

**SHIFTING GEARS: ISSUES IMPACTING
THE TRUCKING AND COMMERCIAL BUS
INDUSTRIES IN THE U.S.**

HEARING

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION,
FREIGHT, PIPELINES, AND SAFETY

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

JULY 22, 2025

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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SHIFTING GEARS: ISSUES IMPACTING THE TRUCKING AND COMMERCIAL BUS INDUSTRIES IN THE U.S.

TUESDAY, JULY 22, 2025

U.S. SENATE,
SUBCOMMITTEE ON SURFACE TRANSPORTATION, FREIGHT,
PIPELINES, AND SAFETY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10 a.m., in room SR-253, Senate Russell Senate Office Building, Hon. Todd Young, Chairman of the Subcommittee, presiding.

Present: Senators Young [presiding], Cruz, Fischer, Moreno, Peters, Cantwell, Klobuchar, Markey, and Luján.

OPENING STATEMENT OF HON. TODD YOUNG, U.S. SENATOR FROM INDIANA

Senator YOUNG. Good morning, everyone. As we look forward to a timely opportunity to review the current landscape of these industries and to inform our work on this committee as we draft legislation.

Over the past few hearings I have made it a priority to examine where within our Federal ecosystem outdated or unnecessary rules exist, if there are any, rules that don't impact the safety of our roads, or that can be costly for those in the private sector looking to increase safety, improve efficiency, and innovate to create a more robust and effective industry that helps power our economy.

For instance, last week during our nomination hearing of Mr. Barrs to serve as administrator of the Agency, I commented on FMCSA rules, which would require truck drivers to manually place warning triangles behind a vehicle when it is stopped or pulled over. In the most severe circumstances, this could require drivers to exit their vehicles in severe weather when visibility might be poor, and walk along busy highways next to oncoming traffic.

I think we all understand the benefit of informing other drivers of stopped vehicles on the shoulder of the road, but if there are avenues that could allow for industry to provide the same or greater level of efficacy while increasing safety, then I believe Congress should remove bureaucratic red tape prohibiting this innovation.

This is just one example where I think we can improve upon our rules and regulations to give industry more flexibility to innovate and voluntarily deploy different technologies and applications to advance the safety of our roads. I hope this hearing could help

highlight additional opportunities as we work on this Surface Transportation Reauthorization.

Our reauthorization work also provides a pathway to accomplish common-sense policy solutions to address issues crippling our transportation network. Earlier this Congress, I led a hearing in this subcommittee examining the drastic rise of cargo theft and how it hurts businesses, our supply chains, and the American people.

That hearing highlighted the complexity of freight fraud, and cargo theft, and the need for Congress to take a comprehensive approach to stopping these criminals. Since that hearing, I have learned of the need to update regulations, implement safeguards for consumers and businesses, ensure our law enforcement agencies are well equipped and prepared to respond to any wrongdoing, and encourage or provide for greater cross-government collaboration.

This hearing provides an opportunity to further these conversations and to hear from industry leaders representing voices afflicted by the freight fraud and how we can work to address these issues together.

I know this is of the utmost importance to the Chairman of the Full Committee, Senator Cruz, as well as our colleagues on the Democratic side of the aisle, and I stand ready to work with them to address this national and economic crisis.

Last, I believe for our commercial trucking and bus industries, I believe that they are the safest, most effective and—among the most effective industries we have, and we must also focus on improving our roadway infrastructure so that they continue to be so.

This includes maintaining road quality and focusing Federal funding to leverage state, local, and private dollars for infrastructure projects that will vastly improve roadway safety. My home state of Indiana is home to over 97,000 miles of public roadways. And as the crossroads of America, Hoosiers rely heavily on our transportation infrastructure.

In Evansville, Indiana, I have been working hard for years to secure Federal funding for the I-69 Ohio River Crossing Project to fill a critical final gap in the Nation's transportation infrastructure, as it links I-69 between Kentucky and Indiana over the Ohio River.

This is the type of project which will mitigate traffic congestion, improve overall roadway safety, and significantly leverage non-Federal dollars, the type of project where Federal infrastructure dollars should be focused.

We have an experienced panel here with leaders representing voices across the commercial trucking and bus industries. So I thank all of you for your willingness to testify here today and for your contributions to our dialogue.

I now recognize Ranking Member Peters for any opening remarks he might have.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Chairman Young, and thank you to our esteemed witnesses for being here with us here today.

Today we will be hearing from the trucking and motor coach industries and workforce about the day-to-day challenges they face, and how Congress can come together to hopefully address them. Our nation's truck drivers are the backbone of our economy. These frontline workers spend long hours, often away from their families, at all times of day and night transporting goods across the country to America's communities.

In fact, in Michigan, over 80 percent of our communities depend exclusively on trucks to move their goods, especially in those rural, hard-to-reach corners of our state. It is not an exaggeration to say that the trucking industry touches every American's daily life each and every day. That is especially true for Americans who have made trucking their career. There are nearly 250,000 trucking jobs in Michigan alone and making up one in fifteen jobs throughout my state.

From long- and short-haul drivers, to mechanics, dispatchers, logistics coordinators, these jobs provide key opportunities for Michiganders. And I am committed to making sure that these jobs live up to their promise for Michiganders by providing fair wages, health care, and retirement benefits.

And that is why I am proud to have one of the foremost leaders of that fight here to testify today, Teamsters' President, Sean O'Brien. Mr. O'Brien and members of this panel know today very well, the single most important factor in success of our truck drivers, and this industry, as well as for road users across the country, is safety.

And I believe this committee must prioritize safety in the next Surface Transportation Reauthorization Bill for both truckers and those who share the road with. From the deployment of advanced safety technologies, and driver assistance systems, to investing in safer streets, stronger bridges, tackling truck parking issues, and defending the drivers access to rest, and bathrooms, and to addressing both the freight fraud and theft as well.

I look forward to hearing from our witnesses today on how they think Congress and the Federal Motor Carrier Safety Administration can tackle these issues, and how we can ensure the FMCSA follows through on effective enforcement. I know the FMCSA will need resources and direction from Congress to do this, and I hope we can work across the aisle to make it happen.

And finally, I want to acknowledge that today's trucking industry, as well as all freight and multimodal industries, is facing incredibly challenging economic environment with this administration's chaotic approach to tariffs. This doesn't just impact truckers and consumers, changing rules, raising prices, and economic uncertainty, impacts the manufacturers who build the trucks, that move our goods and keep our drivers safe.

In Michigan, our robust commercial vehicle manufacturing supply chain relies on cross-border trade with Canada and with a global supply chain. Many of these businesses have been forced to consider laying off workers or pausing investments due to a lack of certainty created by constantly shifting tariff policies.

We can and should pursue policies to create commercial trucking manufacturing jobs here at home. But continued chaos will only

serve to harm U.S. manufacturers, consumers, and our intermodal freight system.

I am thoroughly looking forward to learning more about the challenges in this space as well from each of our panelists today. Thank you again for our witnesses for being here today and for your contributions to this industry that critically support the American economy.

Thank you, Mr. Chairman.

Senator YOUNG. Thank you, Senator Peters.

Senator Cantwell, you are recognized.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman, and thank you to you and Senator Peters for holding this important hearing. It is a very important issue, in general, our transportation network, and certainly moving forward on a Service Transportation Bill.

In Washington, our state, our economy runs on ports, and runs on trade, and relies on the efficient movement of those goods, the trucks carrying a majority of freight in our state, moving nearly \$400 billion worth of goods every year. So the industry's contribution to our economy cannot be underestimated.

We must emphasize the importance, as my colleague from Michigan just did, on the safety of commercial vehicles. Last year, we had 54 fatal accidents in the State of Washington involving large trucks. These incidents have devastating impacts on the families and the communities.

And just this past weekend, we saw a serious one with environmental consequences, a fuel truck crashed off Highway 101, spilling 3,000 gallons of diesel gasoline, jeopardizing tap water for 19,000 people, and damaging vulnerable salmon habitat. So as we consider the Surface Transportation Act, yes, safety must be a priority for that.

We know the cost of increase of transportation goods are being felt by consumers. My colleague just mentioned that as well. Delays due to congestion add more than a hundred billion dollars to the cost of moving goods every year. And that is why in the Bipartisan Infrastructure Bill, I made sure everybody knew: Freight can't wait. If we don't have freight moving, we lose our competitiveness as a nation.

And that is why the Mega Program, the INFRA Program, and the Ports Grant program are all about eliminating the bottlenecks that happen in transportation that mean we can't get our product to market in a timely fashion. 34,000 truck drivers in the State of Washington are essential to that freight network and the amount of freight moved by trucks across our state is expected to increase in the next 20 years.

So we must ensure that drivers have fair wages, access to safe resting places, and high quality training programs. And in addition, we have got to get rid of the high cost of tariffs and the impact that they are having on our economy. Proposed tariffs on trucks and truck parts could increase the cost of a new truck by \$35,000. And on top of that, fluctuations in freight volumes as busi-

ness scrambled to respond to on-again, off-again policies have also caused uncertainty for truck drivers.

Last month, the Port of Seattle and Tacoma reported that 20—reported 20 percent fewer truck visits to the port compared to June the previous year. So we obviously are seeing the impact at our ports. So Congress must do everything we can to help in this effort.

So thank you, Mr. Chairman, and look forward to working with you and the Ranking Member on these important Surface Transportation Acts, and will be back to ask questions after the witnesses. Thank you.

Senator YOUNG. Thank you, Senator Cantwell.

We are going to dive right in. I would like to introduce our witnesses for today. Each of them has extensive knowledge about the truck and motor coach industries.

Our first witness is Mr. Chris Spear, President and CEO of the American Trucking Associations, his own extensive experience in transportation and public policy, having held senior positions at Hyundai Motor Company, Honeywell International, and served as the Assistant Secretary of Labor for Policy, at the U.S. Department of Labor. Welcome, sir.

Our second witness is Lewie Pugh, Executive Vice President of the Owner-Operator Independent Drivers Association. Before joining OOIDA, Mr. Pugh was an owner operator for nearly 23 years, and he earned the distinguished Million-Miles Safe Drivers Award. Welcome, sir.

Our third witness today is Mr. Fred Ferguson, he is President and CEO of the American Bus Association. Mr. Ferguson also serves as the President of the National Bus Traffic Association, and the ABA Foundation. He has over 15 years of experience in public policy across the government, nonprofit, and private sectors. Welcome, sir.

And then last, but not leastly, our final witness is Mr. Sean O'Brien. He is General President of the International Brotherhood of Teamsters. Mr. O'Brien is a fourth-generation Teamster, a union that represents over one million workers across the United States of America and Canada. It is a privilege to have you here, sir. Welcome.

So we will now recognize Mr. Spear to deliver his opening statement. Mr. Spear, you are recognized for 5 minutes.

**STATEMENT OF CHRIS SPEAR, PRESIDENT AND CHIEF
EXECUTIVE OFFICER, AMERICAN TRUCKING ASSOCIATIONS**

Mr. SPEAR. Thank you, Chairman Young, Ranking Member Peters, and Members of the Subcommittee. I want to thank you for the opportunity to testify today on behalf of the American Trucking Associations.

For over 90 years, ATA has represented an industry that today employs 8.5 million of the hardest working men and women in the country. We appreciate your commitment to safety. Every American benefits from a modern, safe, and efficient transportation network. It is even more essential to the three and a half million truck drivers who are indispensable to our way of life. Roads and bridges are their shop floor.

ATA was among the first to support passage of the landmark Bipartisan Infrastructure Law, which boosted highway funding by 38 percent. Unfortunately, rising construction costs and red tape have eroded the impact of Federal grants. One consequence is record-high congestion now costing our economy more than \$109 billion, the equivalent of 435,000 truck drivers sitting idle for an entire year.

The next infrastructure bill has got to, not only alleviate those bottlenecks, but prioritize other critical projects like truck parking. There is currently one parking space for every 11 truckers. Expanding parking access is not only the right thing to do for road safety, it is the bare minimum we owe our drivers, particularly women drivers who deserve a secure, well-lit place to rest.

Trucking offers a pathway to rewarding careers. That was the motivation behind the Safe Driver Apprenticeship Pilot Program established by Chairman Young, and Full Committee Ranking Member Cantwell, which allow qualified 18-, 19-, and 20-year-olds to operate safely in interstate commerce. Every member of this panel should be invested in creating pathways for 18 to 20-year-olds to operate safely in interstate commerce and to be able to access good paying jobs in the trucking industry.

However, self-serving, factless claims that there is no driver shortage undermine the serious work of this committee. Driver pay does not go up 19 percent during a freight recession unless there is a shortage of qualified drivers. You may also hear today about how the Biden-Su Independent Contractor Rule helps our Nation's 350,000 independent truckers.

I encourage members of this committee to actually ask the independent contractors about that, because they are going to tell you that this rule takes away their freedom of choice to be their own boss and to grow their own business.

The trucking industry goes to great lengths to keep roadways safe. Every year, motor carriers invest \$14 billion in safety technologies and driver training, including apprenticeships. ATA is ready to partner with this subcommittee and the DOT on deploying proven technologies that focus drivers' awareness as well as mitigate and reduce crashes.

Ground-breaking developments in the autonomous vehicle space hold future promise for improving safety while enhancing, not displacing, the invaluable role of truck drivers, our industry's greatest asset. The most important safety action we can take is ensuring that unsafe drivers do not get behind the wheel in the first place. That requires drivers being proficient in the English language, as well as proven drug testing protocols.

As more states legalize recreational marijuana, and opioids plague our communities, Federal acceptance of both oral and hair testing are vital to keep unsafe drivers off the road.

Another issue that should unite us is addressing the meteoric rise of cargo theft. This economic and national security threat has exploded in a few—in the last few years with annual losses now totaling a staggering \$35 billion. To protect our supply chain and employees, we need legislation to combat fraud and empower Federal law enforcement to take the lead. ATA testified 25 times be-

fore Congress, helping shape the current Highway Bill. Today is our seventh hearing in just 7 months.

