



**Testimony of Lewie Pugh, Executive Vice President
Owner-Operator Independent Drivers Association
before the
United States House of Representatives, Committee on Transportation & Infrastructure,
Subcommittee on Highways & Transit
*“Examining the Department of Transportation’s Regulatory and Administrative Agenda”
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Chairman Crawford, Ranking Member Norton, and members of the Subcommittee, my name is Lewie Pugh and I am the Executive Vice President of the Owner-Operator Independent Drivers Association (OOIDA). Prior to working at OOIDA, I was a small-business trucker for nearly 23 years with 2.5 million miles of safe driving. Before operating my own trucking business, I drove a truck during my service in the United States Army. I still proudly hold a Commercial Driver’s License (CDL). In short, I’ve been a trucker my entire career.

About OOIDA

The Owner-Operator Independent Drivers Association is the largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA has approximately 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA’s mission is to promote and protect the interests of our members on any issues that impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation’s highways.

Small trucking businesses, like those we represent, account for 96 percent of registered motor carriers in the United States, making them a key component of the nation’s supply chain. We are undoubtedly the safest and most diverse operators on our nation’s roads. Every region of our country and segment of our economy relies upon long-haul truck drivers. Our members are an integral part of the global supply chain and have a unique perspective on the many challenges our nation faces in moving freight in the safest, most efficient manner.

Introduction

Trucking is one of the most heavily regulated industries in America. Federal regulations affect nearly every aspect of a professional driver's life. From the number of hours they can drive before taking a break or shutting down, to the color and width of tape they must use on their trailers, nearly every element of trucking is controlled by a regulation. Complying with existing regulations, many of which have absolutely no connection with safety, can be overwhelming for even the most experienced driver. In some cases, it can be damn near impossible.

While compliance rates with this dizzying array of regulations have never been higher, there are those, including large motor carriers, shippers, safety advocates, elected officials, and bureaucrats, who not only resist modernizing or eliminating needless regulations, but want to impose even more impractical and ineffective rules on American truckers.

Some of these entities want to go so far as mandating speed limiters on all commercial vehicles, which could force truckers to travel 20 mph below the posted speed limit. Supporters have dismissed concerns about the disastrous consequences this regulation would have on highway safety and the supply chain. Others, with no experience in the day-to-day operation of a CMV, want to mandate the use of unproven and cost-prohibitive equipment like side underride guards that would jeopardize the safety of drivers and the future of their businesses. There are even members of this Committee who want to dramatically increase the amount of liability insurance truckers must carry, knowing this increase is entirely unnecessary and will immediately destroy innumerable small trucking businesses.

If this paints a picture of a dysfunctional regulatory environment where practical solutions have become secondary considerations, then you're starting to see things like an OOIDA member.

Let me be clear, OOIDA and our members are not anti-regulation, as some would have you believe. In fact, the opposite is true. We have a long history of supporting regulations that address critical needs in our industry and are backed by sound research and data. For decades, we have pushed for enhanced driver training requirements to ensure the men and women behind the wheel of a CMV are prepared to operate at the safest level. We've also pushed for greater broker transparency, stronger truck leasing requirements, better driver pay, and more accurate and reliable safety ratings systems.

Truckers believe Congress and the Department of Transportation (DOT) have inconsistent records when it comes to crafting regulations that support their needs. Even members of this Subcommittee have demonstrated inconsistency when it comes to developing regulations that advance our shared objective of improving highway safety and supporting those who make their living on the road.

On a positive note, Ranking Member Holmes Norton and Representative Ezell have championed bipartisan legislation to fight freight fraud, which is destroying small trucking businesses every day, and Rep. Van Drew has introduced a bipartisan bill to eliminate the overtime exemption for truckers, ensuring drivers are paid for all the hours they work. In contrast, other lawmakers, at the behest of trial lawyers, continue to push for a massive 500% increase in liability insurance minimums that would immediately kill small trucking businesses, despite knowing the existing minimum of \$750,000 covers costs in over 99% of crashes involving a CMV.

