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THE AMERICAN TRUCKING ASSOCIATIONS
PRIORITIES FOR SURFACE TRANSPORTATION REAUTHORIZATION
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PREAMBLE – The American Trucking Associations supports a federal surface transportation program that makes our highways safer, reduces fossil fuel use and lowers emissions, and helps the trucking industry to become more productive. In order to meet these goals, the next reauthorization bill should provide the resources necessary to bring the highway system to a state of good repair and address severe and growing highway congestion. Through a combination of regulatory flexibility and financial incentives, the legislation should promote the use of safer, cleaner, more cost-effective and more energy-efficient commercial trucks.

ATA supports the following reforms to the federal-aid highway program:

I. PREVENT THE HIGHWAY TRUST FUND FROM GOING BANKRUPT AND ENSURE THAT THE FUND HAS THE SUFFICIENT, SUSTAINABLE REVENUE NECESSARY TO ADDRESS SURFACE TRANSPORTATION SYSTEM DEFICIENCIES

- Funding
  - Increase the federal fuel tax by 20 cents per gallon, to be phased in over four years. The fee will be indexed to both inflation and improvements in fuel efficiency, with a five percent annual cap.
  - Establish a new fee on electric vehicles in order to ensure that all who benefit from transportation investments contribute their fair share.
  - Establish a glide-path for a new user fee based revenue source for the Highway Trust Fund to supplement and ultimately replace the fuel tax over the next decade.
- Expenditures
  - The first tranche of revenue generated by the new fee will be transferred to the HTF. Using a FY 2020 baseline, existing HTF programs will be funded at authorized levels sufficient to prevent a reduction in distributed funds, plus an annual increase to account for inflation.
  - $5 billion will be dedicated to a new National Priorities Program (NPP) administered by the U.S. Department of Transportation. The NPP is a grant program designed to address the most critical highway bottlenecks.
  - All remaining revenue will be placed into a Local Priorities Program (LPP) and distributed by formula to the states. Project eligibility is the same as the eligibility

under the National Highway Freight Program or National Highway Performance Program, for highway projects only.

II. ENSURE THAT THE FREIGHT PROGRAMS CREATED UNDER THE FAST ACT EFFECTIVELY ADDRESS THE MOST CRITICAL FREIGHT DEFICIENCIES

With the creation of two new freight funding programs, the 2015 FAST Act legislation recognized the critical role that the federal government plays in facilitating the efficient movement of freight in interstate commerce, a role memorialized by the U.S. Constitution. Both the Nationally Significant Freight and Highway Projects Program (AKA INFRA) and the National Highway Freight Program provided dedicated funds for projects that improved traffic flow and safety on transportation facilities with significant freight volumes. These programs should be continued. In addition, ATA recommends the following reforms:

Nationally Significant Freight and Highway Projects Program (AKA INFRA)

- Maintain 10% cap on non-highway projects. Trucks move 70% of freight tonnage and are key to the efficient movement of intermodal freight. Furthermore, trucks are the only freight mode that contribute directly to the Highway Trust Fund and should not be forced to further subsidize modes that do not contribute.
- Maintain 10% cap for lower cost projects. Federal funding should focus as much as possible on those high-cost projects that state and local governments have difficulty funding, yet are crucial to interstate freight mobility.
- Increase funding to ensure federal prioritization of freight mobility (i.e. interstate commerce).
- Maintain current eligibilities. Expanding eligibility would create a loss of focus on the most important parts of the freight transportation network.
- Prohibit USDOT from making either the state/local match or the use of private financing a criteria for project selection.
- Give priority to projects that address freight bottlenecks identified under 49 USC 70102(b)(4).

National Highway Freight Program

- Maintain 10% cap on non-highway projects.
- Increase funding to ensure federal prioritization of freight mobility (i.e. interstate commerce).
- Eliminate 50% transferability to other apportioned programs in order to ensure that all available resources are used for their intended purpose.

III. REFORM FEDERAL INTERSTATE TOLLING AUTHORITY

While restrictions on the authority to toll Interstate highways have been imposed since the inception of the Interstate Highway System in 1956, over the years a patchwork of exceptions has been created. Federal law governing where, how and under what circumstances a state may toll existing, general-purpose lanes of the Interstate system is now a confusing, contradictory mess that serves neither state or local transportation agencies nor highway users very well.

ATA believes that Interstate tolls are highly inefficient compared with many other funding options and the diversion created by tolls causes needless safety, congestion, environmental and

quality of life problems. However, we recognize that many in Congress would like to maintain some level of tolling flexibility. On the other hand, we believe it is important to have a tolling regime that is easily understood and is tied to federal policy considerations that take into account fairness and equity for highway users, safety, interstate commerce and the environment, as well as states' desire to use tolls as a tool to address congestion and fill their transportation funding gaps.

Currently, there are three options for states to toll existing general purpose lanes on the Interstate System:

- Tolling a replacement or reconstructed bridge or tunnel;
- The Interstate System Reconstruction & Rehabilitation Pilot Program, which allows up to three states to toll a single Interstate highway; and
- The Value Pricing Pilot Program, which allows up to 15 jurisdictions (generally states) to toll an unlimited number of Interstate miles as part of a demonstration of the concept of congestion pricing.

We believe that Congress desires to maintain tolling flexibility for the states to address congestion through pricing of highways and to fund very costly bridge and tunnel projects. However, the interests of highway users must also be protected. Therefore, ATA proposes replacing the current three options above with the following:

States may toll existing, general purpose lanes of the Interstate System if they meet the following criteria through application to the Secretary of Transportation:

- Congestion Pricing - States must demonstrate that the pricing of highways (not the projects funded by tolls) by themselves significantly alleviate congestion and improve air quality in a highway corridor, including on alternative routes.
- Bridge/Tunnel reconstruction or replacement - Eligible projects are those with a total project cost of at least $2 billion. These are single facility costs, not network costs.