We fully understand your responsibility is the safety title, arguably the most important title in the Highway Bill. This effort is transformational opportunity, it is not only going to help our industry, but the entire supply chain and our Nation's economy.

Thank you again for your leadership and I look forward to answering all of your questions.

[The prepared statement of Mr. Spear follows:]

PREPARED STATEMENT OF CHRIS SPEAR, PRESIDENT AND CHIEF EXECUTIVE OFFICER,
AMERICAN TRUCKING ASSOCIATIONS

Introduction

Chairman Young, Ranking Member Peters, and members of the Subcommittee, I am grateful for the opportunity to testify today on the key issues facing the trucking industry. I am the President & CEO of the American Trucking Associations (ATA), a 90-year-old federation and the largest national trade organization representing the 8.5 million men and women working in the trucking industry, including more than 3.5 million professional truck drivers.

As a 50-state federation that encompasses 37,000 motor carriers and suppliers, ATA proudly represents every sector of the industry. From less-than-truckload to truckload carriers, from agriculture and livestock transporters to auto haulers and household goods movers, and from large fleets to mom-and-pop one-truck operators, ATA serves as the single unified voice of the trucking industry.

Trucking is the backbone of the Nation's economy, with more than 80 percent of U.S. communities relying *exclusively* on trucking to meet their freight transportation needs. According to Federal data, heavy and tractor-trailer truck driver is a top-ten most common occupation in 18 states.¹ These truck drivers are the unsung heroes of our supply chain and keep the wheels of our economy turning. In 2023, they drove almost 330 billion miles—the equivalent of 13 million trips around the globe—to deliver roughly 11.4 billion tons of freight,² 73 percent of the Nation's annual tonnage.³ Over the next decade, those drivers will be tasked with hauling an additional 2.7 billion tons of freight above current volumes.⁴

ATA was one of the first industry trade associations to endorse the bipartisan Senate bill that became the landmark 2021 *Infrastructure Investment and Jobs Act* (IIJA). We hope and trust that the collaboration that provided increased resources to counter years of neglect to our Nation's highways will continue with the next reauthorization even as current law expires months before a midterm election.

IIJA represented a historic 38 percent increase in funding for roads and bridges, which are the shop floor for our Nation's truck drivers. Unfortunately, the impact of this historic investment was diminished by inflation, political distractions, and economic uncertainty over the past four years. Over the first nine months of Fiscal Year 2024, the government spent approximately \$35 billion on bridges and highways, but after adjusting for higher construction costs, that's 24 percent less than the same period in the year before the IIJA was enacted.⁵ Some important programs were rolled out slowly, and with additional red tape beyond the requirements laid out in statute.

Since the enactment of the IIJA, freight markets have remained stagnant while costs for motor carriers have increased. Analysis from the American Transportation Research Institute (ATRI) shows that, excluding fuel costs, marginal costs per mile for truck operations have risen to the highest recorded levels (\$1.779 per mile on average) in the history of its annual Operational Costs of Trucking report,⁶ all while ATA's trucking activity report shows that for-hire truckload freight has declined 3

¹ *Occupational Employment and Wage Statistics*. U.S. Department of Labor, Bureau of Labor Statistics. May 2024. <https://www.bls.gov/oes/current/oesrcst.htm>

² *American Trucking Trends 2025*. American Trucking Associations, 2025.

³ *Freight Transportation Forecast 2024 to 2035*. American Trucking Associations, 2024.

⁴ *Ibid.*

⁵ Rampell, Catherine, "The legacy of Bidenomics: Maybe not much at all." Washington Post, 7 January 2025, <https://www.washingtonpost.com/opinions/2025/01/07/biden-economy-biden-omics-legacy-inflation/>

⁶ *An Analysis of the Operational Costs of Trucking: 2025 Update*. American Transportation Research Institute, July 2025.

percent between December 2021 and May 2025.⁷ As we look towards the next surface transportation reauthorization, it is vitally important that we find ways to make investments and set policies that will empower trucking companies of all sizes to put skilled, well-trained drivers in newer, safer trucks on our freight corridors.

In a difficult environment, this Committee has found bipartisan consensus on issues important to the trucking industry, such as cutting red tape for supply chain workers to obtain valuable credentials through passage of the *Transportation Security Screening Modernization Act* last year. We are grateful that the Committee has already shined a light on the growing threat of cargo theft for our supply chains in its February hearing titled, “Grand Theft Cargo: Examining the Costly Threat to Consumers and the U.S. Supply Chain,” and advanced common-sense bipartisan bills such as the *Household Goods Shipping Consumer Protection Act* and the *Promoting Resilient Supply Chains Act*.

This hearing is a tremendous opportunity for the Committee to consider how to improve highway safety, recruit the next generation of truck drivers to fulfilling careers, protect supply chains from sophisticated and organized criminals, and ensure long-term American leadership in innovation and infrastructure. We commend you for bringing this panel together, and for your continued efforts to craft policies that will ensure the safe and efficient movement of our Nation’s goods.

Opportunities to Increase Highway Safety

Safety is a key focus and priority for the trucking industry. We welcomed IIJA investments in Federal roadway safety programs, and the industry welcomes partnerships with agencies and technology innovators that will make our highways safer. Trucking companies make major investments every day in proven safety technologies for their fleets: ATA’s 2022 Safety Spend Survey showed that the industry invested \$14 billion annually in safety, an increase of over 40 percent above the preceding 2015 survey.⁸ Federal regulatory reforms supported by ATA have reduced both the number of truck-involved crashes and the crash rate over the past several decades. However, more must be done to improve highway safety for all motorists. ATA looks forward to supporting workable requirements to deploy proven safety technologies, improve drug testing to meaningfully curb the rise of impaired driving, ensure compliance with Federal training requirements, and enforce driver qualification requirements to make roadways safer for all road users.

Clear Requirements for Proven Safety Technologies

Congress and the trucking industry need to ensure that the safety technologies on commercial vehicles enhance drivers’ attention and alertness while on the road. One technology that needs immediate attention is Automatic Emergency Braking (AEB). AEB, and the suite of tools that support it, is a prime example of a proven safety technology that can reduce and mitigate crashes. Because AEB is already a mature and well adopted safety technology in the heavy-duty sector, Congress directed the U.S. Department of Transportation (DOT) in 2021 to *mandate* AEB on all new heavy-duty trucks, ensuring the proliferation of this critical safety tool. This is because AEB technology had been available for more than 10 years in the heavy-duty sector at that point with clearly demonstrated benefits. It is worth noting that this technology has gone through many iterations over these 10+ years to improve its effectiveness, integration, and driver experience based on industry feedback.

Last year, DOT proposed an AEB mandate for industry segments outside of heavy-duty, where the technology is still under development and has not been widely adopted. This exceeded Congressional intent to focus on heavy-duty where the technology is mature. AEB is not widely available in medium-duty and in particular vocational vehicle segments. New developments for different vehicle configurations, braking technologies, and sensor placements would be required to deploy AEB in these segments in the proposed timeframe. While industry is currently working on these issues, the systems are not yet developed at the same level of effectiveness, integration, and driver experience as heavy-duty. The mandate also proposed overly aggressive braking standards that effectively treat AEB as a replacement for the driver, a standard for which AEB is not designed. AEB and the suite of tools around it have always been designed as a driver assistance technology. AEB is designed specifically to help the driver respond more effectively, buy time for the driver to avoid hazards, and potentially mitigate crashes if the driver cannot respond in time. Industry has spent immense time and effort building driver trust in this technology and wants to ensure the technology is rolled out appropriately and over a realistic

⁷ *ATA Trucking Activity Report (TRAC)*. American Trucking Associations, 2025.

⁸ 2022 *ATA Safety Spend Survey*. American Trucking Associations, 2023. <https://www.trucking.org/news-insights/new-study-underlines-trucking-industrys-commitment-safety>.

timeframe—*when it is truly ready*—in order to maintain that trust. ATA urges this Subcommittee to provide oversight of DOT on this matter to ensure that regulation focuses on *heavy-duty* AEB, that the DOT applies performance requirements that represent the design intent of the technology, and that DOT works with industry to overcome barriers to implementation. Industry is eager to work with the DOT on AEB beyond the heavy-duty sector, but these efforts should be separate so as not to delay a rule in heavy-duty which could save lives in the near term.

Testing for Drug Use

Ensuring that our roads are free from drivers under the influence of controlled substances is a top priority for the trucking industry. Since the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse launched in 2020, more than 308,000 positive drug tests among commercial motor vehicle drivers have been recorded, highlighting a persistent and alarming trend in substance use that threatens the safety of our Nation's highways.⁹ Of these positive drug tests, marijuana remains the leading drug violation among drivers, accounting for roughly 60 percent of positive tests annually—a troubling statistic that underscores its widespread impact on highway safety.

Last year, Attorney General Merrick Garland moved to reschedule marijuana from a Schedule I to a Schedule III substance, raising serious concerns about the unintended consequences for highway safety. Such a move would have weakened zero-tolerance policies, compromised a robust Federal drug testing program currently in place for safety-sensitive professions, significantly complicated enforcement, and potentially increased marijuana use among all drivers. Given the absence of a validated standard for measuring marijuana impairment and the fact that it already accounts for most drug violations in the FMCSA Clearinghouse, rescheduling marijuana would jeopardize the safety of millions of road users. This Subcommittee must ensure that effective and robust drug testing protocols for safety-sensitive occupations remain intact, and that transportation safety is prioritized regardless of the legal status of marijuana at the Federal level.

Additionally, employers need to be equipped with the most effective, reliable tools for ensuring a drug-free driving workforce. The 2015 *FAST Act* required the Department of Health and Human Services (HHS) to issue guidelines for hair testing—a proven alternative drug testing method that allows for a longer detection window than traditional urinalysis and yields more comprehensive results. However, a decade later, HHS has yet to finalize the guidance in accordance with Congress' original intent, leaving DOT without the means to accept and recognize hair testing results in its Drug and Alcohol Clearinghouse. ATA supports efforts like H.R. 4320, which would allow positive hair testing results to be added to the Clearinghouse and give employers another tool to ensure that unsafe drivers are not put behind the wheel. Dereliction of duty by HHS has had disastrous consequences for highway safety: the absence of guidance means that nothing prevents a driver who tests positive on a hair test from legally operating a truck on our Nation's highways today. Another critical tool, oral fluids testing, remains in regulatory limbo awaiting Federal finalization of laboratory certifications before it can be used by employers in post-accident and roadside contexts. Federal acceptance of both oral fluids and hair testing as independent, alternative testing methods would allow employers to identify a greater number of safety-sensitive employees who violate Federal drug laws and keep these unsafe drivers off the road. We urge this Subcommittee to hold HHS accountable and require the agency to swiftly complete the regulatory steps necessary to ensure these critical alternative testing methods are made available to employers, as well as investigate and identify potential regulatory barriers that may be adding to ongoing delays.

Distracted Driving

Addressing distracted driving among all roadway users—commercial drivers and passenger vehicle drivers—is vitally important to ATA and its members. ATA recognizes distracted driving—whether manual, visual, cognitive, or emotional—as a form of impaired driving. Any activity that diverts a driver's attention threatens roadway and industry safety and endangers all road users. Far too often, distraction is the cause of tragedy on our Nation's roadways. According to NHTSA, in 2022, distraction was a causal factor in 8 percent of fatal crashes and 12 percent of injury crashes; however, those figures are likely much higher as distraction goes largely underreported in official statistics due to drivers failing to admit to being distracted, difficulty for law enforcement to detect distraction, and inconsistent crash reporting.

⁹*Drug & Alcohol Clearinghouse: March 2025 Monthly Summary Report*. U.S. Department of Transportation, Federal Motor Carrier Safety Administration, March 2025.

ATA is committed to working with this Subcommittee and relevant stakeholders—law enforcement, Federal and state regulators and legislators, safety advocates, and drivers—to tackle this epidemic. This begins with effective and robust enforcement of existing handsfree and distraction laws. ATA supports federal, state, and local laws prohibiting handheld wireless device use while driving, emphasizing truly hands-free operation. These laws and policies should apply to and be strictly enforced among all motorists, not just commercial drivers, to promote safer roads. Because commercial drivers rely on essential in-cab technologies, lawmakers must consider how best to integrate the safe use of these vital tools while minimizing visual-manual interaction and distraction and allow safe use of hands-free technologies such as voice-activated dialing or voice-mail retrieval.

ATA is also committed to prioritizing awareness, enforcement, and technology-driven solutions that reduce distracted driving and improve roadway safety for all. We believe safety campaigns that highlight the grave consequences of distracted driving can lead to greater awareness and behavioral changes that ultimately lead to cultural shifts in how we think about and accept risky driving behaviors. We recognize that these shifts take time and continuous exposure to safety messaging, much like the cultural shift towards universal seatbelt use in the 1990s. Thus, it is critical that this Subcommittee ensures critical DOT funding and other resources dedicated to distracted driving campaigns and awareness efforts remain intact and, if possible, amplified.

Rigorous Driver Training Standards

We also urge the Subcommittee to support efforts to ensure a qualified and well-trained workforce and reject ongoing efforts to exempt training requirements for new drivers. ATA has long supported the Entry Level Driver Training (ELDT) rule, which was implemented three years ago. Ensuring that entry-level drivers receive appropriate instruction from a consistent, industry-wide curriculum is vital to improving safety on our Nation's highways. While ELDT has received nearly universal support from the industry, ATA is aware that the spread of misinformation led to efforts to undermine the program and exempt certain individuals from this standardized training curriculum. We urge this Subcommittee to uphold its commitment to rigorous training standards for both new and veteran drivers, ensuring the highest level of safety on our Nation's roads.