Even the Infrastructure Investment and Jobs Act (IIJA) provided a mixed bag for truckers. On one hand, Congress included provisions that will combat predatory lease agreements that take advantage of truckers. On the other, the bill authorized an overly-ambitious automatic emergency braking (AEB) mandate that ignores known limitations and deficiencies with the technology. The Act also created an underride

committee dominated by blatantly-biased participants who failed in their mission to generate consensus on ways to reduce underride crashes, fatalities, and injuries.

While Congress's recent record features both positive and negative aspects, truckers have grown frustrated with the Biden Administration's regulatory steps initiated under their own authority. First and foremost is the wildly unpopular and dangerous speed limiter mandate proposed by the Federal Motor Carrier Safety Administration (FMCSA), which should be withdrawn immediately. We are also concerned by FMCSA's efforts to water down commercial driver's license (CDL) requirements at a time when we should be enhancing driver training regulations. Even when moving in the right direction, such as working to improve broker transparency and enhancing the ability of truckers to report safety risks through the National Consumer Complaint Database (NCCDB), the agency is painfully and unnecessarily slow to act. Outside DOT, truckers can't believe the Environmental Protection Agency (EPA) is moving forward with more crippling emissions regulations.

In the end, truckers want regulations that reflect their needs and the changing dynamics of their industry. It's time for Congress and DOT to help make trucking an appealing, safe and sustainable career by listening first to the people that make their living behind-the-wheel.

Speed Limiters

In April 2022, DOT reopened a potential speed limiter mandate on all CMVs over 26,000 pounds, despite receiving overwhelming opposition after its initial 2016 Notice of Proposed Rulemaking. Any speed limiter mandate would be harmful for road safety, crash rates, driver retention, and supply chain performance. By establishing a one-size-fits-all federal mandate restricting heavy-duty CMVs to a speed that is separate from passenger vehicles, this regulation would create dangerous speed differentials between trucks and cars. Decades of highway research shows greater speed differentials increase interactions, such as passing or braking, between truck drivers and other road users. Studies have consistently demonstrated that increasing these interactions directly increases the likelihood of crashes.

In many states, this mandate would create split speed limits on two-lane rural roads, which are particularly hazardous. In these conditions, passenger vehicles that want to travel at the posted limit get stuck behind slower-moving trucks, increasing the number of risky passes they must make using the oncoming lane of traffic. Speed limiting trucks also increases pressure on drivers to complete their work. Truckers required to operate below the posted speed limit must drive longer hours to cover the same distance, which increases their fatigue and places even greater stress on them to comply with burdensome federal hours-of-service regulations. A speed limiter mandate would also exacerbate supply chain challenges. By prohibiting trucks from traveling at the posted speed limit in certain areas, this mandate will literally slow down freight movement across the country. If the regulation is implemented, more trucks will be needed to carry the same amount of freight in the same amount of time, which also increases road congestion and contributes to higher crash rates.

Furthermore, this mandate would be especially bad for small businesses. Some large motor carriers already use speed limiters as a fleet management tool, but small business and single-truck operators have no need for these devices. A government mandate would ultimately take away one of the last competitive advantages that small businesses have over large carriers. In its rulemaking, FMCSA admitted this mandate would be bad for small businesses, stating, "small trucking companies, especially independent owner-operators, would be less profitable with speed limiting devices."

There is already a mechanism in place to address vehicle speeds: speed limits set and enforced by the states. In 1995, Congress repealed the national speed limit and gave states the authority to establish speed limits for their roads. Since then, states have been able to design their roadways and set top speeds

according to what they have determined to be safest for their specific needs and conditions. FMCSA's ongoing rulemaking ignores this long-standing authority.

OOIDA is leading a coalition comprised of transportation stakeholders in support of H.R. 3039, the Deregulating Restrictions on Interstate Vehicles and Eighteen-Wheelers (DRIVE) Act. The legislation prohibits FMCSA from implementing regulations mandating the use of speed limiters on heavy-duty trucks. We encourage all subcommittee members to support H.R. 3039 and hope the DRIVE Act can be enacted before FMCSA promulgates another dangerous mandate.