General requirements:

- A state must conduct an Environmental Impact Statement for each project.
- When conducting an EIS for a network of tolls, an EIS must determine the effects of both individual toll locations and the collective network effects of a proposal.
- Revenue generated by the tolls can only be used for financing costs and project costs related to the facility or Title 23 eligible highway or transit projects that directly benefit the users of the tolled facility. This requirement should apply to existing tolls on Interstate highways as well. Revenue from the lease or sale of an Interstate toll facility should also be subject to this requirement.
- The maximum toll rate for any vehicle class may not exceed any other toll rate by more than five times.
- Any toll discounts must be offered to all users, regardless of residency or the state a transponder was purchased from. This requirement should apply to existing tolls on Interstate highways as well.
- At a minimum, the State's application, either through an EIS or separate documentation, should demonstrate the following:

- There is a net congestion reduction, taking into consideration mobility on both the tolled route and any routes to which traffic diverts. There is also a net reduction in vehicle emissions on these routes.
- The number and severity of crashes is not likely to increase.
- If additional maintenance or capacity improvements on diversion routes are anticipated, the state must document these improvements and include a plan to implement them within a reasonable timeframe.
- Environmental justice impacts of tolls and mitigation measures.
- A cost-benefit analysis that includes the impacts of tolls on roadside businesses, commercial vehicle operators, and the impacts on businesses and consumers affected by tolls, both inside and outside the states where the tolls are located.
- A determination with regard to whether the location of tolls or the toll rate structure discriminates against interstate commerce.

- The state is required to submit a report to the Secretary every five years with an analysis of the above, and the Secretary is to determine whether the state continues to meet the requirements.

IV. PROVIDE DEDICATED FUNDING FOR FREIGHT INTERMODAL CONNECTORS

Freight intermodal connectors – those roads that connect ports, rail yards, airports and other intermodal facilities to the National Highway System – are publicly owned. While they are an essential part of the freight distribution system, many are neglected and are not given the attention they deserve given their importance to the nation's economy. Just nine percent of connectors are in good or very good condition, 19 percent are in mediocre condition, and 37 percent are in poor condition.[1] Not only do poor roads damage both vehicles and the freight they carry, but the Federal Highway Administration (FHWA) found a correlation between poor roads and vehicle speed. Average speed on a connector in poor condition was 22 percent lower than on connectors in fair or better condition.[2] FHWA further found that congestion on freight intermodal connectors causes 1,059,238 hours of truck delay annually and 12,181,234 hours of automobile delay.[3] Congestion on freight intermodal connectors adds nearly $71 million to freight transportation costs each year.[4]

One possible reason connectors are neglected is that the vast majority of these roads – 70 percent – are under the jurisdiction of a local or county government.[5] Yet, these roads are serving critical regional or national needs well beyond the geographic boundaries of the jurisdictions that have responsibility for them, and these broader benefits may not be factored into the local jurisdictions' spending decisions. While connectors are eligible for federal funding, it is clear that this is simply not good enough. Congress should set aside adequate funding for freight intermodal connectors identified by FHWA to ensure that these critical arteries are given the

[1] *Freight Intermodal Connectors Study*. Federal Highway Administration, April 2017.
[2] *Ibid.*
[3] *Ibid.*
[4] *An Analysis of the Operational Costs of Trucking: 2018 Update*. American Transportation Research Institute, Oct. 2018. Estimates average truck operational cost of $66.65 per hour.
[5] *Ibid*.

attention and resources they deserve. Furthermore, FHWA should add connectors to major military installations to the list of eligible roads in order to address deficiencies on arteries that are critical to national defense.

V. ADDRESS THE SHORTAGE OF PARKING FOR TRUCK DRIVERS

Research and feedback from carriers and drivers suggest there is a significant shortage of available parking for truck drivers in certain parts of the country. Given the projected growth in demand for trucking services, this problem will likely worsen. There are significant safety benefits from investing in truck parking to ensure that trucks are not parking in unsafe areas due to lack of space.

Funding for truck parking is available to states under the current federal-aid highway program, but has not been a priority given a shortage of funds for essential highway projects. Therefore, we support the creation of a new discretionary grant program with dedicated funding from the federal-aid highway program for truck parking capital projects. ATA recommends that FHWA conduct a nationwide study, with biennial updates, to determine specific locations with the most critical truck parking shortages. Congress should set aside at least $100 million per year for a FHWA administered grant program to address the truck parking shortage, with preference given to projects that address the shortages identified by FHWA. Eligibility should be the same as for Sec. 1401 of MAP-21 (i.e. Jason's Law).

VI. ELIMINATE THE FEDERAL EXCISE TAX ON TRUCKING EQUIPMENT

Repeal the federal excise tax (FET) on trucking equipment, provided the revenue it generates for the HTF is replaced. This antiquated 12% sales tax, which was adopted in 1917 to defray the costs of World War I, is a barrier to investment in the cleanest, safest trucks available on the market. In fact, when the FET was first adopted, it was applied to all vehicles, and now is imposed only on heavy trucks.

Income from the FET has varied widely, mostly in response to economic conditions. Over the past decade revenue has ranged between $1.5 billion during the recession year of 2008 and $4.6 billion in 2015. This variability contributes to mismatches between federal-aid money authorized and revenue available for appropriation. In fact, the first bail-out of the HTF, in 2008, was necessitated largely by an unanticipated drop in FET revenue. Based on Congressional Budget Office projections, approximately $5 billion per year will be required for replacement.