In addition to maintaining the integrity of ELDT requirements, FMCSA must continue its work to improve oversight of its Training Provider Registry (TPR). ATA strongly supports efforts to root out fraudulent or substandard training providers and ensure that only legitimate, high-quality ELDT-compliant programs are listed on the TPR. These efforts must include increased auditing, enforcement actions, and data validation to prevent drivers from accessing incomplete or inadequate training and testing. Without these safeguards, more unqualified drivers would be on our Nation's highways—a safety risk our Nation simply can't afford. ATA and our industry partners oppose unqualified training providers that allow individuals to obtain a commercial driver's license (CDL) simply by paying a fee, effectively circumventing the structured curriculum established by ELDT. While FMCSA has made progress in establishing tools for ELDT enforcement, until early June 2025, FMCSA's TPR website showed that only four training providers have been removed from the TPR since 2023. Federal, state, and industry stakeholders all recognize that these numbers are unacceptable given the much larger volume of fraud reports to the agency. Ensuring the quality of driver education is just as important as ensuring its consistency, and we commend FMCSA's recent efforts to close loopholes, remove bad actors from the TPR, and strengthen trust in the training pipeline by removing over 50 training providers from the registry in June. While some of these removals were involuntary or on an emergency basis (based on a provider failing to meet or maintain Federal and state requirements and ELDT qualifications), many of these removals were "voluntary." For example, one removal was based on a training provider closing its doors which suggests an urgent need to audit the registry and weed out shoddy providers. We urge this Subcommittee to play a role in pushing this critical action to prevent exploitation, preserve the value of the ELDT program, and improve safety.

Additionally, ATA strongly supports expanded enforcement of driver qualification requirements, including English Language Proficiency (ELP). Driver qualification standards are a fundamental component of ensuring roadway safety. The ability to understand and respond to traffic signs, communicate with law enforcement, and complete required reports and logs is essential to the safe operation of commercial vehicles on our Nation's roadway—and has long been a Federal motor carrier safety regulation. As outlined in 49 CFR §391.11(b)(2), commercial motor vehicle drivers operating in the U.S. must be able to read and speak English "sufficiently to con-

verse with the general public, to understand highway traffic signs and signals. . . , to respond to official inquiries, and to make entries on reports and records.” ATA applauds the Trump Administration and this Congress for taking action to clarify and enforce this longstanding requirement. In keeping with the President’s April 28th Executive Order, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers,” the Commercial Vehicle Safety Alliance (CVSA) reenacted ELP requirements as part of its Out-of-Service (OOS) criteria for commercial drivers (effective June 25, 2025). Simultaneously, FMCSA revised its policy and associated guidance outlining how law enforcement must assess a driver’s ability to meet the Federal ELP requirement. FMCSA’s revised ELP policy sets forth a two-part roadside assessment for roadside enforcement to determine whether a driver’s lack of English proficiency poses safety risks warranting OOS action including (1) a driver’s ability to communicate effectively with enforcement officers (such as load contents, origin, and destination), and (2) read and interpret road signs, including dynamic message signs that display critical roadway safety advisories.

ATA supports FMCSA’s clarification and revised ELP policy as a commonsense, safety-driven measure that upholds the principle that all drivers operating on U.S. roadways must be equipped with the necessary communication skills to respond in real-time to rapidly evolving roadway conditions, enforcement directions, or emergency situations. In an April 2025 letter, ATA also urged DOT to improve tracking of CDL issuances, including non-domiciled CDLs.¹⁰ We strongly support Secretary Duffy’s initiative, announced in June, to audit state driver licensing agencies’ practices regarding non-domicile CDL issuance to ensure that all commercial drivers on our Nation’s roadways are properly qualified and licensed. We urge the Subcommittee to support continued implementation of this policy and to complement these efforts with a broader, end-to-end commitment to ensuring that only safe, qualified commercial drivers—through rigorous training, testing, and enforcement—are permitted to operate on our Nation’s roadways.

Supporting Trucking Career Pathways and the Dignity of the Driver

The trucking industry, which serves as the backbone of our Nation’s economy and supply chain, continues to face driver shortages. Due to the recent freight recession, the driver shortage has been alleviated, but it has certainly not been eliminated. It is also important to note that even though the driver shortage may now be less severe than it was in 2022, the long-term causes of the driver shortage have not changed, and the industry fully expects the shortage to worsen when the freight market recovers. Over the next decade, trucking companies will need to hire roughly 1.2 million new drivers to keep pace with growing freight demand and an aging workforce.¹¹

Similarly, there is a diesel technician shortage in our industry. According to data from the TechForce Foundation, an estimated 41,000 additional diesel technicians were needed in 2022, including new positions for additional work, unfilled prior openings, and replacement of those leaving the position.¹² This shortage does not include the collision repair technicians, tire technicians, etc. that are also in demand. Long term, without additional skilled technicians to perform both regular and acute maintenance of trucks, our vehicles will be less safe and fuel efficient—and so will your automobiles.

These are good-paying, family-sustaining jobs that are not accompanied with the same debt that often comes with a college degree. The vast majority of diesel technicians make \$50,000-\$80,000 per year in base salary plus bonuses.¹³ Truck drivers make good salaries too, with truckload drivers earning a median salary of \$76,420 per year according to a 2023 ATA industry survey.¹⁴ This is a nearly 10 percent increase over the two preceding years.¹⁵ That same study found linehaul less-than-

¹⁰“Spear, Chris. April 10, 2025. Letter to Secretary of Transportation Sean Duffy. Available online at: https://www.trucking.org/sites/default/files/2025-04/ATA_DOT20April%202025%20Enforcement%20and%20CDL%20issuance%20FINAL4-10-25.pdf.

¹¹ATA Driver Shortage Update 2022. American Trucking Associations, October 25, 2022. Available online at: https://ata.msgfocus.com/files/amf_highroad_solution/project_2358/ATA_Driver_Shortage_Report_2022_Executive_Summary.October22.pdf

¹²ATA works with TechForce to track the technicians needs of the industry. TechForce’s report on national technician needs is available upon request. The Committee can contact them through their website: <https://techforce.org/>.

¹³The State of Diesel Mechanics, Randall Reilly/Shell Lubricant Solutions, 2022, at 12 (copy available upon request from <https://www.randallreilly.com/>).

¹⁴Driver Compensation Study: Operations Data 2023, American Trucking Associations, p. 14.

¹⁵Ibid.

truckload (LTL) drivers earning a median salary of \$94,525 in 2023,¹⁶ and local LTL drivers earning a median salary of \$80,680.¹⁷ Drivers who choose to become independent contractors earn even more than those averages, while enjoying the opportunity to set their own schedules, choose the routes they run, and grow their own businesses. ATA strongly supports the protection of the independent contractor business model that is at the heart of the trucking industry.

Relatedly, it is vitally important that Congress provide the skilled trades with the same access to financial resources and flexibility as are afforded to traditional four-year colleges and institutions. ATA was grateful for strong bipartisan support of the *Freedom to Invest in Tomorrow's Workforce Act*¹⁸; which allows individuals to use 529 funds to pay for training to become truck drivers or diesel mechanics, as well as various measures to enable the use of short-term Pell Grants for these programs. We were also grateful to see those measures enacted in the *One Big Beautiful Bill Act*.

Looking ahead, we want to work with champions of the industry on both sides of the aisle to build upon this success and work toward parity in terms of the financial resources and options available for the skilled trades compared to traditional colleges and universities. ATA strongly supports establishing apprenticeships that will help new drivers enter the industry and receive valuable training. For this reason, we have endorsed bills such as the bipartisan, bicameral *Veterans Transition to Trucking Act* and are grateful to members of Congress, including members of the Commerce Committee, for their leadership in advocating for robust apprenticeship programs.

Reducing financial barriers to entry will certainly help the trucking industry recruit the next generation of safe truck drivers. ATA also strongly supports passage of the bipartisan *LICENSE Act*, which would reduce burdensome red tape and outdated barriers to obtaining a CDL by codifying DOT waivers issued under both Presidents Trump and Biden with no findings of adverse safety impacts.

Safe Driver Apprenticeship Pilot Program

The IIJA directed the DOT to establish the Safe Driver Apprenticeship Pilot Program (SDAP) to provide a pathway for 18-, 19-, and 20-year-old drivers to gain the knowledge, skills, and expertise to drive safely in interstate commerce. The SDAP was modeled after the apprenticeship program originally outlined in the *DRIVE Safe Act* and requires apprentices to complete 400 hours of on-duty time with an experienced driver, meet 13 performance benchmarks, and operate vehicles with five industry-leading safety technologies, including an active braking collision mitigation system and a forward-facing video event capture system. The pilot program was designed to provide a level of safety far beyond what is currently required for similarly aged individuals to obtain their CDLs and drive intrastate to demonstrate that, with the appropriate education, training, and safety technology, 18-, 19-, and 20-year-old drivers can operate safely in interstate commerce.

While ATA was enthusiastic about the prospects for this highly anticipated and widely supported pilot program, DOT's problematic implementation of the SDAP irreparably stunted participation and deterred younger drivers from considering this career pathway. DOT added two additional requirements not found in law as a condition of participation. These included a requirement that participating motor carriers be part of a Department of Labor (DOL)-approved Registered Apprenticeship Program to be eligible, and a requirement that participating motor carriers utilize driver-facing inward cameras, another safety technology beyond the five safety technologies already required. Importantly, the latter requirement was added almost eight months after the enactment of the IIJA and just before the pilot program was launched. The last-minute changes caused many motor carriers to decline participation in the program altogether. This egregious overstep necessitated Congressional action, which was signed by the President, to prohibit DOT from imposing its unnecessary, additional conditions for participation.

Unfortunately, by the time DOT was forced to restore SDAP back to its original intent, the pilot program was nearly at the halfway point to the three-year sunset, and the damage had already been done. The short duration of the pilot program and the associated lack of permanence has deterred motor carriers from undergoing the onerous and costly process to adjust internal operations and become eligible for SDAP participation. Motor carriers have also cited challenges with securing insurance for potential apprentices. At this point, with just a few months remaining before the sunset of the SDAP, DOT's latest data for the fourth quarter of 2024 show that only 68 apprentices have applied, and 36 have completed the probationary peri-

¹⁶ Ibid., P. 66.

¹⁷ Ibid., P. 67.

ods.¹⁸ I would note that 59 motor carriers and 139 experienced drivers (trainers) have been approved to participate.¹⁹ If given more time, these carriers and experienced drivers would have the opportunity to train more apprentices. In total, apprentices have driven over 1,250,000 miles and over 23,500 hours safely in interstate commerce.²⁰ Importantly, according to the latest data reported by DOT, no apprentices in the pilot have been involved in a reportable crash.

While participation fell short of the 3,000-concurrent participant cap, the data generated from this pilot program demonstrates what the trucking industry knows to be true: that with rigorous safety and training guardrails, 18-, 19-, and 20-year-old drivers can operate safely in interstate commerce. Several of our members have utilized SDAP and are enthusiastic supporters of it. They have found the program to be a valuable component of their overall workforce development efforts, and the SDAP program has made a significant difference in the lives of these apprentices.

Importantly, the SDAP will sunset in November 2025, and apprentices who are in the process of completing the program will unfortunately have to forfeit the progress they've made toward the ability to operate in interstate commerce. We urge this Subcommittee, and DOT, to consider extending the sunset of the SDAP until a more permanent solution can be enacted through the upcoming surface transportation reauthorization. A permanent pathway to fulfilling careers will help the trucking industry recruit the next generation of talented, safe drivers and will help address the pervasive driver shortage.

Ensuring Bathroom Access

Truck drivers are the heartbeat of our economy and critical to supply chain continuity. When they stop for pickups or deliveries—which can take hours on end while the truck waits to be loaded or unloaded—drivers should have access to restroom facilities. Such basic accommodations are more than just common courtesy; this is about ensuring the dignity of drivers and supporting the men and women who do the heavy lifting to provide for everyone in this country. Guaranteeing restroom access would address a major barrier to retaining and recruiting more truck drivers, particularly women.

ATA is thankful for the bipartisan introduction of a bill in the House of Representatives that will confront this challenge faced by professional truck drivers: H.R. 2514, the *Trucker Bathroom Access Act*. The legislation requires shipper and receiver facilities to make existing employee restrooms available to truck drivers. We would be grateful for bipartisan support for this issue in the Senate as well, potentially for introducing a standalone measure and considering it during the upcoming surface transportation reauthorization. We look forward to working with you to ensure that drivers' most basic needs are met while they do the important work of delivering the Nation's goods.

Expanding Truck Parking Capacity

Another barrier to supply chain efficiency is the ongoing, well-documented shortage of safe truck parking. As with prohibitions in accessing bathrooms while on the job, the nationwide shortage of safe, secure, well-lit areas to park a truck overnight is a huge disincentive for workers—particularly women, who currently make up only 7 percent of truck drivers—from entering careers in trucking. In 2015, the Federal Highway Administration's (FHWA) *Jason's Law* report acknowledged the shortage of truck parking capacity as a serious highway safety concern. The FHWA found that more than 75 percent of truck drivers and almost 66 percent of logistics personnel "regularly [experienced] problems with finding safe parking locations when rest was needed."²¹ Due to inaction at the federal, state, and local levels, the truck parking shortage has only worsened since 2015. In its 2019 update to the *Jason's Law* report, the FHWA found that the percentage of drivers who regularly had trouble finding truck parking had skyrocketed from 75 percent to 98 percent.²² This is not only a public safety issue and problem for drivers on the road today, it also represents an enormous challenge to recruiting a new generation of drivers (including

¹⁸ Safe Driver Apprenticeship Pilot Program, Quarterly Program Update, End of Fourth Quarter 2024, Federal Motor Carrier Safety Administration. Available online at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2025-02/SDAP%204Q-2024.pdf> (accessed July 16, 2025).

¹⁹ *Ibid.*

²⁰ Safe Driver Apprenticeship Pilot Program, Program Committee Briefing, Federal Motor Carrier Safety Administration, April 11, 2023.

²¹ *Jason's Law Truck Parking Survey Results and Comparative Analysis*. Federal Highway Administration, U.S. Department of Transportation, August 2015.