Automatic Emergency Braking

Section 23010 of IIJA required DOT to prescribe federal motor vehicle safety standards for AEB systems on newly manufactured CMVs. The legislation also required DOT to directly consult with representatives of CMV drivers regarding the experiences truckers have had with AEB systems as a means to identify and address deficiencies in technologies that are already in use.

DOT ignored these requirements prior to publishing an AEB NPRM in June 2023, claiming previous outreach to truckers, initiated before the AEB rulemaking began, satisfied the requirement to consult with drivers. We disagree. Additionally, the National Highway Traffic Safety Administration (NHTSA) has an open investigation into AEB systems on certain heavy-duty trucks because of reports of false activations. These factors resulted in a proposal that did not adequately ensure AEB systems could meet necessary safety standards before the technology requirement becomes effective.

The NPRM contained four irresponsible flaws: (1) failure to address false activations; (2) inadequate consultation with professional truck drivers; (3) precedes necessary completion of ongoing research; and (4) cloaks deficient testing processes with minimum performance expectations. These shortcomings negligently pose highway safety risks to the motoring public and to professional drivers alike. Congress must ensure that DOT addresses these deficiencies in the pending AEB Final Rule anticipated in January 2025. If not, AEB systems will jeopardize our members' safety and create otherwise avoidable hazards on our roads.

Freight Fraud

The evolution of technology, a lack of federal oversight, and a failure to prioritize criminal enforcement have all contributed to an unprecedented rise in fraudulent activity in trucking over the last few years. Motor carriers are victimized through unpaid claims, unpaid loads, double brokered loads, or load phishing schemes on a daily basis. This costs the trucking industry over \$800 million annually. Freight fraud committed by criminals and scam artists has been particularly devastating to many small business truckers simply trying to survive in a tough freight market. The current regulatory framework limits enforcement, enables bad actors to operate with impunity, and forces out drivers who want to build sustainable trucking careers.

In recent months, FMCSA has taken initial steps that may curtail fraud, including finalizing a long-awaited Broker and Freight Forwarder Financial Responsibility Rule, announcing a registration fraud team, and preparing modernization updates to the motor carrier/broker registration process. However, many drivers remain skeptical that these changes will be sufficient to substantively address the problem. OOIDA strongly supports H.R. 8505, the Household Goods Shipping Consumer Protection Act - bipartisan legislation introduced by Ranking Member Holmes Norton and Rep. Mike Ezell. The bill restores and codifies FMCSA's authority to issue civil penalties against bad actors, and also requires brokers, freight forwarders, and motor carriers provide a valid business address to FMCSA in order to register for authority. H.R. 8505 would provide FMCSA with better tools to root out unscrupulous actors,

which are also harmful to consumers and highway safety. We hope this bill will be marked-up by the Full Committee without delay.

Broker Transparency

For years, small-business truckers have expressed frustration that regulations designed to provide transparency are routinely evaded by brokers or simply not enforced by FMCSA. 49 CFR §371.3 mandates that brokers keep transaction records and permits each party to a brokered transaction to review these documents. These regulations are in place to protect motor carriers, brokers, and the public by ensuring the transparent and smooth movement of goods throughout the supply chain. This transparency helps owner-operators when brokers send them bills regarding disputed claims, such as damages. Without this information, it is impossible to know if these charges are legitimate. Unfortunately, many brokers deliberately implement hurdles they know will prevent a carrier from ever seeing this information.

To ensure that truckers have access to the documents they have a right to review under existing regulations, OOIDA petitioned FMCSA to require brokers to automatically provide an electronic copy of each transaction record within 48 hours after the contractual service has been completed, and explicitly prohibit brokers from including any provision in their contracts that requires a carrier to waive their rights to access the transaction records as required by existing regulations.

In March 2023, FMCSA announced it would launch a rulemaking to address our petition. Yet, the proposal is not expected until October 2024. If rules are promulgated to improve broker transparency and DOT better enforces current regulations, the economic stability of the trucking industry would be more assured and the reliability of our supply chain would improve.