VII. REINSTITUTE THE VEHICLE INVENTORY AND USE SURVEY

The Census Bureau and the Department Transportation should reinstitute a Vehicle Inventory and Use Survey (VIUS). The latest VIUS data is from 2002, which is extremely outdated. The VIUS gathered information on the physical and operational characteristics of trucks as part of the U.S. Economic Census conducted every five years, in years ending in 2 and 7. The 2002 report surveyed about 136,000 trucks and collected data on features such as make, model, and age;

miles per gallon, distance traveled and area of operation; trailer configuration; and goods hauled by weight, commodity, and presence of hazardous material.

There is no alternate source for most of the data the VIUS provided. It is the only source of physical and operational characteristics of heavy-duty trucks, including fuel use. Sound policies to address energy use and environmental impacts of trucks need to reflect the distribution of trucks among weight classes, body types, and usage patterns.

VIUS data is also fundamental to understanding how we use and manage our highways, including issues such as highway cost allocation and roadway safety. In addition, as the Census Bureau states in its summary of the 2002 VIUS data release: "The Department of Transportation uses the data for analysis of cost allocation, safety issues, proposed investments in new roads and technology, and user fees. The Environmental Protection Agency uses the data to determine per mile vehicle emission estimates, vehicle performance and fuel economy, and fuel conservation practices of the trucking industry. The Bureau of Economic Analysis uses the data as a part of the framework for the national investment and personal consumption expenditures component of the Gross Domestic Product." Census also wrote: "Tire manufacturers use the data to calculate the longevity of products and to determine the usage, vocation, and applications of their products. Heavy machinery manufacturers use the data to track the importance of various parts distribution and service networks. Truck manufacturers use the data to determine the impact of certain types of equipment on fuel efficiency."

VIUS data is essential to industry, policymakers, and researchers and should be reinstated as a regular part of the economic census.

VIII. SUPPORT LIMITED, COMMON-SENSE REFORMS TO FEDERAL TRUCK SIZE AND WEIGHT LAWS

1. Give automobile transporters a 5% increase in gross and axle weight limits on Interstate highways and reasonable access routes. This is necessary to accommodate the significant increase in heavier light trucks and hybrid/electric vehicles. It would substantially reduce the number of trucks on the road.

   Legislative language:

   OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON THE INTERSTATE.-
   "(1) IN GENERAL.- A State may not prohibit the operation of an automobile transporter with a gross weight of 84,000 pounds or less on –
   "(A) Any segment of the Interstate System (except a segment exempted under section 31111(f) of title 49); or
   "(B) those classes of qualifying Federal aid primary highways designated by the Secretary under section 31111 (e) of title 49.
   "(2) REASONABLE ACCESS.- A state may not enact or enforce a law denying reasonable access to automobile transporters, to and from highways described in paragraph (1), to loading or unloading points or facilities for food, fuel, repair, or rest.

"(3) AXLE WEIGHT TOLERANCE. – A State shall allow an automobile transporter a tolerance of no more than 5 percent on axle weight limitations set forth in subsection (a).
"(4) AUTOMOBILE TRANSPORTER DEFINED. – In this subsection, the term 'automobile transporter' has the meaning given that term in section 31111(a) of title 49."

2. Authorize the operation of triple-trailer trucks in Washington State

   Triple-trailer trucks (i.e. three 28'6" trailers) have operated safely throughout the western U.S. and on certain eastern routes for decades. Washington State is surrounded by states that allow triples, including Oregon, Idaho and Montana. Authorizing the use of triples in Washington would close an important gap in the Pacific Northwest truck freight network, creating greater efficiencies throughout the region. Triples would reduce truck vehicle miles traveled, reducing crash risk and lowering truck emissions output.

3. Eliminate overall length limits for triple-trailer trucks without increasing trailer length

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

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

   In Oregon's case, the length limit forces carriers to use cabover tractors, which are not sold in the U.S. and have to be special ordered from other countries. Length limits prevent the use of the most modern, driver-friendly equipment.

   ATA supports an exemption to federal law that allows states, at their option, to eliminate overall length limits while retaining current trailer length limits.

   Legislative language:

   "If a State statute or regulation in effect on or before June 1, 1991 placed a limitation on a vehicle's overall length, nothing under Section 1023(b) of P.L. 102-240 would prevent a state from authorizing the use of a longer tractor, even if such change results in an increase in the vehicle's overall length, provided the State does not also authorize an increase in the cargo-carrying length of the vehicle."

4. Increase weight limits on the Massachusetts Turnpike to match the New York Thruway; modernize trailer length limits for LCV doubles

Interstate 90 is an important freight artery serving Upstate New York and Massachusetts. Both routes (the New York Thruway and Massachusetts Turnpike) have for decades allowed the operation of twin 48 foot trailer trucks under permit. However, federal weight limits in each state differ, creating costly inefficiencies for carriers and their customers. In Massachusetts, the gross weight limit for these vehicles is 127,400 pounds, while the limit in New York is 143,000 pounds for a 9-axle truck and 138,400 pounds for an 8-axle truck. Federal law should be amended to authorize Massachusetts to increase its weight limit for tandem trailer trucks to match New York limits. Furthermore, federal law should be amended to allow both New York and Massachusetts to authorize the use of 53 foot trailers in tandem operations, to reflect modern equipment specifications and state law governing trailer length limits for single trailer operations.

5. Allow Kansas to modify its Interstate highway weight limit to match weight limits on non-Interstate highways

   Kansas law allows heavier trucks to operate off Interstate than is allowed under federal law to operate on the Interstate system. This proposal would allow Kansas to create uniform limits for all highways. Specifically, it would authorize the following weight limits on the state's Interstate system:

   - Any truck may operate on the Kansas Interstate system at a maximum gross weight of up to 85,500 pounds, provided it complies with the federal bridge formula. No permit is required.
   - A truck carrying agricultural commodities may operate on the Kansas Interstate system at a maximum gross weight of 85,501 - 90,000 pounds, provided it is equipped with 6 axles and complies with the bridge formula. A permit is required.