²² *Jason's Law Commercial Motor Vehicle Parking Survey and Comparative Assessment Presentation*. Federal Highway Administration, U.S. Department of Transportation, December 2020.

women and other traditionally underrepresented demographics) to enter the industry.

Sustained and robust Federal investment in the expansion of truck parking capacity is key to addressing this longstanding problem. ATA supports the *Truck Parking Safety Improvement Act*, which would establish a competitive discretionary grant program and dedicate \$755 million for truck parking projects across the country.

Protect Our Supply Chains

The upcoming surface transportation reauthorization is also a chance to address issues which have caused increasing challenges since the enactment of the IIJA. As the Subcommittee is aware, there has been a dramatic rise in the incidence of cargo theft and freight fraud, which is disruptive to our supply chains and which will require new tools and coordination at the Federal level to combat organized crime. Additionally, ATA supports the clarification that states are prohibited from superseding National Highway Traffic Safety Administration (NHTSA) standards for motor vehicle safety.

Cargo Theft and Freight Fraud

ATA is grateful to the Subcommittee for beginning a larger discussion about the substantial impacts of cargo theft on the trucking industry and our Nation's supply chains with its hearing in February. That hearing provided a platform for a trucking executive to share his personal experience as a victim of cargo theft and fraud, and he highlighted the vulnerabilities of FMCSA's registration system, as well as the critical downstream impacts of those vulnerabilities. Moreover, the witness also used his time to encourage the Subcommittee to exercise robust oversight as the agency takes steps to upgrade its registration system and implement enhanced identify verification processes to further bolster security and deter bad actors.

ATA was encouraged by Chairman Young's publication of an op-ed titled, "*Cargo Theft is a Growing National Security Issue*," following the hearing and wholeheartedly agrees with his assessment that Congress must "examine and reconcile potential catalysts that allow criminals to steal cargo, modernize and implement safeguards for businesses and consumers, and ensure our law enforcement agencies are adequately prepared and equipped to respond to reports of wrongdoing." This Subcommittee is well-positioned to ensure that DOT engages in an "all-hands-on-deck" approach by coordinating with other appropriate Federal agencies, law enforcement, and the private sector to combat the organized theft groups (OTGs) and transnational criminal organizations (TCOs) who are currently exploiting our domestic supply chains. Relatedly, Chairman Cruz announced at a full Committee hearing last week that he is currently drafting legislation to help DOT combat cargo theft and rampant fraud, and we greatly appreciate his attention to this complex issue.

Furthermore, we are grateful that the Committee on Commerce, Science, and Transportation has already taken an important first step toward providing FMCSA with the necessary tools, resources, and authorities to protect the trucking industry and consumers from fraud by approving the *Household Goods Shipping Consumer Protection Act* (S. 337). Specifically, this bill restores FMCSA's ability to impose civil penalties against unauthorized brokers and other bad actors, allowing the agency to act swiftly in meting out penalties. The bipartisan legislation gives states the ability to use Federal funds to enforce consumer protection laws and root out fraudulent actors before they strike. The *Household Goods Shipping Consumer Protection Act* is a critical element of a broader Federal response to freight fraud, and we hope that Congress advances it expeditiously.

Strengthening NHTSA's Role in Setting Industry Standards

Under existing law—going back to the National Traffic and Motor Vehicle Safety Act of 1966, Pub. L. 89-563—when NHTSA promulgates a Federal motor vehicle safety standard, states are prohibited from issuing standards of their own on that same subject (see 49 U.S.C. § 30103(b)(1)). Congress has charged NHTSA with promulgating "practicable," "objective" standards that "meet the need for motor vehicle safety," (see 49 U.S.C. § 30111(a)). Allowing states to promulgate their own equipment standards when NHTSA has acted undermines that decision.

However, current law contains an exception that threatens to swallow the rule: it expressly provides that compliance with a NHTSA standard does not preempt "liability at common law" (see 49 U.S.C. § 30103(e)). This invites legal uncertainty, undermines Congressional intent to empower NHTSA to promulgate nationally uniform motor vehicle safety standards, and threatens supply chain integrity. Given that the trucking industry operates in all 50 states and that the market for motor vehicles is national in scope, we strongly support NHTSA's role as the primary authority over motor vehicle safety standards and urge Congress to reaffirm that role.

Ensure Long-Term American Leadership

IIJA was the largest investment in our Nation's supply chain infrastructure in nearly a century and represented a concrete effort to ensure America's global economic leadership. As the Subcommittee looks towards the 2026 reauthorization, we would be remiss not to highlight additional opportunities to build on that investment moving forward and to make sure that Federal regulatory leadership and resource allocations are focused on a long-term strategy that will keep our economy growing for years to come.

Federal Leadership in Autonomous Technology Development

As mentioned before, America's truck drivers are the unsung heroes of our supply chain; they are the trucking industry's greatest asset. The groundbreaking developments in autonomous vehicle (AV) technologies offer opportunities to help improve the safety and productivity of those individuals, and to make trucking a safer and more welcoming profession for the next generation of truck drivers. New autonomous technologies do not mean that all vehicles will become "driverless vehicles" and that truck driving jobs will be eliminated. The reality is more nuanced.

Given the variety of freight movement—including liquids, livestock, hazardous material, large construction equipment, and oversize loads—and the variety of road, terrain, and weather conditions throughout the country, there will continue to be a role and need for drivers as part of a logistics system that includes automated trucks. ATA believes that automated trucks will be a tool that will help improve the efficiency of freight movements and help address the persistent shortage of drivers, *not* replace them. Driver responsibilities may adjust over time with deployment of automated technologies, but the industry will continue to need drivers, our greatest asset.

The trucking industry has a substantial stake in the enhancements to road safety that automated and connected vehicle technology will provide. America's roads and bridges are truck drivers' workplace, and safety is paramount. The safety gains achieved by removing human error—as well as the additional economic and societal benefits—are very enticing to an industry that already spends billions of dollars annually on safety, including technology enhancements, to ensure that drivers and passengers of all vehicles make it safely to their destination.

ATA will continue to advocate for a strong Federal framework for automated vehicle testing and deployment. Such a Federal framework is critical for ensuring the safety and trust of the public and necessary for testing the efficacy of automated vehicles in interstate commerce. A Federal framework also provides clear paths for new and innovative technologies to move from testing to deployment through established DOT processes. This can include exemptions, interpretations, investigations, or data requirements designed to ensure safety and build public trust.

We encourage Congress and Federal agencies to develop proactive policies that will foster innovation and ensure that America does not fall behind its global competitors in the development of this important technology. AVs and automated driving system (ADS) deployment have the potential to significantly enhance the safety, efficiency, and productivity of the U.S. freight and logistics systems. We have an opportunity to ensure that the technologies and vehicles that generate those benefits are developed, improved, implemented, and sold around the world by American companies.

Supporting Deregulatory Efforts

As the Nation's largest representative of motor carriers and motor carrier suppliers, ATA strongly supports the Trump Administration's efforts to ensure a regulatory environment that appropriately prioritizes reducing undue burdens and costs on motor carriers without compromising strong safety regulatory protections. Regulated entities, including motor carriers, rely on thoughtful, well-written, and safety-driven Federal regulations and guidance to ensure the utmost safety for commercial drivers and all who share the road. However, ATA recognizes that certain Federal rules and regulations that affect the trucking industry are redundant, outdated, or place undue burden on members of the trucking industry—in some cases, invoking compliance merely for compliance's sake rather than a material benefit to the industry or national interest. ATA applauds this Administration and DOT's efforts to swiftly review and take deregulatory action to existing rules, regulations, and guidance that remove unnecessary red tape and regulatory burdens and promote industry efficiency without harming safety.

As part of these efforts, in May 2025, ATA offered numerous targeted deregulatory recommendations to DOT and OMB aimed at aligning Federal regulations with modern technology, operational realities, and safety priorities—many of which the Administration has already acted on. ATA urged DOT to eliminate outdated or bur-

densome requirements that no longer contribute to highway safety. These include repealing the rear underride guard certification label mandate under 49 CFR 393.86, which creates unnecessary costs for carriers without measurable safety benefits, and updating roadside warning device requirements (49 CFR 393.95(f)) to support vehicle-integrated lighting systems—particularly for autonomous vehicles—rather than relying on driver-deployed warning triangles. ATA also called for revisions to hazmat railroad crossing rules (49 CFR 392.10–392.11) that require all stops regardless of risk level, and for the repeal of legacy trailer marking rules (49 CFR 393.13) that apply to equipment no longer in service. ATA also urged DOT and FMCSA to modernize Electronic Logging Device (ELD) related rules by allowing digital access to required documents and removing unnecessary paper log backup requirements (49 CFR 395.8(k)(1) and 395.22(h)). Moreover, ATA recommended making permanent existing exemptions for simplified ELD use during yard moves, eliminating manual logging requirements that add administrative burden without enhancing safety. Additional reforms included eliminating the 15-day roadside inspection report return requirement (49 CFR 396.9), modernizing CDL/CLP testing rules to improve workforce entry, and rescinding broker transaction transparency requirements (49 CFR 371.3(c)) that conflict with market principles and fall outside FMCSA’s safety mandate.

While ATA supports regulatory reform, we strongly urge Congress and DOT to preserve proven, safety-enhancing regulations that, if eliminated, would materially and consequentially impact highway safety for all road users. Among these critical regulations is the ELD mandate, which has delivered measurable reductions in hours-of-service (HOS) violations and crash rates since implementation. Repealing or weakening this mandate, which has been requested by some industry stakeholders, would be a step back for the industry as ELDs modernize compliance monitoring and enforcement without altering rest requirements. We also emphasize that any future changes to the underlying HOS rules, upon which ELD rules are predicated, must be grounded in data and scientific research. Similarly, as previously mentioned, ATA supports continued advancement of life-saving technologies like AEB and opposes efforts that would slow or reverse progress on drug and alcohol testing reforms. In all cases, regulatory streamlining must not come at the expense of highway safety, and we commend DOT and FMCSA’s approach to sound, practical deregulatory action.

Addressing Critical Freight Bottlenecks

Infrastructure investments must be made in ways that benefit highway system efficiency, lower supply chain costs, and ensure the competitiveness of American businesses with global supply chain partners. ATA strongly supports investments that will reduce freight congestion at key bottlenecks and encourage the efficient movement of goods at our Nation’s intermodal gateways.

Highway congestion, for example, added nearly \$109 billion to the cost of freight transportation in 2022—a 15 percent increase year-over-year.²³ In 2022, truck drivers sat in traffic for 1.2 billion hours, equivalent to more than 435,000 drivers sitting idle for a year.²⁴ This caused the trucking industry to consume an additional 6.4 billion gallons of fuel, resulting in the release of 65.4 million metric tons of additional carbon dioxide emissions.²⁵

ATA recommends that the next surface transportation bill bolster discretionary funding programs to ensure that they address major freight bottlenecks. ATRI annually identifies the top 100 freight bottlenecks nationwide, and the trucking industry suggests that DOT prioritize these locations for maintenance and improvement.²⁶

Another contributing factor to supply chain bottlenecks and efficiency is the poor state of freight intermodal connectors—the roads that connect ports, rail yards, airports and other multimodal facilities to the National Highway System. Despite their vital role in the freight distribution network and the economy, these connectors are often neglected and fail to receive needed investments. Currently, only 9 percent of intermodal connectors are in good or very good condition, 19 percent are in mediocre condition, and a troubling 37 percent are rated in poor condition.²⁷ Not only do deteriorating roads damage both the vehicles and the freight they carry, but FHWA found a correlation between poor roads and vehicle speed. Average speed on a con-

²³ *Cost of Congestion to the Trucking Industry: 2024 Update*. American Transportation Research Institute, Dec. 2024.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Top 100 Bottlenecks—2024*. American Transportation Research Institute, 2024.

²⁷ *Freight Intermodal Connectors Study*. Federal Highway Administration, April 2017.

connector in poor condition was 22 percent lower than on connectors in fair or better condition.²⁸ 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.²⁹ Congestion on freight intermodal connectors adds over \$96 million to freight transportation costs each year.³⁰

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.³¹ Too often, these roads serve critical roles in regional, national, and international commerce beyond the geographic boundaries of the jurisdictions that have responsibility for them, but those broader interests may not be factored into the local jurisdictions' spending decisions. While intermodal connectors are eligible for Federal funding, this is simply not good enough. ATA supports a set-aside of funding for freight intermodal connectors to ensure that these critical arteries are given the attention and resources they deserve.

Prioritizing Projects That Improve Freight Mobility

Although the IIJA did not set aside funding for either highway bottleneck elimination or intermodal connectors, these projects are eligible for funding under several of the discretionary programs. Congress should ensure that the resources available from these important programs are used primarily for projects that improve transportation safety and mobility, as well as projects that address infrastructure deficiencies that contribute to supply chain inefficiencies. These programs should not be used to advance parochial agendas that are outside of their Congressionally mandated scope. Nor should Congress further divert funding from highway projects. Highways carry the vast majority of people and freight, and unlike some modes, including freight railroads, highway users cannot directly invest in their transportation infrastructure. They must instead rely on government agencies to effectively invest their user fee revenue in projects that improve roadway safety and efficiency. Using this money to subsidize other transportation modes breaks the trust and the implied agreement that users place in their elected officials to invest in projects that are directly beneficial to motorists.

Providing Consistent, Sustainable Funding

Underpinning all these recommendations is the need for a long-term, stable revenue source for the Highway Trust Fund (HTF) to support investments in our roads and bridges. This revenue source should be paid for equitably by *all road users*, including those that do not currently contribute to the HTF. The trucking industry is the leading payer to the HTF, contributing almost half of all revenues while representing less than 5 percent of road users. While the trucking industry is proud to pay our fair share, Congressional attention and action is necessary to ensure a lasting, viable, and equitable revenue source for continued infrastructure investments.