Underride Protection

Underride crashes are accidents where a passenger vehicle travels under a semi-trailer in a truck-involved crash. While these types of accidents are very rare, they are truly tragic and forever alter the lives of the individuals and families involved.

OOIDA supported NHTSA's 2022 Final Rule improving rear guard standards and annual inspection requirements, which was required by IIJA. However, professional drivers have numerous concerns about mandating side underride equipment. OOIDA has discussed operational challenges regarding rail-crossings, loading docks, and low ground clearances with Congress, as well as equipment damage resulting from curbs, roundabouts, speed bumps, and other highway features.

IIJA also required DOT to establish the Advisory Committee on Underride Protection (ACUP) to study underride crashes and provide recommendations on how to reduce injuries and fatalities from these crashes. Congress purposefully required that the committee include a diverse membership, including trucking companies, truckers, manufacturers, as well as safety advocates. In establishing this committee, DOT specifically tasked the panel with providing, "written consensus advice to the Secretary on underride protection to reduce underride crashes and fatalities." Congress and DOT intended that this committee find broad areas of agreement among stakeholders and develop practical recommendations for their consideration.

ACUP failed spectacularly in its mission. In short, safety advocates and other biased committee members used their slim numerical advantage on the committee to redefine "consensus" to mean a simple majority. Once this change was made, a bare majority of committee members issued its "majority" report, which is essentially a haphazard compilation of safety advocates' unrealistic wishes. Recommendations included in the majority report completely ignore the legitimate concerns of other committee participants -

concerns that are informed by data, testing, and real-world experience. Because of the committee's failings, dissenting members were compelled to issue a "minority" ACUP report.

NHTSA's most recent research once again found that the costs of a side underride guard mandate would significantly outweigh the benefits. Just last year, NHTSA estimated equipping new trailers and semitrailers with side underride guards would be six to eight times the corresponding estimated safety benefits, even when omitting all of the associated feasibility costs. These updated findings, along with the dissenting reports produced by the ACUP, indicate that the development of performance standards for side underride guards, or a mandate that trucks be fitted with this equipment, remains unwarranted. The NHTSA rulemaking process, coupled with the activity of the advisory committee, represents a massive waste of government time and resources pursuing a regulation that is entirely untenable.

Neither Congress nor NHTSA should advance potential new underride standards until further research and analysis are completed. The only recommendations that garnered true consensus support among ACUP panel members generally involved enhancing research and reporting. As such, these are the only elements of the final report Congress and NHTSA should take seriously.

Entry-Level Driver Training

Too many new drivers are still getting behind the wheel without the basic skills needed to safely operate a CMV - even after Entry-Level Driver Training (ELDT) regulations have been in place for two-plus years. This will not change until the ELDT rule is supplemented to include more comprehensive standards, such as a minimum number of hours of behind-the-wheel training. The insufficient ELDT regulations are failing new drivers when they encounter unfamiliar conditions, scenarios, and other challenges that weren't included in their limited training. This presents serious safety concerns. We encourage FMCSA to share findings from the pending agency review of the ELDT trainer registry to determine what degree ELDT regulatory objectives have been met and how regulations can be improved. Strengthening ELDT requirements is a no-brainer to improving driver retention and reducing truck-related crashes.

Commercial Driver's License Flexibility

Instead of focusing on enhancing driver training, FMCSA has astonishingly proposed to waive certain training provisions and CDL regulations. Most notably, the agency intends to remove safety requirements for a CDL holder to accompany a commercial learner's permit (CLP) holder when the CLP driver is behind-the-wheel. This regulation is designed to ensure that inexperienced drivers will have sufficient training, instruction, and oversight as they learn the job. Given that ELDT standards do not contain a minimum number of behind-the-wheel training hours, we believe it would be unwise to eliminate this requirement since it provides new entrants at least some additional driving experience with a more tenured trucker. FMCSA had previously noted that, "safety considerations outweigh convenience during driver training," but is now seemingly accommodating a petition from large motor carriers based on the false premise of a driver "shortage."

