



Owner-Operator Independent Drivers Association

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The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
456 Dirksen Senate Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
410 Dirksen Senate Building
Washington, DC 20510

Chairman Carper and Ranking Member Capito,

Since 1973, the Owner-Operator Independent Drivers Association (OOIDA) has been advancing and protecting the rights of small-business motor carriers and professional drivers. OOIDA is a critical stakeholder for all issues affecting trucking, with a unique focus on those directly impacting small-business truckers. The Highway Bill Reauthorization process presents fresh challenges and opportunities for the trucking industry and OOIDA is eager to work with the Committee on Environment and Public Works on policies that matter most to professional drivers. Among OOIDA's top priorities are:

Truck Parking

The national shortage of truck parking is a highway safety crisis. To begin to solve this worsening problem, Congress must dedicate federal funding to increase parking capacity. The U.S. Department of Transportation (USDOT) and numerous states have studied this issue extensively and consistently concluded there is a shortage of parking in every corner of the country. Most recently, the Federal Highway Administration (FHWA) released the results of its 2019 Jason's Law Survey that examined the truck parking shortage nationwide. This was an update to FHWA's 2015 report on the same issue, and it confirmed truck parking shortages are still a major problem in every state and region. Not only that, but the report found that the growth of truck vehicle miles traveled has outpaced the expansion of truck parking. The current trajectory is clearly unsustainable and increasingly unsafe.

Truck drivers need access to safe parking to rest when they are tired and to take mandatory breaks required by federal hours-of-service regulations. If truckers are unable to find a safe and legal space, they are too often forced to either park in a hazardous location such as a highway shoulder or vacant lot, or continue driving while they are possibly fatigued or in violation of safety regulations. Not only do these no-win situations risk the safety of professional drivers, they also create dangers for the motoring public.

Federal funding may already be used to expand parking capacity under current law, but hardly any states have utilized these resources because parking projects are forced to compete with other highway priorities. By setting aside highway funding for the exclusive use of truck parking capacity expansion, Congress can begin to address the crisis.

OOIDA has worked with our industry partners and members of the U.S. House of Representatives to introduce the *Truck Parking Safety Improvement Act*, a bipartisan proposal that would devote \$755 million for truck parking projects over five years. This bill has broad support among trucking, law enforcement, logistics, safety and highway user organizations. We encourage your Committee to include this important proposal in your surface transportation reauthorization.

Truck Size & Weight/Twin 33s

Increasing the federal gross vehicle weight limit above 80,000 pounds would not only diminish safety and accelerate the deterioration of highway conditions, but would also have a dramatic impact on small trucking businesses who would have to modify their equipment at great cost just to remain viable, with virtually no return on their investment. Various USDOT studies have revealed crash involvement rates for vehicles configured with a sixth axle to carry 91,000 pounds were consistently higher than the rate for five-axle control trucks.

Furthermore, allowing longer combination trailers, known as ‘twin 33s’, on our roads would only benefit a handful of large corporate motor carriers, but would have a negative impact on safety, infrastructure, and the rest of the trucking industry. Permitting trucks to operate in larger combinations would have immediate economic implications for small trucking businesses, who would be pressured to increase their hauling capacity just to stay competitive. Unlike specialized or large carriers, who either possess the necessary equipment or could transition their fleets over time while maintaining business, smaller trucking companies and owner-operators would be forced to immediately modify their equipment at great cost.

Unfortunately, previous weight and length configuration increases have demonstrated bigger trucks don’t lead to higher paychecks for professional drivers. At a time when Congress must address crumbling infrastructure and declining revenues to the Highway Trust Fund (HTF), you should not be taking steps that would make it more difficult to address these problems.

Funding

User Fees - Due to the vast resources needed to adequately update and maintain our highways, we support efforts to increase dedicated HTF revenues. Professional drivers continue to favor the current user fee structure and prefer reasonable increases to the federal gasoline and diesel fuel taxes. These user fees are the most equitable and efficient means for supporting our nation’s highway needs.

Vehicle Miles Traveled (VMT) - There are many unanswered questions about the implementation and administration of a national VMT program. Our members have experienced excessive operating costs in states that currently have VMT taxes. OOIDA is open to further discussion about VMT and other possible alternative HTF funding methods, but any proposed system must be fair, efficient, and take the concerns of small-business truckers into account.

Most importantly, any VMT proposal to fix the HTF must **not** be limited to commercial motor vehicles. Truckers already pay more than their fair share into the HTF and any VMT system must not single out truckers. Not only is our industry currently paying more than its fair share, a report by the Congressional Budget Office (CBO) found HTF revenues derived from motor carriers through the heavy-vehicle and tire taxes will increase from 2019 to 2029.¹ Between the current diesel tax and these supplemental taxes that other highway users do not pay, the trucking industry is estimated to increase its contributions to the HTF over the same period of time.

Implementing a truck-only VMT is also nowhere near as simple as some proponents have claimed. Current law prohibits the use of Electronic Logging Devices (ELDs) for anything other than monitoring hours of service.

¹ CBO, Issues and Options for a Tax on Vehicle Miles Traveled by Commercial Trucks (2019).

Furthermore, many trucks are not required to use ELDs because of either industry or operational exemptions – some put in place by Congress. To implement a truck-only VMT, Congress would need to dramatically increase the mandated use and scope of ELDs.

Truckers have always been willing to pay more into the system, but they refuse to be singled-out. The inclusion of a truck-only VMT in the next highway bill will be the legislation's ruin.

Tolling - OOIDA has consistently opposed any federal expansion of tolling policies. Research has shown that tolling is an extremely wasteful method of funding compared to fuel taxes. Additionally, toll roads consistently fail to meet revenue projections, creating unanticipated funding shortfalls, inevitable rate increases, and traffic diversion to non-tolled routes. As the Committee prepares its bill, it must not include Section 1404 from the America's Transportation Infrastructure Act (ATIA). This section would provide grants out of the HTF to implement congestion tolling programs. These congestion programs would lead to the tolling of existing highways, which amounts to double taxation for truckers, who have already paid in to the HTF through the diesel fuel tax and other industry-specific fees. We fail to see why a state or locality should receive HTF money to implement a system that charges new fees on truckers.

Diversion of HTF Resources - ATIA also included numerous provisions that would divert funding from the HTF to climate change and other non-road and bridge programs. The beneficiaries of these programs will be those who do not currently pay in to the HTF. As the HTF is already suffering from a lack of adequate and sustainable funding, it is unconscionable that Congress would divert resources away from activities that benefit the limited number of users currently paying in to the system.

Auto Transporters

We support clarifying the federal definition of a traditional automobile transporter. In 2004, FHWA incorrectly required that to be considered a traditional automobile transporter, the power unit (i.e. the truck) must be capable of carrying cargo. That interpretation isn't supported by legislative and regulatory history, and FHWA itself has no record as to why this change was made via agency guidance.

As mentioned earlier in this document, we strongly oppose bigger/heavier trucks. Some have erroneously categorized our efforts to clarify the definition of an automobile transporter as a push for bigger/heavier trucks, but that's an inaccurate assessment and certainly not our goal. We are simply working to address an incorrect agency interpretation of a rule that dates back to the mid 1980's that has unnecessarily created a new regulatory burden on a small segment of the trucking industry. In your surface transportation reauthorization, we encourage the Committee to include the contents of legislative proposals OOIDA championed in the U.S. House of Representatives last year that would properly remedy this problem.

We look forward to working with the Committee as the reauthorization process continues.

Thank you,



Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.

cc: Members of the Committee on Environment & Public Works