Federal fuel taxes, which are the primary funding sources for the HTF, have not increased since 1993. If Congress will not act to increase those taxes, or even index them for inflation, then alternative solutions that account for new engine technologies must be enacted in a way that ensures the burden of maintaining our highways is allocated fairly and sustainably for future generations. ATA recommends a user-pay solution to the HTF shortfall that adheres to the following principles:

- *Reasonably Uniform Application:* Apply uniformly across various classes of highway users to ensure fairness.
- *Verifiable Metrics:* Base the system primarily on measurable and easily verifiable factors, such as highway and vehicle use.
- *Evasion Prevention:* Minimize opportunities for tax or fee evasion to maintain revenue integrity.
- *Administrative Simplicity:* Ensure the system is cost-effective and straightforward for the government to administer, collect, and enforce, without imposing excessive administrative or record-keeping burdens on highway users.
- *Commerce-Friendly:* Avoid creating barriers or inefficiencies that hinder interstate commerce.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *An Analysis of the Operational Costs of Trucking: 2025 Update.* American Transportation Research Institute, July 2025.. Estimates average truck operational cost of \$90.89 per hour.

³¹ *Freight Intermodal Connectors Study.* Federal Highway Administration, April 2017.

Identifying a long-term, sustainable solution for HTF revenues can also provide flexibility to ultimately relieve trucking of the burden of the century-old, 12 percent Federal excise tax on heavy-duty trucks and trailers. Initially implemented as a 3 percent tax to offset the cost of American participation in World War I, this tax has grown to be one of the highest excise taxes on any good in the United States. As it adds over \$20,000 to the cost of a new \$180,000 truck and \$6,000 to the cost of a new \$50,000 trailer, this onerous charge creates a disincentive to putting new equipment that is cleaner and safer than ever before on our Nation's highways.

Meanwhile, at the state level, the absence of sufficient funding from user fees has led states to increasingly turn to tolls to fund infrastructure projects. Unfortunately, there appears to be a growing trend that places this burden disproportionately and unfairly on the trucking industry through the misuse of tolls. A recent court decision in Rhode Island legalized truck-only tolls, allowing the state to reinstate tolls solely on tractor-trailers, which represent just 3 percent of vehicles on the tolled facilities. In Manhattan, trucks must pay a toll every time they cross 60th Street, while cars pay only once per day. As these anti-truck tolling arrangements spread, the price will be borne by consumers due to higher supply chain costs. We urge Congress to reform Federal Interstate tolling authority to prevent these types of abuses.

In Conclusion

Thank you for the opportunity to testify on behalf of the 8.5 million people in trucking-related jobs who power our Nation's supply chains and keep the wheels of the economy turning. Surface transportation reauthorization in the 119th Congress is a potentially transformational opportunity for our country. The ATA looks forward to supporting your efforts to improve the safe and efficient movement of freight across our Nation and to encourage economic growth.

Thank you again for your leadership on these vital issues.

Senator YOUNG. Thank you, Mr. Spear.

Mr. Pugh, you are recognized for 5 minutes, sir.

STATEMENT OF LEWIE PUGH, EXECUTIVE VICE PRESIDENT, OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION

Mr. PUGH. Yes. Thank you, Chairman Young, and Ranking Member Peters, and Members of the Subcommittee. I am Lewie Pugh, the Executive Vice President of the Owner-Operator Independent Drivers Association.

From the U.S. Army to running my own trucking business, trucking is the only thing I have ever done my entire adult life, with over two and a half million safe miles of driving. OOIDA is the largest national association representing small business truckers and professional drivers. We have approximately 150,000 members across the country who operate 240,000 pieces of equipment.

Our mission is to promote and protect the interests of members on any issues that impact their safety and their success. The Trump administration has embraced a new approach to developing trucking policy to prioritize the needs of truckers. It began in February when the U.S. DOT reopened its public comment period on broker transparency, rulemaking that was launched in 2020 in response to an OOIDA petition.

It continued in April with an executive order addressing OOIDA's request to enforce existing English language rules, a proficiency that have long been ignored. And just last month, Secretary Duffy announced nine major initiatives, nine, to improve working conditions for truckers that directly addressed many long-standing driver concerns, including withdrawing the controversial speed limiter mandate.

These steps are welcome and long overdue in a departure from the old ways of Washington. They demonstrate regulators are finally prioritizing truckers over corporate mega fleets, shippers,

trial lawyers, and safety advocates. To be clear, OOIDA is a non-partisan organization. We have a reputation of telling you how it is, and we don't pull any punches, but we also give credit where credit is due and advocate tirelessly on behalf of our members.

Truckers now need lawmakers to embrace the new approach the White House has taken with as much energy and resolve. I assure you this can be done in a bipartisan manner and promote highway safety that improves driver recruitment, retention, increases supply chain efficiency.

In fact, many of OOIDA's proposals for the Highway Bill already achieve these objectives. This includes enhancing driver training, improving restroom access, and combating freight fraud. More broadly, efforts to expand truck parking capacity, eliminate the Federal Law that prevents truckers from being guaranteed over-time pay, and stopping the unsafe increases of truck size and weights. These have all garnered significant bipartisan support.

While truckers are thrilled that folks in Washington are finally listening to their needs, others in the industry will resist this new approach. They want to return to the old way of doing things when maximizing corporate profits and over-regulating small businesses, dodging responsibility for improving working conditions for drivers took precedence.

For example, large carriers will oppose OOIDA's efforts to prohibit predatory lease-owned scams. By design, these leave truckers broke and empty-handed. Law enforcement will again begin to attempt to put trackers on truckers, which has been soundly rejected by the industry. Trial lawyers will pursue a totally unnecessary increase in minimum insurance requirements to destroy small business trucking, and brokers will fight tooth and nail against compliance with broker transparency compliance which is a rule that is already on the books.

Let me remind you the old approach simply doesn't work. Policies that large carriers swore would improve safety, like electronic login devices, have proven to be totally ineffective. The pilot program for teenage drivers has been a colossal taxpayer-funded failure and its enrollment numbers tell the story.

As I have outlined in my testimony, Congress has the ability to make the next Highway Bill the most pro-trucker pro-safety bill in history, but only if you commit to prioritizing the needs of truckers.

Thank you for this opportunity. And I look forward to answering your questions.

[The prepared statement of Mr. Pugh follows:]

PREPARED STATEMENT OF LEWIE PUGH, EXECUTIVE VICE PRESIDENT,
OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION

Chairman Young, Ranking Member Peters, 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).

ABOUT OOIDA

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing small-business truckers and professional truck driv-

ers. 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.

Almost all freight in the United States is carried by a truck at some point and over 70 percent is carried exclusively by truckers. 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

The Trump Administration has embraced a new approach to developing trucking policy that prioritizes the needs of truckers. It began in February when the U.S. Department of Transportation (USDOT) reopened the public comment period for its broker transparency rulemaking that was launched in 2020 in response to an OOIDA petition. It continued in April with an Executive Order addressing an OOIDA request to enforce existing English language proficiency rules that have long been ignored. And just last month, Secretary Duffy announced the launch of 9 major initiatives to improve working conditions for truckers that directly addressed many longstanding driver concerns, including withdrawing the controversial speed limiter mandate.

These steps are a welcomed and long-overdue departure from the old ways of Washington. They demonstrate regulators are finally prioritizing truckers over corporate megafleets, shippers, trial lawyers, and safety advocates.

To be clear, OOIDA is a non-partisan organization. We've always had a reputation for telling it like it is. We don't pull punches. But we also give credit where credit is due, and advocate tirelessly on behalf of our members.

Truckers now need lawmakers to embrace the new approach taken by the White House with as much energy and resolve. I assure you this can be done in a bipartisan manner that promotes highway safety, improves driver recruitment and retention, and increases supply chain efficiency. In fact, many of OOIDA's proposals for the highway bill already achieve these objectives.

This includes enhancing driver training, improving restroom access at facilities where truckers pick up and deliver freight, and combating freight fraud. More broadly, efforts to expand truck parking capacity, eliminate the Federal law that prevents truckers from being guaranteed overtime pay, and stopping unsafe increases to truck size and weight have all garnered significant bipartisan support.

While truckers are thrilled folks in Washington are finally prioritizing their needs, others in our industry will resist this new approach. They will want to return to the old way of doing things—when maximizing corporate profits, overregulating small businesses, and dodging responsibility for improving working conditions for drivers took precedence.

For example, large carriers will oppose OOIDA's efforts to prohibit predatory lease-to-own scams that intentionally leave truckers broke and empty-handed. Law enforcement will again attempt to mandate 'trackers on truckers', which have been soundly rejected by industry. Trial lawyers will pursue totally unnecessary increases to minimum insurance requirements that will destroy small trucking businesses. Safety advocates will push for mandating unproven and cost-prohibitive equipment like side underride guards. And brokers will fight efforts to ensure they finally comply with existing transparency rules.

If you're not yet ready to embrace the new trend of prioritizing the needs of truckers, let me remind you that the old approach simply doesn't work. Policies that large carriers swore would improve safety, like the electronic logging device mandate, have proven ineffective. As predicted, pilot programs for teenage drivers have been colossal failures, leading their proponents to blame inward facing camera requirements rather than admit their own policies have made trucking unappealing to younger Americans.

Congress has the ability to make the next highway bill the most pro-trucker in history, but only if you commit to prioritizing their needs. In my testimony, I've outlined several ways you can do so while promoting highway safety, improving driver recruitment and retention, and increasing supply chain efficiency. I look forward to discussing these proposals with you during questioning.

DRIVER TRAINING

The 2022 implementation of new Entry-Level Driver Training (ELDT) requirements represented an important first step to ensuring drivers entering our industry are properly trained. Unfortunately, far too many drivers still lack the basic skills necessary to safely operate a commercial vehicle. Congress must take steps to further enhance safety by implementing measured and widely-supported improvements to ELDT regulations.

OOIDA favors the introduction of mandatory behind-the-wheel (BTW) hours for new drivers. In 2015, we participated in the Federal Motor Carrier Safety Administration's (FMCSA) Entry-Level Driver Training Advisory Committee (ELDTAC). ELDTAC was comprised of 26 industry representatives tasked with conducting a negotiated rulemaking on training regulations and requirements. The panel overwhelmingly supported establishing a minimum number of BTW hours in the rulemaking. As a result, the agency's Notice of Proposed of Rulemaking originally contained a 30-hour BTW benchmark. Regrettably, this critical element was omitted in the final ELDT rule.

Compared to the brief evaluation an examiner is currently required to conduct, mandatory BTW training provides greater opportunity to evaluate the skills of the entry-level driver and for the trainer to offer corrective actions. These hours expose the entry-level driver to multiple road signs and various traffic/roadway situations, giving the instructor more options to identify and correct deficiencies. At a minimum, Congress should improve ELDT by embracing the ELDTAC's recommendation that drivers complete a minimum of 30 hours BTW training.

OOIDA also supports the Commercial Motor Vehicle English Proficiency Act, S. 2114, introduced by Senator Roger Marshall (R-KS). This common-sense bill would require drivers demonstrate they can read critical road signs *before* being permitted to operate an 80,000 lb. vehicle on public roadways. It would also require CDL testing be conducted only in English. In addition to reading road signs, professional truckers routinely communicate with law enforcement and first responders in order to do their jobs safely and effectively. OOIDA has long advocated for stronger driver training requirements and we believe S. 2114 is a key element to achieving this goal.

RESTROOM ACCESS

Most Americans take for granted the fact they readily have access to a restroom, especially where they work. For truckers who make their living on the road, they often depend on accessing restrooms at facilities where they pick-up or deliver freight. Unbelievably, professional drivers are frequently denied restroom access at these locations. While this problem effects all truckers, it is particularly burdensome for female drivers.

Although this problem has been going on for years, the COVID-19 pandemic made it worse. Throughout the pandemic, truckers literally put their lives on the line to keep the Nation safe. Yet at the same time, shippers and receivers started restricting access to their facilities, including restrooms. Suddenly, finding a place to use the bathroom became more difficult, even impossible at times for our members. While the pandemic has subsided and life has largely returned to normal, some businesses have kept these crude restrictions in place.

OOIDA has championed legislation in the House that would solve this problem. The Trucker Bathroom Access Act, H.R. 2514, is straightforward, bipartisan legislation that would provide truckers the dignity and respect they deserve. It is supported by both trucking and retail organizations. The bill simply requires that if a business has a restroom available for employees or customers, then that restroom must also be available to truckers when they are picking up or delivering freight. Importantly, the legislation *does not* require that a business build any new restrooms and includes guardrails for safety and security considerations at shippers and receivers.

BROKER TRANSPARENCY, FREIGHT FRAUD, & THE FEDERAL REGISTRATION SYSTEM

Existing regulations (49 CFR 371.3) require brokers to keep records of transactions with motor carriers. Under 371.3, each party to a brokered transaction also has the right to review the record of the transaction. This allows our members to know precisely how much a shipper paid the broker and how much the broker then paid the motor carrier. These regulations also enable carriers to verify claims charged against them after they finish hauling a load. As motor carriers are increasingly victimized by freight fraud, unpaid claims, dubious charges, unpaid loads, dou-

ble brokered loads, and load phishing schemes, the current lack of transparency has left them little to no means to defend themselves from fraud.

Unfortunately, brokers have a long history of deliberately and blatantly circumventing transparency requirements. In order to protect against fraud and scams, we tell our members that they should closely examine documentation and verify that all information is legitimate. If brokers are allowed to continue evading Federal transparency regulations, it makes it difficult for carriers to determine who is adhering to the rules or who may be trying to scam them. In short, practices that undermine trust and transparency will make it harder to determine who is a bad actor.

In May 2020, OOIDA submitted a Petition for Rulemaking with FMCSA to ensure compliance with 371.3. The petition requested that brokers automatically provide an electronic copy of each transaction record within 48 hours after the contractual service has been completed and asked that brokers be prohibited from including any provision in their contracts that requires a carrier to waive their rights to access transaction records—a shady practice that is rampant among brokers. Our rulemaking was granted by FMCSA during the first Trump Administration.