Rather than proposing ways to expedite the CDL training and administration processes, FMCSA must focus on solutions to address high turnover rates by bolstering driver training programs. We strongly oppose any rulemakings or legislation that would reduce or roll back existing CDL testing and administration requirements.

Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3

Clean air is a priority for everyone, including the truckers, but emissions requirements for heavy-duty vehicles should be practical, affordable, and reliable. Unfortunately, EPA has continued their regulatory blitz on small-business truckers with their latest rule establishing Phase 3 Greenhouse Gas Emission standards. Mom-and-pop trucking businesses would be suffocated by the sheer cost and operational challenges of effectively mandating zero-emission trucks beginning in Model Years 2030-2032. The Phase 3 rule attempts to rush production of battery electric vehicles (BEVs) while a national charging infrastructure network remains absent for heavy-duty trucks. Professional drivers are skeptical of BEV costs, mileage range, battery weight and safety, charging time, and availability.

OOIDA has joined with groups across dozens of industries to raise concerns about the feasibility of the Phase 3 Final Rule. We believe enacting H.J. Res. 133 is the best course of action to defeat this misguided environmental mandate.

Truck Leasing Task Force

OOIDA has supported DOT's role in administering the Truck Leasing Task Force (TLTF). Section 23009 of IIJA established TLTF to examine the terms, conditions, and equitability of common truck leasing arrangements, particularly as they impact owner-operators. During their series of meetings beginning in July 2023, TLTF has particularly focused on predatory lease-purchase agreements. Predatory truck leasing schemes are another longstanding problem within in the industry. Carriers and leasing entities peddling these "opportunities" typically offer the false promise of fair compensation, future ownership of the truck, and "independence" from employer-employee requirements. While the purported goal of these agreements is for the driver to own the truck and become a full-fledged owner-operator at the end of the lease, the agreements rarely work out that way. In the end, drivers are paid pennies on the dollar with little chance of owning the truck, and zero independence. This system pushes individuals who desire a career in trucking out of the industry and further contributes to driver churn. Additionally, the financial and personal pressures resulting from escalating debt can create highway safety risks.

We anticipate that TLTF's report to Congress, DOT, and the Department of Labor, which is expected in November 2024, will include a number of consensus recommendations to overhaul the lease-purchase model, create necessary regulatory oversight, and protect drivers from undue financial exploitation.

Predatory Towing

The towing and recovery industry is an essential partner to trucking that provides a critical service when truckers have a breakdown or are involved in a crash. Yet the very nature of these situations leaves motor carriers vulnerable to unscrupulous towing companies. Predatory towing happens when a company imposes excessive or unnecessary charges for equipment, services, damages, or anything else the company dreams up. After a tow, motor carriers will often have their equipment held hostage until they pay these exorbitant and superfluous fees.

Predatory towing and fees are a particular problem with respect to nonconsensual tows. These are situations where a truck breaks down or is involved in a crash, and the truck owner does not have any power to select a towing company for recovery. In these cases, the trucker is at the mercy of the responding company, and has no way of knowing whether they will be dealing with an honest tow service.

Unfortunately, predatory practices aren't limited to a small segment of overall towing services. In a recent survey conducted by the American Transportation Research Institute, they found that approximately 30%

of crash related tows included some form of predatory billing.¹ This same survey found that the average pre-tax total for a crash-related tow was approximately \$9,000, while the average predatory bill was over \$18,000.²

OOIDA is supportive of FMCSA's efforts to combat these unfair and unnecessary fees. In February 2024, FMCSA submitted comments to the Federal Trade Commission (FTC) in response to its proposed rulemaking on Unfair or Deceptive Fees, also known sometimes as "junk fees." In its comments, FMCSA accurately identified a number of predatory practices, including³:

- Towing companies that provide an initial quote for a tow, but then add additional, mandatory fees only after the job is completed.
- Towing companies that add vague or misleading fees, such as "administrative fees," that add no value or are completely unnecessary.
- Towing companies that simply charge excessive fees because they have a captive customer.

We agree with FMCSA's comments that the FTC should act to prohibit misleading or hidden fees, ensure clarity around the definition of "total price," and impose restrictions on excessive fees, among other recommendations.