6. Allow Wyoming to modify its Interstate highway weight limit for LCVs to match weight limits on non-Interstate highways

   Wyoming law allows heavier LCVs to operate off Interstate than is allowed under federal law to operate on the Interstate system. This proposal would allow Wyoming to create uniform limits for all highways. Furthermore, surrounding states allow heavier Interstate weight limits, creating regional inefficiencies. Specifically, the proposal would allow LCVs in Wyoming to operate on Interstates above the current 117,000 pound gross weight cap, provided they meet axle and bridge formula requirements.

IX. PROVIDE GRANTS FOR THE ADOPTION AND UPGRADE OF AUTOMATED SIZE AND WEIGHT PERMITTING SYSTEMS

Some commercial motor vehicles and some military vehicles exceed standard size and weight limitations for operating on public highways and must apply for and receive oversize/overweight (OS/OW) permits from the states in which they need to operate. These types of vehicles are uniquely and vitally important to expeditious military and emergency relief operations. However, timely issuance of OS/OW permits across multiple states is inconsistent, even during normal

business hours. Reliability of timely permit issuance is particularly concerning during nights, weekends and holidays when states' offices issuing the permits are generally not open. This results in trucks having to park on the state border, greatly increased cost of service, and adds hundreds of unnecessary miles and critical hours getting to destination with urgently needed supplies.

Some states have successfully addressed this issue by automating their permit-issuing system for OS/OW loads traversing highways that are appropriate for those vehicles. The Federal Highway Administration issued a report, *Best Practices in Permitting Oversized and Overweight Vehicles*, demonstrating that states that automate their OS/OW permitting systems improved highway safety, protected infrastructure, reduced overhead, and increased state revenues. However, mostly due to budget constraints, several states do not have these systems, or their systems are inadequate.

ATA recommends providing federal grants of up to $2 million per state for the purpose of creating or upgrading automated permitting systems. While these expenses are eligible under FMCSA's High Priority Innovative Technology Deployment (ITD) Program, this program is over subscribed. ATA and the Specialized Carriers and Rigging Association propose to set aside funds from the ITD program for automated permitting systems, provided it receives sufficient additional funds to ensure that funding for other important programs is not affected.

ATA supports the following reforms to improve the safety of the trucking industry:

I. ENSURE THE INCLUSION OF ORAL FLUID TESTING AND ANY ADDITIONAL ALTERNATIVE TESTING SPECIMENS INTO TESTING PROGRAMS FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES

In the FAST Act, Congress expanded the Secretary of Transportation's authority on the use of hair testing as an acceptable alternative to urine drug testing. ATA would like to ensure that the use of alternative specimens, such as oral fluid, outlined in HHS federal workforce testing programs, be deemed acceptable for use in testing programs for operators of CMVs.

Legislative Language:
Amend 49 U.S.C. 31306(b)(1)(B) to read:
(iii) to use any alternative specimen for testing outlined by Department of Health and Human Services scientific and technical guidelines.

II. ENSURE THAT MOTOR CARRIERS, IN THE INTEREST OF SAFETY, ARE PERMITTED TO TEST FOR MARIJUANA

In 1987, 16 people died and 164 people were injured in an Amtrak train collision outside the Chase community in eastern Baltimore County, Maryland. That day, the locomotive crew violated several signal and operating rules, and marijuana use was deemed a contributing factor in the crash. In 1991, prompted in large part by the 1987 Amtrak crash, Congress authorized mandatory drug testing for employees in safety-sensitive positions in transportation modes regulated by the U.S. Department of Transportation. ATA believes that in the interest of safety,

to prevent crashes like the 1987 Amtrak crash, motor carriers should be allowed to conduct testing of commercial motor vehicle operators for the use of marijuana.

Legislative Language:
Add to 49 U.S.C. 31306(b)(1)(B):
(iv) to conduct preemployment, reasonable suspicion, random, and post-accident testing of commercial motor vehicle operators for the use of marihuana.

Amend 49 U.S.C. 31306(b)(1)(C) to read:
(C) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol, marihuana, or a controlled substance in violation of law or a Government regulation.

III. ENSURE THAT EMPLOYERS OF EMPLOYEES INVOLVED IN MAINTAINING HIGHWAY SAFETY ARE ALLOWED TO PROHIBIT MARIJUANA USE AS A CONDITION OF EMPLOYMENT

Many states prohibit employers from discriminating against prospective employees solely for medical marijuana use. Additionally, many states are looking to adopt similar employment protections for recreational use and some are looking to eliminate an employer's ability to conduct pre-employment drug tests for marijuana as a condition of employment. However, ATA believes that employers have an obligation to ensure all employees are in a safe working environment free from hazards. Employers understand that to maintain a safe working environment they must maintain a drug-free environment. Due to marijuana's unique metabolic process, the ability to maintain a drug-free working environment for employees involved in maintaining highway safety often includes pre-employment and random drug testing to deter use. ATA supports federal preemption of state laws that prohibit testing for marijuana use in employees involved in maintaining highway safety.

IV. SUPPORT A FEDERAL MANDATE FOR ELECTRONIC CRASH REPORT DATA COLLECTION

In states that have adopted electronic collection of crash reports, many have seen the ability to provide more timely and accurate information to stakeholders. "Real-time" data allows law enforcement and transportation safety professionals to respond more quickly to escalating trends and "hot spots" and helps ensure limited resources are allocated to areas with greatest need. ATA supports federal funding for states to adopt electronic crash report data collection, along with funding support to upgrade existing systems, implement NHTSA's MMUCC data fields and training of staff on new systems.