Since the launch of the rulemaking in August 2020, OOIDA and its membership submitted thousands of comments to FMCSA, conducted meetings with regulators and lawmakers, and participated in public listening sessions supporting the need for transparency. These efforts culminated in the Biden Administration publishing an NPRM in November 2024, demonstrating that ensuring transparency has bipartisan appeal. The public comment period initially closed on January 21, 2025, but was reopened by the Trump Administration earlier this year for additional feedback.

Unfortunately, the NPRM does not explicitly include the two significant reforms we recommended. However, the proposal will help ensure that carriers finally have access to fundamental transactional documentation and restore a level playing field between carriers, shippers, and brokers. We have submitted separate comments detailing what FMCSA must do to strengthen the rulemaking, such as clarifying how they will enforce the rules and closing all loopholes that let brokers waive transparency rights. If implemented properly, this rulemaking will contribute to a more ethical, fair, and efficient freight brokerage marketplace.

If FMCSA is unable to finalize a rule that fully prevents brokers from evading Federal transparency regulations, it is imperative Congress compel the agency to do so.

Additionally, OOIDA, along with numerous other trucking industry stakeholders, strongly supports bipartisan legislation introduced by Senators Deb Fischer (R-NE) and Tammy Duckworth (D-IL) to combat freight fraud. S. 337, the Household Goods Shipping Consumer Protection Act, would restore FMCSA's authority to impose civil penalties on unauthorized brokers, require physical addresses for brokers, compel the agency to analyze trends and commonalities among companies applying for shipping authority to identify potentially bad actors before they commit fraud, and allow states to use Federal funds to enforce consumer protection laws relating to freight movement. Earlier this year, the bill passed this Committee with broad bipartisan support. If it is unable to pass the Senate independently, it is critical S. 337 be included in the next Highway Bill.

We also thank FMCSA for responding to feedback from the trucking industry by addressing freight fraud through other actions. The agency has proposed and/or finalized various fraud-related rulemakings, established a registration fraud team, and is currently rolling out an updated registration modernization hub known as the Federal Registration System (FRS). FRS should help motor carriers, drivers, and brokers consolidate their required business information into a centralized portal, while preventing fraudulent actors from entering the industry. If administered effectively, we are optimistic the system can improve the registration process, enhance user experience, incorporate identity verification tools, and more readily identify fraud within the supply chain. However, the Committee must ensure that FMCSA is implementing these new systems and identity verification protocols in a safe, reliable manner that protects legitimate stakeholders.

UNDER-21 DRIVERS

Large motor carriers have long peddled the thoroughly debunked myth of a driver shortage to promote policies that enable them to hire the cheapest labor possible. This includes recent efforts to lower the minimum age for driving interstate to 18 years old.

Over the objections of OOIDA, organized labor, and safety advocacy groups, Congress authorized the failed Safe Driver Apprenticeship Pilot Program in IJJA. Since the pilot program's launch in January 2022, large carriers have struggled mightily

to find 18, 19, and 20-year-olds interested in participating. In several years, the program has only registered a few dozen applicants. The American Trucking Association, who clamored for the inclusion of this initiative in IIJA and called the utilization of existing registered apprenticeship programs the “gold standard” for driver training, later reversed course and said the stringent apprenticeship standards discouraged participants. Carriers have also blamed the required use of inward-facing cameras for lackluster driver participation. This is despite the fact that one of their largest carriers recently announced they will equip all of their tractors with driver-facing cameras.¹ Large carriers will continue to struggle to find participants in the Safe Driver Apprenticeship Pilot Program as long as it is authorized, but it’s not because of the scapegoats they have identified.

The pilot program has failed to yield a valid sample size and has inadvertently shed light on some of the fundamental problems in trucking that have stunted the retention of drivers. Rather than extending the pilot or decreasing the minimum age requirements for CDL holders, the Committee should consider *alternative solutions* that solve some of the problems that drive support for permitting younger drivers to haul interstate.

OOIDA agrees prohibiting younger drivers from crossing state lines is foolish. For example, it makes little sense for a young trucker in Kansas City, KS, to be allowed to drive to the state’s border with Colorado, but not deliver freight in neighboring Kansas City, MO. But the solution to this problem is not suddenly permitting that inexperienced driver to cross the country without limitations, entering terrain and experiencing elements they find unfamiliar and have not been trained to handle safely.

Instead, the Committee should consider implementing an air-mile radius for younger drivers to operate within that would permit them to cross state lines. Not only will this allow businesses shipping across state borders to improve their efficiency, it will give inexperienced drivers better opportunity to develop their skills in familiar conditions while receiving more advanced training. Then, they can enter the long-haul segment of our industry when they reach 21 years of age better prepared for safe, productive careers behind the wheel of a CMV. OOIDA believes a 150-mile radius, which is currently in effect for other programs at USDOT, would be appropriate.

While OOIDA has long opposed large carriers’ efforts to expand their driver pool to teenagers on the false narrative of a driver shortage, we view our air-mile radius proposal as a safer alternative that provides benefits to shippers, carriers, and new drivers.

PREDATORY LEASE-TO-OWN SCHEMES

Predatory truck leasing schemes are another longstanding problem within our industry. While traditional lease agreements can allow truckers to operate as independent small-businesses, there is a subset of leasing arrangements that almost always exploits drivers. Under these “lease-purchase” or “lease-to-own” agreements, a motor carrier (or related entity) owns a truck and leases it to a driver. In turn, the driver enters in to an agreement to lease the truck back to and operate it for the motor carrier. This this scenario, the motor carrier and lessor are effectively the same entity.

Companies peddling these supposed “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 become a full-fledged owner-operator at the end of the lease, these schemes rarely work. Instead, drivers are paid pennies on the dollar and have their work limited by the leasing entity to prevent them from ever securing ownership of the truck they lease. They are also provided no independence to seek better compensation or more steady work with other motor carriers.

This system pushes individuals who genuinely desire a career in trucking out of the industry and further contributes to driver turnover. Additionally, the financial and personal pressures resulting from escalating debt can create highway safety risks.

OOIDA supported the establishment of the Truck Leasing Task Force (TLTF) in IIJA and its mission to examine the terms, conditions, and equitability of common truck leasing arrangements. Following a series of productive meetings and discussions, TLTF submitted their findings to USDOT, the Department of Labor, and Con-

¹Avila, Larry. “JB Hunt Rolls out Driver-Facing Cameras.” Transport Dive, 26 Apr. 2023, <https://www.transportdive.com/news/jb-hunt-driver-facing-cameras-ATRI-issues-opportunities-report/647985/>.

gress in January 2025. OOIDA echoes TLTF's final report which found that the negative impacts of inequitable lease-purchase programs negatively affect individual drivers (especially new drivers), the trucking workforce, the health of the industry, and roadway safety. We encourage the Committee to implement TLTF's comprehensive recommendations including enacting a statutory prohibition on CMV lease-purchase agreements as irredeemable tools of fraud and driver oppression.

MINIMUM LIABILITY INSURANCE REQUIREMENTS

OOIDA has long fought efforts to increase minimum liability insurance requirements for motor carriers and will vehemently oppose legislation that includes an increase of any amount. Not only is such an increase wholly unnecessary, it would do nothing to improve highway safety, needlessly jeopardize countless blue-collar jobs, and destroy many small trucking businesses.

Federal research has demonstrated such a change is entirely unnecessary. A Congressionally-required study determined the vast majority of truck-involved crashes do not exceed today's minimum insurance levels. In fact, the existing minimum of \$750,000 covers costs in over 99 percent of crashes involving a CMV.

It's important to understand the impact any increase would have on our economy. Increasing motor carriers' minimum liability requirements would affect all businesses transporting property, not just long-haul trucking operations. The impact would be felt in many sectors of the economy, including the agriculture, construction, manufacturing, towing, and materials industries. Raising insurance minimums for countless businesses engaged in trucking would undoubtedly cause many to shutter, leading to the loss of blue-collar jobs. This policy clearly does not belong in legislation that is designed to rebuild our infrastructure and encourage economic growth.

Calls for higher insurance requirements have come from trial lawyers looking to line their pockets at the expense of truckers, farmers, ranchers, towers, construction firms, manufacturers and any other industries reliant upon trucking. We strongly encourage members of the Committee to prevent any such provision from being included in the next surface transportation reauthorization.

SPEED LIMITERS

In 2022, FMCSA launched a controversial speed limiter rulemaking that would restrict all heavy-duty CMVs to a single top speed across the country, as low as 60 miles per hour. This mandate would have a negative effect on road safety, crash rates, driver retention, and supply chain performance, which is precisely why it is incredibly unpopular among professional drivers.

While the Trump Administration has recognized the strong opposition to speed limiters among truckers and announced USDOT will withdraw the rulemaking, there are lawmakers who want to use surface transportation reauthorization to impose a mandate over our members' and other industry stakeholders' objections. These efforts must be rejected by the Committee.

However, OOIDA strongly supports efforts to go a step farther. The DRIVE Act, S. 1696, is legislation introduced by Senator Steve Daines (R-MT) that would prevent future Administrations from advancing any policies that create dangerous speed differentials among vehicles, which are proven to lead to higher crash rates. We believe this proposal must be included in the next Highway Bill.

ELECTRONIC LOGGING DEVICE CERTIFICATION

Since its implementation in 2017, the Federal Electronic Logging Device (ELD) mandate has been beleaguered by FMCSA's decision to allow manufacturers to self-certify devices. Over the last several years, nearly 300 ELDs have been deemed non-compliant by the agency, leaving truckers little confidence in determining what devices will ensure their long-term compliance with the regulation.

Since Congress forced truckers to comply with this mandate, you must now compel FMCSA to implement a long overdue certification process that prevents non-compliant devices from ever entering the marketplace.

A robust certification process would also address long-standing concerns involving cybersecurity threats related to ELDs. In 2020, the Federal Bureau of Investigation (FBI) issued a bulletin indicating self-certified devices did not follow cybersecurity best practices and were vulnerable to compromise. Specifically, the bulletin stated, *"Although the mandate seeks to provide safety and efficiency benefits, it does not contain cybersecurity requirements for manufacturers or suppliers of ELDs, and there is no requirement for third-party validation or testing prior to the ELD self-certification process. This poses a risk to businesses because ELDs create a bridge between*

previously unconnected systems critical to trucking operations.” These conditions have not changed in five years.

Furthermore, Congress must impose a ban on technology from hostile nations like Russia and China from being utilized in ELDs that track American truckers. ELDs generate copious amounts of data about our supply chain, including the movement of specific vehicles. Allowing our enemies and competitors unimpeded access to this data should concern lawmakers as much as it does the truckers who are forced to use the devices. This kind of ban could also be achieved by enacting a rigorous certification process at FMCSA.

SIDE UNDERRIDE GUARDS

Truckers hold a number of concerns about mandating underride equipment, specifically side underride guards. These include operational and safety challenges regarding rail-crossings, loading docks, and low ground clearances, as well as equipment damage resulting from curbs, roundabouts, speed bumps, and other highway features. Additionally, there are no commercially-available side underride guards that have demonstrated a capability to fully prevent passenger compartment intrusion among passenger vehicles in highway driving conditions, raising serious concerns about their purported efficacy and benefits.

For decades, the National Highway Traffic Safety Administration (NHTSA) has considered numerous options involving side underride guards. NHTSA has consistently concluded Federal mandates would be impractical and cost-prohibitive. The Committee must reject calls for this unworkable and costly mandate to be included in surface transportation reauthorization.

UNIQUE ELECTRONIC IDENTIFIERS OR “TRACKERS ON TRUCKERS”

Truckers strongly oppose the Commercial Vehicle Safety Alliance’s (CVSA) proposal to mandate the use of Universal Electronic Identifiers (UEI) or as OOIDA calls them, “Trackers on Truckers”. Our members have been extremely clear that this concept is an unwarranted intrusion into their privacy, as well as an overly costly and burdensome requirement that does nothing to improve their efficiency or safety. Due to the absence of any research demonstrating how the use of UEI technology would improve safety, the motivation for pursuing this mandate appears to be nothing more than adding convenience for enforcement agencies.

In fact, truckers are concerned the implementation of this proposal would negatively affect highway safety if enforcement officers begin prioritizing roadside inspections based on potentially unreliable data, instead of observable safety hazards. To make matters worse, barreling forward with a new mandate involving the transmission of sensitive information only intensifies concerns involving identity theft, cargo theft, security threats, and more.

This is likely why FMCSA’s September 2022 ANPRM on UEI was soundly rejected by industry stakeholders and never advanced through the regulatory process. Having reached a dead-end at the agency, CVSA is now turning to Congress to impose an unnecessary mandate over the objections of motor carriers and professional drivers. The organization claims the technology would only be required to transmit identifying information related to the CMV. However, FMCSA’s stalled ANPRM went much further and included the possible transmission of information related to the individual trucker operating the vehicle. And as we’ve seen with the ELD mandate, manufacturers have gone well beyond what Congress required and offered devices that collect and transmit all types of information. As a result, truckers have little faith in CVSA and others’ long-term commitment to limiting the type of information being shared.

TOLLING AUTHORITY EXPANSION & CONGESTION PRICING

Truckers *hate* tolls. They are an extremely inefficient and unreliable source of funding. Truckers also hate congestion pricing, which unfairly penalizes them for conditions beyond their control. Efforts to expand the use of tolling and congestion pricing are the direct result of Federal lawmakers’ inability to establish sustainable funding streams for our highways. Rather than shifting responsibility (and blame) to state and local decisionmakers for your own lack of political will, Congress should increase the efficient and reliable user fees in place today, as well as take simple steps to ensure all road users are contributing to the maintenance and development of our infrastructure.

