹ NTSB, Highway, Multivehicle Work Zone Crash on Interstate 95 Cranbury, New Jersey June 7, 2014, Accident Report NTSB/HAR-15/02 (Aug. 11, 2015).

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

²¹ 80 FR 78292 (Dec. 16, 2015).

²² *Id.*

²³ Pub. L. 112-141 (2012).

²⁴ 80 FR 78292 (Dec. 16, 2015).

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

²⁶ H.R. 3684, 117th Congress 1st Sess, (2021).

²⁷ 81 FR 12642 (Mar. 10, 2016).

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 Federal Aviation Administration (FAA) considers OSA to be a disqualifying condition unless properly treated.²⁸ 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.²⁹ We urge the Committee to address this critical safety issue.

In March 2020, FMCSA issued an Emergency Declaration exempting drivers from critical safety regulations including those governing hours of service for those operators providing direct assistance for relief efforts related to the COVID-19 pandemic.³⁰ The declaration expired in October 2022. Advocates has called for the agency to be transparent about the use of this exemption by making any related data available to the public.³¹ To date, the agency has not responded or posted any data on its website. Release of this information will contribute significantly to the public's understanding of the impact to roadway safety resulting from the exemptions to the Federal Motor Carrier Safety Regulations granted by the Emergency Declaration, as well as the frequency of use of the exemptions by the industry.

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 purported 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."³² 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.³³ 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.³⁴ 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 truck by only 10 percent increases bridge damage by 33 percent.³⁵ The Federal Highway Administration (FHWA) estimates that the investment backlog for bridges, to address all cost-beneficial bridge needs, is \$123.1 billion.³⁶

²⁸ *Id.*

²⁹ 82 FR 37038 (Aug. 8, 2017).

³⁰ FMCSA, Extension and Amendment of Emergency Declaration 2020-002 (Aug. 31, 2021).

³¹ Advocates for Highway and Auto Safety, Statement on Extension of Emergency Declaration and Exemptions from Certain Truck Safety Regulations (Sep. 2, 2021).

³² 2021 Infrastructure Report Card – Bridges, American Society of Civil Engineers (ASCE); 2021 Infrastructure Report Card – Roads, ASCE.

³³ 2021 Infrastructure Report Card – Bridges (ASCE).

³⁴ Comprehensive Truck Size and Weight Limits Study: Bridge Structure Comparative Analysis Technical Report, FHWA, June 2015.

³⁵ Effect of Truck Weight on Bridge network Costs, NCHRP Report 495, National Cooperative Highway Research Program, 2003.

³⁶ 2015 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, Chapter 7, p. 7-34, FHWA, 2016.

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.³⁷ Overweight trucks also pose serious safety risk. Brake violation are a major reason for out-of-service violations.³⁸ 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.³⁹ 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.⁴⁰ 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.⁴¹

The IJA invested billions of dollars to improve and elevate the safety of 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 onto 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.⁴² The U.S. DOT study also addressed this meritless assertion and found that any potential mileage efficiencies from the use of heavier trucks would be offset in just one year.⁴³ We urge this Committee to oppose any increases to federal truck size and weight limits, including mandating double 33 feet trailers, pilot programs and state or industry specific exemptions. This includes the Safer Highways and Increased Performance for Interstate Trucking (SHIP IT) Act (H.R. 471) that has numerous reckless provisions, among them, the establishment of a pilot program for overweight trucks.

³⁷ 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.

³⁸ Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019 – Calendar), FMCSA.

³⁹ Teoh E, Carter D, Smith S and McCart A, Crash risk factors for interstate large trucks in North Carolina, Journal of Safety Research (2017).

⁴⁰ Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).

⁴¹ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

⁴² 2017 Annual Report.

⁴³ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

While autonomous driving 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 the U.S.'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, and particularly in the absence of new standards to ensure the technology performs safely and as needed. 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.⁴⁴ 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 developed the “AV Tenets,” policy positions which should be a foundational part of any AV legislation.⁴⁵ 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. At a minimum, ACMVs must meet safety standards for the ADS and related systems, including for cybersecurity, and operations must be subject to adequate oversight as a starting point for their potential deployment. In February 2022, Advocates commissioned a public opinion poll that found that 85 percent of respondents were concerned with sharing the road with driverless trucks.⁴⁶ Moreover, 60 percent of respondents indicated that their concerns would be addressed if the vehicles were required to meet minimum government standards.

Lastly, we commend Congress for the safety advances included in the bipartisan IJIA and have been urging the U.S. DOT to implement the directives with urgency to address the motor vehicle crash fatality and injury toll. With 115 people being killed on our roadways every day, time is certainly of the essence.

⁴⁴ NHTSA, Standing General Order 2021-01 (Aug. 2021).

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

⁴⁶ ENGINE'S CARAVAN SURVEY, Public Concern About Driverless Cars and Trucks (Feb. 2022).

Thank you for your consideration of these issues. We look forward to working with you to improve safety on our nation's roadways.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Chase". The signature is fluid and cursive, with a long horizontal stroke at the end.

Catherine Chase, President

cc: Members of the U.S. House of Representatives Committee on Transportation and Infrastructure