Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

Statement of

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Transportation and Infrastructure

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Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations

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Introduction

Good morning Chairman DeFazio, Ranking Member, Representative Duncan, and members of the Subcommittee. I am John Harrison, President of the Commercial Vehicle Safety Alliance (CVSA) and Captain with the Georgia Department of Public Safety.

CVSA is an international not-for-profit organization comprised of local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada, and Mexico. Our mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. Our goal is uniformity, compatibility and reciprocity of commercial vehicle inspections and enforcement activities throughout North America.

Chairman DeFazio, thank you for calling this important hearing and inviting CVSA to testify on issues relating to truck size and weight issues. We appreciate your consideration of the enforcement aspects of truck size and weight. With approximately 180 million commercial vehicle weighings each year in the United States, and 3.3 million roadside inspections of commercial vehicles, we represent a large constituency whose comments need to be considered in order to have an effective size and weight program.

In my testimony today I will discuss enforcement and safety issues relating to existing truck size and weight regulations, as well as to offer some of our views on a path forward as we will shortly enter into discussions regarding the Reauthorization of the transportation program.

Even though I am a Captain and have a number of employees under my command, I maintain my CVSA Certification to conduct North American Standard Roadside Inspections. I work out in the field with the troops on a daily basis. From my perspective, if I am to be effective and have credibility within the ranks, this is something I need to do.

Size and Weight Enforcement Issues that Exist Now with Existing Size and Weight Limits

The enforcement of truck size and weight limitations has been a long-standing obligation of the states, performed in conjunction and with the assistance of the Federal Highway Administration (FHWA). Traditionally, the enforcement aspects of truck size and weight have been viewed through the prism of infrastructure protection and preservation. While CVSA supports this belief and view, we also believe more emphasis needs to be placed on the safety performance of vehicles, drivers and motor carriers who operate larger vehicles—and more specifically and importantly—those who choose to violate the law and operate vehicles in excess of the size and weight limitations.

Without question we understand the need to protect and maintain our nation's highway infrastructure—and want to continue our compliance and enforcement efforts in this

regard. However, we are also committed to compliance and enforcement efforts that not only ensure the protection of our infrastructure, but also ensure the safety of those vehicles and drivers traveling on our highways. Since a majority of fatalities associated with large-truck related crashes are multi-vehicle crashes between large trucks and 4-wheelers, we need to consider policies, regulations, activities and enforcement that are consistent with assessing and taking action to mitigate risk where it is most needed, while at the same time making sure we understand and can take positive actions to account for the "unintended consequences."

The FHWA has safety as a core component of its mission, and we want to make sure that it remains so as a part of its truck size and weight program. It is our firm belief that oversize and overweight commercial vehicles present safety hazards on our roadways. We are pleased to learn that FHWA is undertaking a study to help further define this highway safety risk.

From 2005 through 2007, the Motor Carrier Management Information System (MCMIS) maintained by the Federal Motor Carrier Safety Administration (FMCSA) indicates there were 892,724 commercial vehicle size and weight violations cited by roadside inspectors. These data were for those situations where a driver/vehicle inspection report was completed and uploaded to the MCMIS database. This number represents 13.37% of the total number of violations cited during driver inspections over this time period and ranks number 2 on the list in terms of the most oft-cited violations. What is not known is how or if these data correlate with other motor carrier, driver and vehicle safety and performance problems and crashes. Through our members' experience in the field, anecdotally we believe that it does. Before any significant decisions are made with modifying truck size and weight limitations, we believe there needs to be a better understanding of the efficacy of the enforcement regime, and more importantly, if there is a correlation of oversize/overweight vehicles and their performance with increased crash risk and consequences. As an added benefit of linking size and weight violations with safety consequences, a provision could potentially be added to the *North American Standard Out of Service Criteria.* The end result of this action would permit law enforcement officers throughout North America to place a vehicle out of service for a violation of size and weight limitations, therefore having it affect the motor carrier's safety rating and/or SafeStat score.

We also understand and appreciate the size and weight issue has many facets to it. We hope that the DOT and its appropriate agencies will examine all of these details as it moves forward in preparation for reauthorization—making sure that safety is a critical consideration.