Truckers often have limited control over their schedules, and are subject to the demands of shippers and rigid hours-of-service (HOS) regulations. They have little choice but to use a tolled road (if a non-tolled alternative isn’t available) or drive

through metropolitan areas during times of high congestion. Unlike other highway users, truckers may lack the ability to choose alternate routes to avoid congestion due to size and weight restrictions, heavy vehicle prohibitions, and other limitations on ancillary roads. For these reasons, tolling and congestion fees disproportionately and unfairly impact truckers.

Let us be clear—small trucking businesses, which already pay tens-of-thousands of dollars in taxes every year to maintain our infrastructure, are willing to pay more for improved infrastructure, so long as it is done in a fair and equitable way. OOIDA has long advocated for increases to existing fuel taxes as a way to fund greater infrastructure investment. We support new funding mechanisms proposed by both the American Highway Users Alliance (AHUA) and the Truckload Carriers Association (TCA), which ensure *all* users are finally paying to maintain our roads and bridges.

If Congress is considering raising revenue, it should have the political courage to do so through proven, cost-effective methods like fuel taxes, instead of methods like tolling that disproportionately harm truckers. The Committee must take steps to not only limit the tolling of currently non-tolled highways, but ensure revenue is being used exclusively for the maintenance of the tolled asset.

VEHICLE MILES TRAVELED FEES

The authorization of programs to administer Vehicle Miles Traveled (VMT) fees, including those targeting only truckers, would be premature for the next highway bill. Existing user fees are already incredibly efficient and easily administered. These are thoroughly proven mechanisms that provide a transparent and effective way to fund highway construction and maintenance. The costs of administering these user fees are extremely low—estimated to be less than 1 percent of all revenues collected. If Congress is serious about raising revenue in the near term, it must acknowledge increasing existing user fees is the most practical and effective solution.

In contrast, truck-only VMT taxes have proven to be highly problematic and largely unsuccessful. Whereas gasoline and diesel taxes have low administration costs because they are collected from a small number of entities, a VMT tax imposed on truckers would skyrocket the number of payers into the millions. Such a tax structure would be incredibly difficult to enforce and would require a major expansion of Federal bureaucracy.

It is a common misconception that increased costs associated with truck-only VMTs could simply be passed on to shippers. While its true most motor carriers are now capable of passing fuel surcharges along, it took truckers decades to defer the rising cost of fuel to their customers. Shippers will similarly be unlikely to immediately accept higher fees to cover the cost of truck-only VMT. Instead, they will simply hire carriers willing to absorb the most cost. For small-business truckers, who operate on the slimmest of margins, this would be particularly harmful. While shippers may one day be willing to accept charges for VMT, the initial years or decades of implementation could be devastating to small businesses.

IIJA required USDOT to create the Federal System Funding Alternative Advisory Board, a panel directed to analyze VMT. OOIDA has a seat on this advisory panel, but the board has only recently begun its work. It would be premature for Congress to take any additional steps to advance VMT until the panel has finished its report, which will include recommendations related to the structure, scope, and methodology for developing and implementing a nationwide pilot program.

NATIONAL CONSUMER COMPLAINT DATABASE IMPROVEMENT

FMCSA's National Consumer Complaint Database (NCCDB) has proven to be an ineffective tool for motor carriers and drivers to report coercion and unsafe practices committed by motor carriers, unscrupulous activities conducted by brokers, and cases of freight fraud. Typically, truckers do not receive a satisfactory response when they call the NCCDB hotline or submit their concerns via the online portal—if they receive one at all. The lack of response from FMCSA discourages truckers from using the NCCDB to submit cases, which also contributes to a lack of understanding of the scope of the problems our members face with motor carries and brokers.

FMCSA must improve its response to complaints filed through NCCDB, but we recognize the agency likely lacks the resources to do so. NCCDB improvements are especially important in light of potential changes to HOS rules resulting from upcoming FMCSA pilot programs. HOS flexibility must be used at the discretion of drivers; in instances where carriers are forcing or coercing drivers to use flexibility in an unsafe way, drivers must have a reliable outlet to report these abuses.

IIJA required the Government Accountability Office (GAO) to examine the NCCDB and evaluate the effectiveness of efforts to consider and follow-up on complaints submitted to the database, the types of complaints, and awareness of the system. The GAO published their findings in September 2023, stating, “*FMCSA has not designed sufficient controls to help ensure its policy for reviewing complaints related to motor carriers is followed.*”²

We are optimistic that Secretary Duffy’s recent announcement that the NCCDB is being migrated to a modern customer service platform to be more user- and mobile-friendly will help streamline the response process, improve response timeliness, expand complaint categories to include property brokers, and initiate enforcement action when applicable.

We believe ongoing NCCDB changes can further be supplemented simply by changing the name of the system. Possible suggestions for a more logical name would be the “National Truck Safety Hotline” or the “Truck Safety and Compliance Hotline.” A new, more identifiable name would help raise the platform’s awareness among professional truckers and improve its utilization.

Each year, FMCSA receives hundreds-of-millions of dollars for enforcement purposes, a large portion of which is devoted to ensuring compliance with regulations that have little to do with highway safety. While OOIDA is not in favor of increasing overall enforcement funding for FMCSA, we encourage the Committee to repurpose many of these dollars—derived largely from user fees imposed on motor carriers—to make NCCDB an effective and reliable tool for truckers to report concerns.

ENGLISH PROFICIENCY, NON-DOMICILED CDL HOLDERS, & CABOTAGE

At a minimum, motor carriers and drivers should be expected to comply with existing regulations that promote safety. One such requirement is that drivers are able to understand and communicate in English. 49 CFR 391.11(b)(2) states that a person is qualified to drive a truck only if they, “*Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.*” The ability to understand and react to road signs, especially in emergency situations, is critical for public and operational safety. Drivers must also be able to communicate with law enforcement and, in the case of an emergency, first responders.

On April 28th, President Trump issued Executive Order 14286, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers.” The action outlined procedures that have since reinstated English proficiency violations back into the Out-of-Service Criteria. OOIDA strongly agrees with President Trump’s decision to resume enforcement of English proficiency requirements for commercial drivers. We believe the Executive Order is a welcome step towards restoring a commonsense safety standard. OOIDA has also supported legislative efforts strengthening English Language Proficiency regulations. S. 2114 would ensure English Language Proficiency is included in CDL testing procedures, while H.R. 3608 would codify licensing and enforcement aspects of the Executive Order into regulations.

Additionally, we applaud the Executive Order’s objective to gather more information on the number of drivers with non-domiciled CDLs currently operating on our roads. Non-domiciled CDLs allow individuals to operate a CMV for work, regardless of whether they are an American citizen or came to the U.S. with a work visa. FMCSA issued regulatory guidance in 2019 that created a loophole for states to expand the issuance of non-domiciled CDLs. We are hearing growing concerns from truckers about the prevalence of drivers using these licenses. As USDOT conducts a nationwide audit into state practices about issuing non-domiciled CDLs, we urge the Committee to consider how these drivers are being recruited, compensated, and treated, and the safety records of carriers utilizing these CDL holders. Furthermore, we question the need for this program entirely, as trucking is currently experiencing over-capacity that limits job opportunities for domestic drivers.

Finally, drivers from Mexico and Canada are being enticed by fleets to remain in the U.S. after hauling freight across our borders for the purpose of illegally transporting domestic loads. In many cases, fleets utilizing these drivers can pay them a fraction of the compensation of an American trucker, providing a financial incentive to continue this illegal practice. In addition to suppressing domestic wages, this practice allows drivers who have completed lower safety standards to operate on American roads. Law enforcement must do a better job identifying violations and

²GAO Report to Congressional Committees, “Motor Carrier Operations: Improvements Needed to Federal System for Collecting and Addressing Complaints against Truck, Moving, and Bus Companies,” September 19, 2023, (GAO-23-105972, <https://www.gao.gov/assets/d23/105972.pdf>).

enforcing existing cabotage rules, and FMCSA must take aggressive action against fleets found to be violating these laws.

UNIFIED CARRIER REGISTRATION REPEAL

Administered by the Federal and state governments through a partnership with the motor carrier industry, the Unified Carrier Registration (UCR) system imposes various taxes on motor carriers and distributes the resulting revenue to 41 participating states. The system was established in 2005 for the purpose of maintaining a single national register of motor carriers conducting interstate travel. However, the system no longer meets its original objectives and currently does nothing more than generate revenue for states. As a result, UCR is a chief example of government bloat and should be repealed.

Truckers also have concerns with how the system is administered, starting with the inequity in the assessment of fees on motor carriers. The current tax structure is particularly burdensome and costly for single truck operators or small fleet carriers, who are assessed disproportionately higher fees than their larger competitors. In addition to concerns about inequality, the system lacks the transparency and accountability to merit the trust and support of motor carriers and Congress. Because oversight of the system is practically non-existent, lucrative contracts for services have been doled out with little to no competition or transparency.

In fact, transparency throughout the program is severely lacking. Often, it is difficult to determine precisely what programs UCR taxes are supporting within participating states. Many states use UCR revenue as a non-federal match for Motor Carrier Safety Assistance Program (MCSAP) funding, which is devoted primarily to enforcement. Essentially, these states are utilizing a federally-authorized tax on motor carriers to leverage additional Federal funding for the policing of truckers. Rather than returning surplus funds to the depository, several ‘donor states’ are currently flouting the UCR agreement and keeping revenues that exceed their entitlement in state coffers.

HAIR TESTING

No one better understands the critical role that drug and alcohol testing fulfills in keeping America’s highways safe than OOIDA members. However, there are still significant debates and unanswered questions concerning the use of hair testing. We do know hair testing can lead to false positives because of environmental contamination and the interference of cosmetic treatment on the analysis of hair.

Variances in hair types have also posed difficulties in standardizing drug testing. Hair shape, size, color, texture, formation, and other qualities varies by race, sex, age, and position on the scalp. Not surprisingly, all these limitations have led to discriminatory employment practices. There is no shortage of research illustrating these concerns and that is why the Department of Health and Human Services (HHS) refrained from mandating hair testing in their 2020 proposed guidelines. OOIDA remains opposed to any sort of hair testing mandate that would be initiated by Congress or HHS.

CRITICAL ISSUES OUTSIDE THE JURISDICTION OF THE COMMITTEE

TRUCK PARKING

OOIDA will not support surface transportation reauthorization that fails to dedicate Federal funding exclusively for the expansion of truck parking capacity. Specifically, truckers favor solutions included in the Truck Parking Safety Improvement Act, H.R. 1659. This bipartisan legislation enjoys universal industry and stakeholder support.

Alleviating the truck parking shortage has been the top safety concern for American truckers for decades. Members of Congress from every corner of the country and across the political spectrum have supported this legislation over the years because they understand the truck parking crisis is negatively affecting their constituents who make a living behind the wheel. With research indicating there is a single parking spot available for every 11 trucks on the road, the lack of available spaces is forcing truckers to choose between parking in a potentially unsafe location, such as a highway shoulder, or continuing to drive while they feel fatigued or are out of available driving hours under *federally-mandated* HOS regulations. Increasingly, these factors are also negatively affecting the safety of the driving public.

The current highway bill increased spending on things like CMV regulatory enforcement, created new uses of funds from the Highway Trust Fund (HTF) for water infrastructure projects, vegetation management, and other non-road projects, and

authorized \$800 million for a new bike lane program, as well as a new program to promote “pollinator management” along highways. At the same time, Congress—specifically the Senate—failed to prioritize or dedicate funding for truck parking.

Somehow, after nearly a decade of unified advocacy, the trucking industry still finds itself pleading for help and feeling anxious that the Senate may again fail to act. Frankly, truckers are sick and tired of some lawmakers ignoring their pressing safety needs while funding other pet projects, and rest assured, they will be watching closely to see if Washington finally delivers. If the next surface transportation reauthorization fails to provide dedicated funding for truck parking, but authorizes even a single penny of funding for new initiatives, OOIDA will use every tool it has to ensure the legislation is defeated.

SIZE & WEIGHT INCREASES

OOIDA opposes controversial proposals to increase the size and weight of CMVs, which would reduce safety and adversely impact small trucking businesses. In fact, allowing bigger and heavier trucks on our roads would only benefit shippers and a handful of large corporate motor carriers.

These proposals would pressure small trucking businesses to increase their hauling capacity to stay competitive. Unlike large carriers, who 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 just to remain viable. Unfortunately, previous weight increases have demonstrated heavier trucks don’t lead to better compensation for professional drivers, as some proponents have mistakenly claimed.

We remind lawmakers that earlier this year, one of the Nation’s largest retail businesses admitted before a House Committee that they would not pay truckers a penny more for hauling additional freight. Considering these factors, increasing size and weight is all cost and no benefit for truckers. Additionally, there is currently an excess of trucking capacity, and motor carriers remain more than capable of meeting the Nation’s ongoing transportation needs.

Congress must also reject efforts to allow commodity-specific exemptions, especially for the movement of electric vehicles (EV). Providing preferential treatment to EV manufacturers would create a scenario in which heavier auto transporters inflict greater damage to our roads, while the owners of the EVs being hauled will pay NO fees to maintain our infrastructure. Truckers see these proposals for the scams they are and implore the Committee to reject policies that benefit EV manufacturers and owners at a cost to small trucking businesses. Rather than providing favors to select entities in our industry, Congress should instead focus on policies that improve conditions for trucking operations of all sizes.

INDEPENDENT CONTRACTORS & WORKER CLASSIFICATION

Some trade associations and large motor carriers have claimed independent contractors in trucking are threatened by the Department of Labor’s (DOL) 2024 worker classification rule, and that this rule presents safety issues for truckers and the public. This is patently false.

To set the record straight, the 2024 rule has not jeopardized or limited any of our 150,000 members’ ability to utilize the independent contractor model as owner-operators, and claims that this rule must be changed to protect the trucking industry, public safety, or the supply chain are unfounded. Small-business truckers and owner-operators continue to have the discretion to run their business in the safest and most efficient way possible.