V. SUPPORT THE DEVELOPMENT OF NEW LARGE TRUCK CRASHWORTHINESS STANDARDS

ATA supports NHTSA, along with the support of FMCSA, to develop ways to improve crashworthiness standards for newly manufactured class 7 and 8 trucks, and a relative scale against which to measure a truck's crashworthiness.

VI. SUPPORT CREATION OF A NATIONAL EMPLOYER NOTIFICATION SYSTEM

An employer notification system (ENS) is a term for programs that allow trucking companies to register their drivers with state licensing agencies which, in turn, notify the trucking company when a truck driver receives a traffic violation, conviction or change in commercial driver's license status. This notification process allows trucking companies to take timely action to address unsafe driving behaviors. Currently, over 16 states have separate and distinct ENS-type programs, in addition to third-party, for-profit companies that offer an ENS program service for motor carriers to enroll in. The Federal Motor Carrier Safety Administration has previously conducted an ENS pilot program and needs statutory authority and direction to establish a national ENS. ATA supports a standardized ENS approach and is advocating a national ENS system.

VII. ENSURE A UNIFIED NATIONAL FRAMEWORK TO FACILITATE THE DEVELOPMENT, TESTING, AND DEPLOYMENT OF AUTOMATED VEHICLES

ATA shares DOT's perspective that the integration of automation across the transportation system holds great potential for improving safety, enhancing mobility and facilitating the movement of freight. ATA supports the development and deployment of automated vehicle technology for all vehicle types. The U.S. transportation industry is in an era of technological evolution that promises increased safety and efficiency for highway vehicles and a safer environment for vulnerable road users. Automated driving systems are peaking in research and development, and are guided through regulatory activities in driving market utilization. It is important to recognize that roads are shared with commercial vehicles and should be included in laws that govern transportation safety and national travel. Bills and regulatory actions that govern the deployment of vehicle technology or fund technology research should not exclude commercial vehicles.

VIII. SUPPORT A NATIONAL STANDARD FOR SURFACE TRANSPORTATION CONNECTED VEHICLE SAFETY COMMUNICATIONS AND DEPLOYMENT OF TRUCK PLATOONING

Much work has been done by the federal government, state governments, research institutions, technical standards organizations, technology companies and vehicle manufacturers to develop national Vehicle-to-Vehicle (V2V) protocols and applications that ensure interoperability for on-road vehicles. NHTSA has estimated that just four V2V applications – which communicate on

the 5.9 GHz spectrum – could avoid or mitigate 89 percent of vehicle crashes, and this will have benefits for all road users. Also, truck platooning that can utilize V2V has increased fuel economy benefits by decreasing the distance of following trucks for improved aerodynamics. Currently, the 5.9 GHz band is reserved for vehicle safety communications, but pending FCC action could result in degradation of V2V technology deployment. ATA supports adoption of V2V and Vehicle-to-Infrastructure (V2I) technology – collectively known as Vehicle-to-Everything (V2X) – for the purpose of improving traffic safety. ATA recommends that Congress should take action to preserve the entire 5.9 GHz spectrum for connected vehicle safety communications for the improvement of transportation safety and efficiency.

IX. INSTRUCT DOT TO GRANT ATA'S PETITION ON AMENDING NATURAL GAS CONTAINER INSPECTION INTERVALS

Current safety standards require a visual inspection of natural gas containers on motor vehicles every 36,000 miles or 36 months, whichever comes first. ATA submitted a petition to NHTSA on April 13, 2016, recommending that the requirement be revised to once every 36 months, with no mileage interval. Commercial vehicles were not considered in this standard and already require an annual inspection to meet DOT compliance, exceeding the time inspection interval. The inspection is extremely burdensome, taking natural gas commercial vehicles out of service for an average of four days a year at an annual cost up to $2,500 per vehicle, affecting up to 175,000 vehicles, according to NGV America. Natural gas vehicles produce cleaner emissions and can be less expensive on fuel costs. Congress has an opportunity to relieve this costly and unnecessary burden by instructing USDOT to initiate a rulemaking.

X. SUPPORT AN INCENTIVE PROGRAM TO EXPEDITE ADVANCED VEHICLE SAFETY SYSTEMS

Vehicle safety systems have improved greatly and are increasingly being developed beyond regulatory requirements. For example, vehicle manufacturers have voluntarily committed to making automated emergency braking (AEB) standard on virtually all automobiles by 2022. ATA supports extending this voluntary commitment to all new vehicles, including trucks, and commends commercial vehicle fleets for choosing to equip collision avoidance systems (CAS), like AEB, improving on-road traffic safety. The FAST Act (Section 5222) requested a Beyond Compliance Program that would reward motor carriers in these areas, which has not been enacted. ATA seeks the deployment of a Beyond Compliance Program and stands ready to work with DOT to create a carrier-based incentive program to expedite CAS technology adoption, and encourages Congress to support enhancing traffic safety in such way.

XI. IMPROVE DISTRACTED DRIVING LAWS AND ENFORCEMENT

Congress should adopt federal distracted driving laws for all vehicles that mirror FMCSA's regulations for commercial drivers. ATA also supports increased funding for law enforcement and detection systems to reduce distracted driving in all vehicles.

XII. SUPPORT THE SWIFT ADOPTION OF FEDERAL GUIDELINES FOR HAIR TESTING

ATA strongly supports the recognition of hair testing as a federally-accepted drug testing method. Hair testing is a validated, proven, effective method for detecting illegal drug use that has been widely embraced by private industry and many governments worldwide. Development of standards by the Department of Health & Human Services (HHS) will pave the way for regulated employers to use this testing method and allow them to identify a greater number of safety-sensitive employees who violate Federal drug testing regulations. Additionally, having hair testing as a recognized alternative drug testing method would give motor carriers the ability to report positive hair test results to drivers' subsequent prospective employers through FMCSA's Commercial Driver's License drug and alcohol clearinghouse.