CVSA is not necessarily against the possibility of increasing truck sizes and weights in certain cases/situations; however, if we are to support them there MUST be at the minimum an equivalent level of safety established. In particular, there are several specific safety issues that would concern us with respect to increasing sizes and weights:

1. The potential increases in stopping distances that would likely result, and how the performance of other vehicle components will be affected;

2. How size and weight increases to carrying capacity will impact performance as it relates to manufacturer weight ratings (i.e. we do not want people overloading vehicles further than what they were designed for);
3. We already have issues and compliance problems today with load securement, and there continues to be a large number of crashes related to this issue – how would size and weight increases impact on this;
4. Adding axles—while in concept this is helpful to spread the load to more locations, but in practical terms we have concerns (today) with air axles (i.e. putting not enough air or too much air as it hampers vehicle stability and performance) and lift axles that have the potential of being exacerbated with an increase to truck sizes and weights; and
5. While we are not experts on the infrastructure-related issues, we wonder what the impact of increasing truck sizes and weight would have on the bridges in our country. It is well documented that many of our bridges are in need of significant maintenance and upgrade, and the obvious question arises as to whether increasing truck sizes and weights will add to these concerns.

In addition to the safety issues above, there MUST be adequate resources made available to the enforcement agencies so they are able to monitor compliance and take enforcement action when warranted.

We also believe if FHWA is able to establish a strong safety nexus to size and weight enforcement, it will help the state enforcement agencies make their case for receiving their full measure of support and resources (state and federal funding) from the state Departments of Transportation to carry out their enforcement efforts. While a number of state enforcement agencies do receive the FHWA funding and support through their state DOTs for this effort, others have difficulty in making the necessary agency linkages for such funding support. If FHWA establishes a stronger safety component, it will foster closer ties between the state motor carrier safety enforcement agency and the state DOT. This should substantially help in resolving this problem in those states, as well as any future problems should they arise. As a final point related to resource issues, one of the major cost items for size and weight enforcement is labor. We are hopeful that as efforts move ahead to reauthorize the federal truck size and weight program that this will be taken into consideration concerning the state enforcement agency's funding needs.

One of the largest challenges with existing truck size and weight policies and regulations is the lack of uniformity from state to state, and sometimes even within states. This can often times translate into challenges for enforcement, and it certainly makes life more difficult for industry to maintain compliance. In addition, there are a variety of exemptions and special permits all across the country, which also creates difficulties for enforcement and industry compliance. Many of these programs have varying requirements associated with them. As an example, some states require pilot car escorts with certain types of loads. Some states require law enforcement officials to escort the load. Some states do not require escorts. All of these varying requirements also result in different fees from jurisdiction to jurisdiction for the permitted loads. The lack of uniformity creates major difficulties for enforcement as it is nearly impossible for any

single agency to have knowledge of all the various state and/or jurisdictional size and weight exemptions and permit requirements for interstate movements.

It is our view that there needs to be a stronger federal role in facilitating a framework for research, policy and performance based regulations and the enforcement for truck size & weight operations on the Interstate portion of the National Highway System. Except under extreme circumstances, states and municipalities should not be permitted to provide exemptions or exceptions for inter OR intrastate operations on this portion of the National Highway Network. We also believe more study needs to be completed on the non-interstate portions of the National Highway System because there are similar infrastructure and safety concerns on these sections of roadway. In fact, the large truck-related crash data seems to indicate that are larger proportion of fatality crashes occurring on non-interstates. Many of our member enforcement agencies are seeing increases in truck size and weight violations on these sections of roadways.

In part as a result of these safety concerns, there is a gradual shift of resources whereby more enforcement resources are being deployed on the non-interstates. In addition, many states are developing and deploying “virtual weigh stations” to help expand their enforcement footprint. These systems vary from the simplistic to the complex, but in effect are a technology or a suite of technologies that allow for the unmanned identification, monitoring and weighing of commercial vehicles. As a result of this interest at the state level, FHWA is in the process of conducting a study to investigate how various technologies can be combined and deployed to enhance the efficiency and effectiveness of states’ truck size and weight enforcement programs, as well as to recommend strategies to encourage the deployment of roadside technologies to improve truck size and weight enforcement. We are looking forward to the results of this work in the hopes that ultimately more resources can be devoted towards providing a “force multiplier” effect to enhance the enforcement presence and effectiveness on all sections our highways.