In addition to these comments, FMCSA has also initiated a public process (FMCSA-2024-0124) to collect more information on predatory towing practices. The agency has held a public meeting on the issue, and is also accepting written comments through July 31, 2024. We are supportive of these efforts and hope that it will guide both the FTC and FMCSA on how to crack down on these unfair practices.

DataQ

FMCSA allows motor carriers, truck drivers, and others to request a review of FMCSA-issued data, such as violations and inspection reports, that might be incomplete or incorrect. This is commonly referred to as a Request for Data Review, or DataQ. States have the authority to establish their own review process, and unfortunately, nearly all of them have chosen a system that does not provide due process for truck drivers or motor carriers.

In most cases, the DataQ review process is not objective – an appeal determination is made by the same person or agency who issued the violation, which creates an inherent conflict of interest. In other words, very few law enforcement officers are willing to admit they made a mistake. Furthermore, determinations are not made in a timely manner. This is problematic because violations remain on a driver's or carrier's safety record and can negatively impact the employability of a driver and insurance costs for small motor carriers, among other consequences. We have had members spend thousands of dollars in legal fees over the course of many months just to have an obvious mistake corrected.

OOIDA supports the development and implementation of a federal DataQ appeals process that would provide transparency, consistency, and timely adjudication of challenges. We are therefore appreciative that the FMCSA has initiated a request for comments on improvements to the DataQ system (FMCSA-2023-0190). As FMCSA considers modifications, we believe the agency must establish a system where each reconsideration request is addressed by a different reviewer than the person who performed the initial review. This change will help to ensure a fair review, as the individual who issued the violation is

¹ Alex Leslie and Alexa Pupillo, *Causes and Countermeasures of Predatory Towing*, ATRI (Nov 2023), <https://truckingresearch.org/2023/11/causes-and-countermeasures-of-predatory-towing/>

² Ibid.

³ <https://www.transportation.gov/sites/dot.gov/files/2024-02/FTC%20FMCSA%20Comment%202.7.24.pdf>

unlikely to overturn their decision. We believe this change will also help to improve the initial citation process, since the issuing officer knows that any decisions they make will be subject to review by a different person, possibly a superior.

Ideally, OOIDA supports a model that would allow states to setup a five-member review board made up of two representatives of a state commercial motor vehicle enforcement agency, one representative of a state department of transportation, one representative of a motor carrier, and one representative of a driver. FMCSA has already identified states that use such a system and has recommended this as a best practice that other states should follow.⁴

National Consumer Complaint Database

The National Consumer Complaint Database (NCCDB) is a system that is used by truckers and others to report when motor carriers violate safety regulations. FMCSA is responsible for this system, and unfortunately, many truckers find it nearly useless and have little confidence FMCSA takes action on any of the complaints they submit.

This system is critical for promoting safety, as it can help FMCSA identify carriers that might be pressuring drivers to violate federal hours-of-service or equipment maintenance regulations, among other concerns. Drivers need an effective system to help them protect themselves from carriers looking to take advantage of them and jeopardize safety. Not only is the system supposed to address individual violations, the findings from examining complaints could be used to identify trends or larger problems in trucking.

Congress recognized the concerns with the NCCDB and, as part of IIJA, required that the Government Accountability Office (GAO) examine the system and evaluate its effectiveness. GAO completed and issued its report in September 2023, and some of the most concerning findings include⁵:

- In contrast with DOT policy, FMCSA fails to make certain information from NCCDB public. This means that FMCSA may be “missing the opportunity to improve transparency and collaboration with industry partners.”
- FMCSA has failed to establish appropriate controls or procedures for collecting and investigating complaints. As a result, FMCSA may not be consistently carrying out reviews and may be jeopardizing their ability to respond to unsafe practices by motor carriers.
- FMCSA’s public website failed to follow leading practices for design and usability. Truckers have long complained that the site is difficult to use, especially on a mobile device, and GAO confirmed this specific concern.