In 2015, Congress mandated that HHS must develop scientific and technical guidelines for hair testing within one year. HHS missed this deadline and continues to ignore the Congressional mandate. ATA urges Congress to put further pressure on HHS to pave the way toward adoption of this important safety initiative.

XIII. REDUCE THE REQUIREMENT FOR CDL DRIVERS TO INCLUDE 10 YEARS OF EMPLOYMENT HISTORY TO 3 YEARS IN APPLICATIONS FOR EMPLOYMENT

Under statute, motor carriers are required to verify 10 years of employment history for CDL drivers seeking employment. However, motor carriers are only required to verify CDL violations, accident history and drug testing violations from the applicant's previous employers going back three years. This is because this information is often irretrievable after three years. Motor carriers that wish to verify employment status beyond the required three years should be allowed to do so, but, given the dearth of information available and the inefficiency of gathering it, this should not be required.

Legislative Language:
Amend 49 U.S.C. 31303(c)(2) to read:
(2) The Secretary of Transportation shall prescribe by regulation the period for which notice of previous employment must be given under paragraph (1) of this subsection. However, the period may not be less than the ~~10~~ 3-year period ending on the date of the application.

XIV. RECOMMENDED RESEARCH

1. New Large Truck Crash Causation Study (LTCCS) – The Motor Carrier Safety Improvement Act of 1999 (MCSIA) mandated a study to determine the cause of, and contributing factors to, crashes involving commercial motor vehicles. In 2006, FMCSA published a report identifying areas that need to be addressed by effective crash countermeasures. With significant improvements made to the FMCSRs, ATA believes that initiating a new LTCCS would be an effective tool in understanding the increase in large truck involved crashes.

2. Study on Single Vehicle Large Truck Crashes – In 2017, single-vehicle crashes made up 20% of all fatal large truck crashes. However, they accounted for 59% of large truck driver fatalities.

ATA recommends that FMCSA look at the causes of single-vehicle crashes and develop recommendations to reduce the severity.

3. Study on Adaptive Speed Control systems for CMVs – In FMCSA's Large Truck Crash Causation Study from 2006, "traveling too fast for conditions" was cited as the critical pre-crash event 18 percent of the time (weighted estimate). This was the single most frequently cited factor in crashes where trucks were assigned a critical reason. With new technology being adopted on adaptive speed controls, ATA recommends that FMCSA review the potential safety benefits of adaptive speed control systems.

4. GAO Report on FMCSA's Driver Medical Exemption Program for Vision, Hearing, and Seizure standards – FMCSA issues hundreds of driver exemption for vision, hearing, and seizures annually. ATA would like GAO to review FMCSA's exemption program to investigate the safety of drivers that are unable to meet the minimum medical qualifications in §391.41 but have been given an exemption by FMCSA.

5. Study on Automated Detections Systems for Distracted Driving Prohibitions – In 2017, 3,166 people were killed in motor vehicle crashes involving distracted drivers reported by NHTSA. Additionally, NHTSA has reported that it estimates at any given time about 5% of drivers are either visibly holding a device to their ear or visibly manipulating a handheld device. ATA believes that automated detection systems similar to speed or red-light cameras could be deployed nationwide to reduce distracted driving crashes.

6. Study Looking at Operational Factors of Non-internal Combustion Engine Commercial Motor Vehicles – Non-internal combustion engine commercial motor vehicles (NICE CMVs) pose unique challenges to highway safety. ATA would like to recommend a study to look at what safety standards and regulations are unnecessary for NICE CMVs; what challenges for first responders in identifying and controlling NICE CMV incidences, and how lower levels of NICE CMV sound impact drivers and the surrounding environment

7. GAO Report on State Highway Safety Data and Traffic Record Systems – Federal statute requires states certify that "an assessment of the State's highway safety data and traffic records system was conducted or updated during the preceding 5 years" to qualify for a State traffic safety information system improvements grant, per. 23 U.S.C. §405(c). ATA recommends GAO assess whether state traffic records system are complete, accurate, and timely traffic safety data is collected, analyzed, and made available. Additionally, GAO should review the process for states self-certifying their programs.

ATA supports the following reforms to reduce the trucking industry's environmental footprint:

I. ESTABLISH FINANCIAL INCENTIVES FOR INSTALLATION OF EMISSIONS/FUEL REDUCTION EQUIPMENT

ATA strongly supports the goal of reducing carbon emissions, achieving cleaner air by reducing idling, and promoting energy conservation technologies for heavy-duty on-road diesel vehicles.

The trucking industry consumed 39.2 and 15.7 billion gallons of of diesel and gasoline respectively in 2017. To expedite the purchase and integration of all energy conservation technologies, ATA supports measures to make such equipment affordable to all fleets in the way of tax credits and the elimination of federal excise taxes on such purchases.

II. ALTERNATIVE FUEL INFRASTRUCTURE BUILD-OUT INCENTIVES

In order to expand the nation's alternative fueling infrastructure build-out for the use of cleaner-burning fuels, ATA supports federal tax incentives for this infrastructure to help expedite the introduction and deployment of new truck engine technologies.

III. ALTERNATIVE-FUELED VEHICLE PURCHASE INCENTIVES

The development and deployment of zero and near-zero emission trucks have the potential to significantly reduce the industry's carbon footprint and overall emissions profile. However, these new vehicles can be significantly more expensive to purchase. To help expedite the introduction of these next-generation vehicles, ATA supports federal tax credits and other innovative funding mechanisms to help transform the future of goods movement in the trucking sector.