Political and Policy Issues Relative to Increasing Truck Size and Weight Limits

There has been no significant change in federal size and weight law since 1982 except for the 1991 freeze on longer combination vehicles. However, since 1982 there have been many changes in freight movement that are also related to truck size and weight such as significant growth in freight traffic, changes in freight characteristics and movement patterns, just-in-time delivery, global economics and trade, intermodalism, economic deregulation, enhanced safety and enforcement programs and truck equipment advances. In addition, there has been a tremendous movement in the adoption of technology (in industry and government), data availability and analytical capabilities and performance-based program development and delivery. Given the above, as well the current landscape, it is clear that we need a more comprehensive approach in the United States to truck size and weight policy.

We understand that there are a series of legislative actions on this issue being considered at the federal and state levels. This certainly is nothing new. The problem that exists today is due to the fact that we have had a patchwork of regulations, exemptions and permit programs for decades. We cannot allow this to continue. We MUST gain a better understanding of the true impacts that truck size and weight have to all aspects of our transportation system. We also need to further examine the various oversize/overweight exemptions and permit programs to evaluate their costs and benefits. The more variety there is in regulations and permit programs, the more difficult the task for enforcement to monitor compliance, initiate effective enforcement actions and levy appropriate sanctions.

Therefore, we do not support enacting any significant legislative or regulatory changes until such time as we have a more uniform, methodical and science-based approach to evaluating the safety, infrastructure and environmental costs and benefits. To this end, we fully support the recommendation referenced in *Transportation Research Board Special Report No. 267: Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles* which discusses the creation of a Commercial Traffic Effects Institute (CTEI). The work that would fall under the mandate of this organization would help guide and develop a more comprehensive, rational and equitable national freight policy that will aid decision makers in making more sound and objective judgments with regards to truck size and weight issues. It will also aid in establishing more transparency and accountability throughout the system.

As noted in TRB Special Report 267:
"*Congress should create an independent public organization with a charter to observe and evaluate commercial motor vehicle performance and the effects of size and weight regulation. This organization, referred to here as the Commercial Traffic Effects Institute, would be chartered to develop federal size and weight standards and related highway management practices, recommend regulatory changes, evaluate the results of the implementation of new regulations, and support state implementation of federal regulations. The Institute would be authorized to enter into agreements with private sector entities to conduct joint programs of data collection, research, and evaluation. Three considerations demonstrate the need for a new organizational arrangement. First, under present practices, federal size and weight policy has been deadlocked for more than a decade, in spite of general dissatisfaction with the regulations. Second, under the present system, regulatory changes that have occurred have been enacted without benefit of objective analysis or full public comment. For example, no new federal size and weight regulation has ever been subjected to a conclusive follow-up evaluation, and virtually no new information has been produced in the past decade that would help resolve the question of the safety effects of regulatory changes. Third, the committee's recommendation for a new system for federal supervision of state permitting calls for federal oversight functions that are not consistent with the responsibilities and competencies of any existing federal agency*."

We believe that the Institute, if constructed and operated properly and provided with adequate resources, would help to serve as an independent body to provide helpful and needed guidance to government and industry on this very complicated and important

issue that is so vital to safety of the traveling public as well as the future competitiveness of the U.S. in the global marketplace.

In a 2006 TRB paper (Attachment 1) submission by Fekpe, Gopalakrishna, and Woodrooffe, they presented a conceptual framework for a federally supervised, state-administered, performance-based oversize and overweight permit program for the operation of heavier and larger vehicles on the public highways. The structure of the permitting system is based on experiences and practices in implementing performance-based systems in Australia, Canada, New Zealand, and the United States. Conceptually, the framework consists of three main interrelated components: administrative, enforcement, and evaluation systems. The administrative system would be comprised of several elements directed at establishing the requirements, standards, and administration of the permitting system. The enforcement system would include regulations, special conditions, education or communication to the industry, effective fines or penalties for violators, and adjudication. The enforcement system will periodically generate records indicating carrier compliance or non-compliance with the terms and conditions of permits and the frequency of these events. The evaluation system defines the data and processes to ensure that the permitting system is continuously evaluated. The results of the evaluation are necessary for revising the performance standards, limits, and conditions for the permitted vehicles. The challenge is enforcement of the performance-based, oversize/overweight, permitting system. Periodic re-assessments of permitted vehicles in addition to continued roadside enforcement of operating conditions is recommended. We believe that a system similar to the one offered through this paper could be instituted by the CTEI as a potential approach to a performance-based system for improving the management, operation and safety performance of oversize/overweight commercial vehicles in the United States.