GAO made a total of 14 recommendations to improve the system, all of which remain open today. One of the most frustrating parts of GAO’s report is that, despite identifying these serious issues, FMCSA isn’t demonstrating any urgency to fix them. In response to the finding that the agency has failed to implement controls and procedures to ensure appropriate review of complaints, **FMCSA said that it planned to update the NCCDB in Fiscal Year 2026.** This is beyond discouraging for truckers who have long complained about the system. Truckers are properly held to the highest standard when it comes to safety and compliance with regulations. Yet when the federal government finds that one of its own

⁴ https://dataqs.fmcsa.dot.gov/DataQs/Data/Guide/DataQs_Users_Guide_and_Best_Practices_Manual.pdf

⁵ <https://www.gao.gov/assets/d23105972.pdf>

agencies is failing to live up to the standards necessary to promote safety, it's apparently acceptable to tell truckers they'll just have to wait a few more years until they get around to fixing the problem. More generally, OOIDA maintains its concerns about the ambiguity of the name "National Consumer Complaint Database." This title is misleading and does not signify a connection to the trucking industry in any way. OOIDA believes the NCCDB can help improve safety, but many drivers are unaware that the NCCDB is available for them to report violations of regulations, nor are they aware that coercion complaints can be handled through the NCCDB. We have long called for FMCSA to change the name of this system, to something such as "National Truck Safety Hotline and Consumer Complaint Database," but FMCSA has consistently rejected this suggestion without explanation.

Minimum Liability Insurance

According to the most recent federal research, the current required minimum level of liability insurance for motor carriers covers damages in 99.4% of crashes involving a CMV. If there were any other federal regulation that covered over 99% of cases, it's hard to imagine that there'd be any discussion of a need for a change.

Yet, there are members on this committee that want to increase the minimum insurance level by over 500%, from the current level of \$750,000 to \$5,000,000. This increase would cause insurance premiums to skyrocket and would be absolutely devastating for small businesses. It's unlikely that small carriers could afford this increase, and many would be forced out of business. As a way to afford this increase, some truckers may cut back on maintenance and repair costs, which jeopardizes the safety of their operations.

There is simply no need for this increase. There is no evidence that increasing insurance requirements will improve safety. There is no data showing that the current levels fail to cover the costs of crashes. In fact, the average crash costs only \$18,000 in damages. This Subcommittee and Congress should reject calls for increasing minimum insurance requirements.

Autonomous Vehicles/Automated Driving Systems

Rampant speculation continues to grow regarding potential benefits of autonomous driving technologies. This is in large part because there is a complete lack of federal regulatory oversight on these technologies and the companies working to develop them. Despite unfounded forecasts and empty promises that automated vehicles will lead to zero deaths, there continue to be real-world situations in which automation has devastatingly failed. Unfortunately, current voluntary reporting requirements leave truckers and the public in the dark about the safety and reliability of autonomous technologies. OOIDA is frequently asked what truckers think about the development of autonomous technology and what it means for the future of their profession. To be frank: there's not a whole lot we can say about how the technology is performing or what exactly it means for truckers. We can only presume these vehicles are not ready for safe deployment without mandatory reporting on performance. OOIDA believes that any process to advance automated technology should be met with mandatory data transparency from manufacturers. This will help educate consumers, the industry, and regulators about the actual reliability of autonomous technology.

Over the last several years, DOT agencies have pursued respective rulemakings to "ensure" the safe introduction of ADS-equipped CMVs onto the nation's roadways. Many of the questions included in these proposals remain hypothetical in nature and OOIDA has questioned why DOT has chosen to focus on regulations that may or may not be necessary depending how the technology performs. These regulatory proposals seem destined to fail without more concrete data about how AVs will function and their impact on the industry.

Conclusion

Unfortunately, many of today's regulations are excessive and lack any connection to safety or are deliberately designed to inflict unnecessary costs and burdens on operators, especially small businesses, to reduce or eliminate competition. At their best, federal regulations can help achieve worthy and complementary objectives: promoting highway safety and supporting professional drivers and small business truckers. Congress and DOT must better prioritize regulatory reforms that clearly meet these important objectives.