IV. SUPPORT REAUTHORIZATION AND ADDITIONAL FUNDING FOR THE DIESEL EMISSIONS REDUCTION ACT

The Diesel Emissions Reduction Act (DERA) provides grants and rebates to incentivize equipment and vehicle owners to install retrofit technologies on existing heavy-duty diesel vehicles and engines, or replace engines and equipment, reducing emissions, often by more than 90%. EPA has estimated that from 2009 to 2013 the program upgraded nearly 73,000 vehicles or pieces of equipment and saved over 450 million gallons of fuel. This reduced total lifetime emission reductions by 14,700 tons of particulate matter (PM) and 335,200 tons of oxides of nitrogen (NOx) and yielded up to $12.6 billion in estimated health benefits.

Because of the long-lived nature of diesel vehicles and equipment, particularly heavy-duty off-road equipment, more than two-thirds of the legacy fleet in the U.S. still does not meet the most current emission reduction standards adopted in 2010 or later, even though they met the standards in effect when the equipment was sold. Since implementation, DERA has become one of the most cost-effective federal clean air programs. EPA's most recent estimates are that every $1 in federal assistance is met with another $3 in non-federal matching funds, including significant investments from the private sector, and every federal dollar generates between $5 to $21 in health and economic benefits. ATA seeks reauthorization of DERA through 2024 and requests annual funding levels of $100 million, in order to to continue the significant health and environmental gains achieved under this program.

Legislative language: See S. 747

ATA supports the following reforms to address the trucking industry's shortage of qualified drivers:

I. GIVE YOUNGER DRIVERS THE OPPORTUNITY TO CHOOSE A CAREER IN TRUCKING

ATA supports lowering the minimum age requirement for interstate truck driving from 21 to 18—but only for qualified apprentices that satisfy the 400 hours of supervised training and vehicle safety technology requirements spelled out in the DRIVE Safe Act, as well as the new training requirements of the Entry-Level Driver Training Rule that will take effect in 2020. Driver training and vehicle safety technologies have advanced by several orders of magnitude since the current minimum age requirement was promulgated decades ago. Meanwhile, 6.4 million Opportunity Youth in this country are neither employed nor in school, even as the nation is short 50,000 truck drivers. An update to the minimum age requirement is well over-due.

Legislative Language: See DRIVE Safe Act: S. 569, H.R. 1374

II. ELIMINATE UNNECESSARY BARRIERS FOR OUT-OF-STATE DRIVER CANDIDATES

ATA supports an increase in the CDL Improvement Grant Program by an amount necessary for states to implement changes to their IT systems so that states can better serve the growing number of driver candidates who receive training outside their state of domicile. This will allow drivers to (1) complete all training; (2) take all necessary tests; and (3) obtain all necessary credentials in one state– without having to travel back to their home state. Currently, out-of-state trainees have to travel back to their home state every time they pass either the CDL knowledge test or the CDL skills test just to obtain the basic occupational licenses necessary to launch their trucking careers. This imposes unnecessary financial burdens on those who can least afford it and exposes them to skills degradation.

III. ELIMINATE SKILLS TEST DELAYS FOR CDL APPLICANTS

ATA supports incentivizing states to administer the CDL skills test within 7 days of application or utilizing 3rd party testers. A low unemployment rate and the stigma surrounding blue-collar work makes it difficult enough to recruit drivers into the trucking industry. States that make applicants wait up to two months to take their skills test contributes to this problem by discouraging applicants from following through. It also invites skills erosion.

IV. SUPPORT RESEARCH ON THE WORKFORCE IMPACTS OF AUTOMATED VEHICLES

Automated and connected vehicle technologies have the potential to dramatically impact nearly all aspects of the trucking industry. These technologies can bring benefits in the areas of safety, environment, productivity, efficiency, and driver health and wellness. Automated

driving technology is the next step in the evolution of the safety technology currently available, and will help to further improve driver safety and productivity, as well as the safety of other motorists and road users. Automated technology comes in many levels that will assist the driver and in some cases, handle the driving task. The application of automated and connected vehicle technology in the trucking industry will center on solutions in which there remains a role for drivers, recognizing the duties and requirements drivers have beyond operating the vehicle.

For these reasons, ATA supports the commonsense adoption of automated vehicle technology and data-driven efforts to better understand and optimize the potential benefits of this technology for the American workforce. While we recognize that the widespread adoption of these technologies is at least 25 to 30 years away, ATA supports increased research that will better equip policymakers and regulators with more data to prepare the next generation of American workers for the future of work in trucking and transportation.

Additional Issues:

I. ORDER A GAO STUDY TO ASSESS COMPETITIVE CONDITIONS AT PORTS AND THE EFFECTS ON INTERMODAL CHASSIS

ATA is concerned about commercial activities around ports that impact American workers, companies and the families and businesses supplied by global trade. Foreign shipping companies that move containers between foreign and US ports operate with limited antitrust immunity to allow for the smooth flows of trade in a complex, multimodal operation. There are many examples of unreasonable commercial behavior by some of these foreign shipping companies, dictating equipment and non-negotiable pricing of equipment and activities to American trucking companies who haul containers from ports that employ thousands of workers. In some ports, there are reports of some foreign shipping companies forcing American trucking companies to use a designated chassis provider at a non-negotiable cost and non-negotiable interchange terms. This example of a lack of competitive market also reduces the incentive for chassis leasing companies to maintain the most safe and roadworthy equipment for the motor carriers that are forced to lease it at a price they can't negotiate.

ATA urges Congress to order a General Accountability Office study of competitive conditions in ports and the fees charged to American trucking companies for chassis used to move foreign shipping company containers. It should include analysis of the market for chassis, "street turns," per diem fees, and demurrage. This example of a lack of competitive market not only arbitrarily raises supply chain costs with no offsetting benefits, but also reduces the incentive to equip the chassis with the latest safety technology including radial tires, LED lights, and anti-lock brakes. This report should be made to Congress within 180 days of enactment."