With respect to the pilot study recommendation provided for in TRB Special Report 267, we would suggest the following factors be considered if that recommendation is to be pursued:

1. Make sure the sample is science-based and that (to the extent possible) the results can be shown to be statistically significant;
2. Select companies with a proven track record of superior safety performance;
3. Ensure there is a control group in order to help assess and measure the efficacy of the pilot vehicle configuration(s) and performance;
4. Ensure that the drivers are trained, tested and competent at operating the vehicles they will be driving and have clean driving records;
5. Ensure that the drivers of the pilot vehicles are operating them on sections or roadways that they are familiar with;
6. Make sure the pilot vehicle size and weight configuration(s) do not put additional stress on the bridge structures than the current bridge formula allows;
7. Employ computer modeling and validation testing of pilot test vehicle configuration(s) prior to initiating the pilot vehicle(s) into operation on the roadways;
8. Consider the establishment of truck-only lanes and/or time of day restrictions to confine the use of heavier trucks to these lanes and limit their interaction with smaller vehicles;

9. Require that the pilot vehicles install all 4 of the truck technologies contemplated in HR 3820 (collision warning systems, lane departure warning systems, vehicle stability systems and brake monitoring systems);
10. Provide consideration for time of day operational limitations;
11. Require vehicle monitoring systems to record and measure performance data;
12. Instrument vehicles and roadways to measure impacts on the infrastructure;
13. Require periodic vehicle inspections to evaluate the impacts on the condition of performance of the pilot vehicles;
14. Consider limitations on length or travel and/or adjustments to driver hours of service requirements to minimize the potential for fatigued operators;
15. Consider allowing the pilot vehicles only on sections of roadway that are major freight corridors;
16. The federal government should be charged with creating and managing the performance standards, evaluating performance and establishing federal sanctions for non-compliance, while the state governmental agencies should be charged with administration and enforcement of the program;
17. Evaluate the compliance and enforcement resources necessary to adequately monitor compliance in the event the result(s) of the pilot would become national standard(s); and
18. Conduct a comprehensive cost-benefit evaluation and to build what works from the pilot studies into national performance-based standards.

We also believe there is merit to the idea of establishing (in certain locations and circumstances) dedicated truckways for commercial vehicle operations. As previously mentioned, since many large truck crashes are multi-vehicle crashes involving smaller vehicles and the fact that many crashes occur off the interstate system, we believe the notion of dedicated highway facilities for trucks is worth further exploration. From a safety perspective, there seems to be obvious benefits to this concept.

Summary

There are fundamental issues that exist now with the existing size and weight limits that need to be resolved before we can begin a rational discussion of issues relating to increasing truck size and weight limitations.

Uniformity in regulation, policy and enforcement at the state and federal levels are critical issues that need to be adequately addressed in any consideration that is given to the truck size and weight issue.

Safety considerations are as critical as infrastructure preservation when it comes to truck size and weight, and we need to improve upon our understanding of the safety issues and their operational impacts.

We believe that it is possible to resolve a number of the institutional issues through improved coordination and cooperation between the FHWA, FMCSA and the state DOTs and enforcement agencies.

Recognizing the ever increasing traffic congestion on our highways, the projections for growth of truck traffic over the next decade, and the need to develop more efficient means of hauling freight due to the energy crisis that has captivated the country—we believe a comprehensive and structured process that involves all affected parties must be put in place to examine this issue from all angles in a more objective and systemic manner. This is not a short term issue, and taking a piecemeal approach whether it is through state or federal legislation or policy in our estimation is a short-sided view that does not take into account the breadth of this challenge. While we certainly appreciate the fact that the rising cost of energy is front and center, we cannot sacrifice safety and the future quality and performance capabilities of our transportation system.

Thank you again for the opportunity to be here with you today. We look forward to working with the Subcommittee and the full Committee as you move forward in your deliberations on this issue as well as during the pending reauthorization process.