II. IMPROVE INFRASTRUCTURE AT PORTS OF ENTRY

Land Ports of Entry (POEs) along the northern and southern borders are in dire need of repair, upgrades, and additional infrastructure to accommodate increasing commercial traffic between the U.S., Mexico, and Canada. Since the enactment of the North American Free Trade

Agreement (NAFTA), border crossings have increased dramatically, and in 2018, there were nearly 12.2 million truck entries combined on the Canadian and Mexican borders. Moreover, trucks haul 84% of all surface trade with Mexico and 67% of all surface trade with Canada. Existing POEs are, on average, over 40 years old and were not constructed with the foresight to support and facilitate this significant amount of cross-border traffic. Moreover, most POEs along the U.S. land border with Mexico and Canada were built to support the distinct and independent operations of pre-Department of Homeland Security components, such as the Customs Service; the Animal and Plant Health Inspection Service; and the Immigration and Naturalization Service. As a result, many POEs feature insufficient or outdated infrastructure that make it difficult for U.S. Customs and Border Protection (CBP) to deploy necessary, modern security technology or to deploy sufficient personnel to move people and goods in a timely manner.

Improvements are desperately needed at POES along our northern and southern land borders to enhance trade facilitation and to reduce wait times. Examples of necessary enhancements include:

- Construction of additional commercial lanes (HTF)
- Renovations for aging bridges that support commercial motor vehicles (HTF)
- Redesigning existing commercial lanes to improve efficiency (HTF)
- Construction of bypass roads to reduce commercial traffic (HTF)
- Infrastructure modifications to ensure the accessibility of Free and Secure Trade (FAST) lanes for Customs-Trade Partnership Against Terrorism (C-TPAT) participants (HTF)
- Infrastructure to connect highways with POEs (HTF)
- Technology that can be adapted to handle more volume, increase efficiency, and improve accuracy of detection efforts (GF)
- Construction of additional facilities to enable Customs and Border Protection (CBP) and other Partner Government Agencies (PGAs) to carry out the functions of commercial operations, including accepting entries of merchandise, collecting duties, and enforcing the customs, immigration, and trade laws of the United States (GF)

HTF: Funded from the Highway Trust Fund
GF: Funded from the federal General Fund

While SAFETEA-LU set aside money for many of these types of projects, Section 1437 of the FAST Act simply made border infrastructure an eligible expense under the Surface Transportation Block Grant program. Given the clear needs and federal interest in ensuring the efficient flow of people and goods across our land borders, ATA recommends restoring a dedicated funding program, with money apportioned among the northern and southern border states.

ATA opposes the inclusion of the following items:

1. *Language creating a mandatory vehicle miles traveled (VMT) fee or truck-only VMT fee.* These types of fees require substantially more testing before they can be implemented on a widespread basis.
2. *Expanding the authority to toll Interstate highways.* Tolling existing Interstate highways causes significant problems related to traffic diversion to alternative routes, including greater

crash risk, congestion and additional maintenance costs. It also has significant negative consequences related to environmental justice.

3. *Incentives to encourage highway asset recycling (i.e. the lease or sale of public highways and bridges).* Asset recycling is an abusive practice that forces motorists on the affected highway to subsidize projects and programs from which they derive little or no benefit.
4. *Devolution of federal responsibility for highway funding*. The federal government provides an average of 50% of states' highway capital budget, and this revenue cannot be easily replaced. The federal government has a constitutional and practical duty to ensure that highways, which are the conveyor belts for 70% of the nation's freight, effectively meet the country's interstate commerce requirements.
5. *Expanding the eligibility of Highway Trust Fund funded programs to additional non-highway projects*. The vast majority of both people and freight move on the highway system and pay federal highway user fees for that privilege. The user pays, user benefits concept should not be degraded by siphoning HTF revenue for additional non-highway purposes. Furthermore, the percentage of HTF revenue that is dedicated to non-highway projects or programs should not increase.
6. *Rolling back weight and dimensional limits*. Reducing the capacity of trucks would increase the number of trucks on the road. This would create additional crash exposure, increase congestion and emissions, and make everything shipped by trucks more expensive.
7. *Underride Guard industry-wide mandate (See STOP Underrides Act)*. Underride guard mandates seek to address a certain type of truck-involved accident through a highly prescriptive industry-wide mandate, ignoring the diversity of our industry and potential technical issues, as well as the other technologies that exist for addressing these and other crashes, such as automatic emergency braking, camera monitoring systems, and adaptive turning assist.
8. *ELD Exemption Language (See Small Carrier ELD Exemption Act, Ag Business ELD Exemption Act).* Electronic Logging Devices (ELDs) have not changed the hours-of-service (HOS) rules that have been in place since the early 2000's. The requirements for how long a driver may operate a commercial vehicle, or the minimum amount of time a driver must be off-duty, have not changed, nor have the requirements for when a driver must rest. The argument that an ELD does not allow a driver to rest when tired is simply false, as the device is merely a recordkeeping method to ensure the accuracy of a driver's HOS.
9. *Changes to HOS not grounded in safety and data (See TLAASA)*. HOS changes should be based on safety data that demonstrates the change will create a level of safety that is equal to or greater than the level of safety that currently exists. Changes that lack the proper data supporting a safety benefit should not be considered.
10. *Removal of new trailer fuel consumption requirements under the December 2016 EPA/NHTSA Phase 2 Greenhouse Gas Emissions and Fuel Efficiency Standards* (Phase 2). USDOT determined that trailers pulled by combination tractors are part of a vehicle and are within its authority to regulate for fuel consumption. Beginning in 2021, new trailers will be subject to NHTSA standards for fuel consumption for the very first time and see increased stringency levels in both 2024 and 2027. ATA member fleets assisted in the development of the Phase 2 trailer standards and seek to ensure full implementation of such requirements.