We believe DOL’s 2024 rule struck an appropriate balance for worker classification and eliminated a concerning provision from the 2021 rule that encroached on USDOT’s, and this Committee’s, authority. This 2021 provision would have also allowed carriers to micromanage an owner-operator’s business.

In its 2021 Final Rule, DOL created an exemption for “safety” requirements, clarifying that anything a carrier required in the name of safety could not be used as evidence that a hiring entity was controlling its worker. DOL specifically noted that a contractual requirement for an owner-operator leased to a carrier to use a speed limiter was “implemented in order to comply with specific legal obligations and to ensure safety,” and that this requirement wasn’t controlling how an owner-operator chose to manage their business.

Going further, in an opinion letter issued in conjunction with the Final Rule, DOL said that requiring owner-operators to use and comply with intrusive inward-facing cameras, monthly safety meetings, onboard monitoring systems, and numerous other measures were simply adhering to “certain rules to which the worker is al-

ready legally bound,” and that they therefore aren’t controlling a trucker’s operation.

Given that USDOT has never mandated these technologies or requirements, we believe that DOL infringed on USDOT’s authority by determining that these measures improved safety and constitute a specific legal obligation. In fact, as already mentioned in this testimony, USDOT recently announced that it would withdraw its proposed speed limiter rulemaking. In its announcement, the Department even called speed limiters a “safety hazard”, eliminating any argument that these devices should be considered safety equipment by DOL.

We urge lawmakers to reject any proposals that are promoted under the guise of protecting independent contractors and be skeptical of legislation that would limit or conflict with this Committee’s work to promote safety, small businesses, and the supply chain.

GUARANTEED OVERTIME FOR EMPLOYEE DRIVERS

An outdated exemption in the Fair Labor Standards Act (FLSA) denies employee drivers guaranteed overtime pay. This policy has exacerbated problems the Committee has sought to address in the past, including detention time, driver retention, and even highway safety. S. 893, the Guaranteeing Overtime for Truckers (GOT Truckers) Act, would eliminate this exemption, finally placing a value on all of the hours a driver works, and help address these problems.

First, eliminating the current exemption would force shippers, receivers, and others throughout the supply chain to value all of a driver’s working hours, and in turn, reduce detention time. Drivers are often not paid for detention time, and even when they are, industry practice dictates that drivers give up two hours of their time for free while they wait to be loaded or unloaded. As a result, drivers work 50, 60, and up to 70 hours in a week, with many of these hours spent unpaid, waiting at the loading dock. If drivers were paid overtime, then entities throughout the supply chain would finally have to pay drivers for all their hours on the clock and have an incentive to keep them moving.

Eliminating the exemption would also help improve driver pay and retention, especially in light of the One Big Beautiful Bill (OBBB). OBBB exempts overtime wages from taxes, but only if these overtime wages are required to be paid under the FLSA. Because truck drivers are exempt from the FLSA overtime provision, even if they are currently working for a carrier that pays them overtime, they will not benefit from “no taxes on OT”. Eliminating this discrepancy will put truckers on equal footing with most other blue-collar workers who will be getting tax-free overtime in the coming years. This in turn will help keep drivers in the industry instead of seeking a new job with better compensation.

While this legislation falls outside the Committee’s jurisdiction, we hope that you will support S. 893 to help address a number of related issues before the committee.

Senator YOUNG. Thank you for your words, Mr. Pugh.
Mr. Ferguson, you are now recognized for 5 minutes.

STATEMENT OF FRED C. FERGUSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN BUS ASSOCIATION

Mr. FERGUSON. On behalf of the American Bus Association and the \$90 billion motor coach and group travel industry, thank you for your bipartisan leadership today.

The private motor coach industry powered 40 billion passenger miles in 2024, led by 1,800 operators, 90 percent of whom are small businesses. We are the most efficient and sustainable form of transportation driven by equipment innovation and the removal of up to 35 cars per trip. We generated \$90 billion in economic activity in 2024, and our industry employs more than 500,000 Americans. We moved approximately 10 percent of Amtrak passengers and you are going to be seeing motor coaches on airport tarmacs more and more as buses are being a viable substitute to regional jets.

With this reach, we will be a key player in the upcoming mega decade of events and playing a crucial role in generating that \$100

billion in economic activity that travel live events, and the sporting events will bring to the table.

Most importantly, the Committee should view us as a strategic transportation reserve. We answer the call for natural disaster evacuations, the movement of emergency personnel and aid, and troop movements of the U.S. military when it is required. Moving to the hearing, safety is a core pillar of ABA and has been throughout our 99 years of existence. Upholding a rigorous safety ethic is part of ABA's code of ethics and unsatisfactory members are asked to leave the association.

As Congress reauthorizes surface transportation programs, ABA offers five core recommendations to ensure the motor coach industry remains safe and competitive within the national transportation network.

Number one—Hours of Service: The motor coach industry operates under fundamentally different service models than the freight sector. Passenger and group service involves unique scheduling, rest periods, and safety considerations. Applying a uniform framework does not recognize the functional differences of each sector, and we urge Congress to affirm the importance of maintaining distinct hours of service regulations.

Number two—Minimum Insurance Requirements: ABA supports maintaining the current Federal minimum insurance levels. The motor coach industry operates under ongoing and rigorous Federal oversight with every company subjected to regular FMCSA inspections. This high level of accountability paired with industry-led efforts, such as the ABA Bus Industry Safety Council, and the Motor coach Safety Action Plan has contributed to a steady decline in passenger fatalities. Raising minimums would likely lead to reduced service availability across the transportation network without any clear safety benefit.

Number three—Systems Modernization: ABA encourages Congress to modernize the safety measurement system and the compliance, safety, and accountability methodologies. The current data is skewed across sectors and we recommend creating distinct peer groups for passenger carriers and adjusting data models to reflect size, seasonality, and operating risks.

Number four—The Speed Limiter: As being discussed, the announcement by Secretary Duffy to reconsider or withdraw the Speed Limiter Rule is a welcome development. We encourage the full withdrawal of this proposal in recognition of the motor coach industry's strong safety record and need for operational flexibility.

Number five—Access to federally Funded Transit Facilities: Private motor coach operators play an essential role in connecting cities, particularly rural communities. We work with transit hubs and train service providers, as mentioned, and we are a major part of the Federal 5311(f) program, yet, our industry faces barriers accessing publicly funded facilities, which is a current requirement of the law. ABA calls for stronger enforcement of reasonable access and better transparency in facility use policies.

In closing, ABA is committed to working closely with this subcommittee, our membership, and FMCSA to uphold the highest standards of safety, accessibility, and reliability in motor coach operations.

I am happy to answer any questions you may have. Thank you.
[The prepared statement of Mr. Ferguson follows:]

PREPARED STATEMENT OF FRED C. FERGUSON, PRESIDENT
AND CHIEF EXECUTIVE OFFICER, AMERICAN BUS ASSOCIATION

Chairman Young, Ranking Member Peters, and Members of the Committee:

On behalf of the American Bus Association (ABA), I would like to express our sincere appreciation to you for your bipartisan leadership and commitment in swiftly beginning the highway reauthorization process. Your efforts to address our Nation's infrastructure needs are commendable, and we value the opportunity to engage with this committee on issues critical to the motorcoach industry and the broader surface transportation system.

Founded in 1926, ABA is the leading national trade association representing the private motorcoach, charter bus, group travel, and tourism industries—sectors that collectively generate nearly \$90 billion in economic activity annually and employ more than 500,000 Americans. Our members provide essential service across the intercity, charter, tour, and commuter markets, connecting people with places and supporting both mobility and economic growth in urban and rural communities alike.

Beyond our commercial service, the motorcoach industry plays a vital role in supporting national emergency response and public service needs. Our vehicles and operators are regularly mobilized for natural disaster evacuations, the movement of emergency aid and personnel, and the transportation of U.S. military service members. These missions demonstrate the sector's logistical capacity, reliability, and readiness in times of crisis.

With nearly 400 million passenger trips taken annually, the motorcoach industry is a critical pillar of America's transportation system—providing safe, affordable, and environmentally efficient mobility options. From small family-owned operators to national carriers, motorcoaches serve communities in every state, connecting people to work, school, healthcare, tourism, and more. Whether moving students, commuters, military personnel, or travelers, our industry ensures access where other modes often do not reach. Motorcoaches also complement the broader transportation network, linking seamlessly with airports, rail stations, transit hubs, and roadways—truly helping bind the Nation together.

ABA has a long, constructive track record of engagement with the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration (FMCSA) on a wide range of issues, including vehicle and driver safety, regulatory compliance, emergency preparedness, and workforce development. We've served as a vital partner to the agency by offering technical expertise, surfacing operational realities, and creating opportunities for dialogue with motorcoach operators of all sizes. Through initiatives like safety councils, listening sessions, and training partnerships, ABA has helped bridge the gap between policy design and on-the-ground implementation. We look forward to continuing this solutions-oriented collaboration to advance thoughtful, data-driven policymaking that supports both safety and the long-term sustainability of the industry.

As Congress undertakes the important work of reauthorizing the Nation's surface transportation programs, ABA respectfully submits the following recommendations under the Senate Commerce Committee's jurisdiction to ensure the motorcoach industry continues to operate safely, efficiently, and competitively in the broader multimodal landscape.

ABA POLICY PRIORITIES FOR SURFACE TRANSPORTATION REAUTHORIZATION

Hours of Service (HOS)—Preserve Industry-Specific Flexibility

The motorcoach industry operates under fundamentally different service models than the freight sector. Charters, tours, overnight trips, and intercity passenger service involve unique scheduling, rest periods, and safety considerations. Applying a uniform HOS framework across both freight and passenger sectors does not recognize the functional differences of each sector, and the corresponding operational and safety realities of passenger carriers. A one-size-fits-all model creates unnecessary compliance burdens and scheduling challenges, and we urge Congress to reaffirm the importance of maintaining distinct, tailored Hours of Service.

Minimum Insurance Requirements—Avoid Burdensome Increases

Raising Federal minimum liability insurance requirements would impose disproportionate financial strain on small and mid-sized operators without demon-

strable improvements in safety. There are 1,800 motorcoach operators across the country, nearly 90 percent of whom operate fewer than 25 coaches. Increasing insurance costs already present financial limitations on these small businesses, and changes to the minimums would likely result in reduced service across the network. In our view, the existing minimums already reflect appropriate levels for the industry, which has consistently maintained a strong safety record. We urge Congress to retain the current insurance thresholds and avoid changes that would create barriers to market entry and service sustainability.

The motorcoach industry operates under a high level of regulatory oversight—an appropriate standard given the responsibility of transporting passengers safely. Every motorcoach company is subject to routine FMCSA inspections at least once every three years. In recent years, industry-led progress, including the implementation of the Motorcoach Safety Action Plan, broader adoption of advanced safety technologies, improved vetting of new entrant carriers, and expanded safety education and outreach efforts, has contributed to a steady decline in passenger fatalities (NHTSA FARS/FMCSA Large Truck and Bus Crash Facts, Nov. 2024—Table 28). ABA is proud to play an active role in national safety initiatives such as the Road to Zero Coalition and the U.S. DOT's National Roadway Safety Strategy—both of which reflect the industry's deep and ongoing commitment to safety.

In accordance with MAP-21 directives, FMCSA and its Motor Carrier Safety Advisory Committee (MCSAC Task 14-2) reviewed proposals to raise minimum insurance liability levels. Ultimately, the agency was advised to pause any rulemaking on this issue pending further study (FMCSA-2014-0211). For many motorcoach operators, insurance represents one of the top three cost drivers—second only to vehicle acquisition and personnel—making any increase in mandatory coverage levels a matter of serious concern.

CSA/SMS Modernization—Reflect Passenger Industry Realities

While the motorcoach industry supports efforts to modernize FMCSA's Compliance, Safety, Accountability (CSA) program and its Safety Measurement System (SMS), current methodologies unfairly group motorcoach operators with freight carriers, resulting in distorted performance metrics. ABA recommends that FMCSA separate motorcoach carriers into distinct peer groups, adjust violation weightings to align with passenger-sector risks, and revise data methodologies to accommodate small, seasonal operators. These changes would ensure a more accurate and equitable assessment of safety performance.

Speed Limiter Rulemaking—Avoid One-Size-Fits-All Mandates

The speed limiter rule under consideration at FMCSA was primarily designed with heavy freight vehicles in mind and does not account for the distinct safety needs and operating conditions of motorcoaches. Moreover, there is no compelling reason for a nationally uniform speed limit for all commercial vehicles. Variations in geography, traffic congestion, and operational needs justify allowing companies to set their speed governors at different levels. The announcement by Secretary Duffy to reconsider or withdraw the rule is a welcome development. We encourage the full withdrawal of this proposal in recognition of the motorcoach industry's strong safety record, need for operational flexibility, and the adverse impact such a mandate would have on rural and long-distance service.

Access to Federally Funded Transit Facilities—Ensure Fairness for Private Operators

Private motorcoach operators often face challenges accessing federally funded public transit facilities, despite their role in delivering public transportation and complementing government services. ABA urges Congress to strengthen and enforce "reasonable access" requirements for private operators and to improve transparency around facility policies. Reauthorization legislation should include provisions that protect access and foster greater cooperation between public and private transportation providers.

Given the Subcommittee's jurisdiction over the Federal Highway Administration, ABA urges Congress to take action to ensure that motorcoaches receive equitable access to HOV and bus-only lanes, as well as achieve toll parity with publicly funded transit vehicles. These policies are essential to promoting efficiency, reducing congestion, and leveling the playing field for private operators who deliver vital transportation services to millions of Americans without public subsidy.

Regulatory Modernization—Cut Red Tape, Improve Efficiency

Outdated or overly complex regulatory processes continue to challenge motorcoach operators and impede efficient compliance. Reauthorization presents an opportunity to modernize vehicle inspection procedures, streamline commercial driver's license

(CDL) testing, and improve FMCSA's registration and data systems. ABA supports practical reforms that reduce administrative burden while preserving—and in many cases enhancing—safety oversight.

OTHER CRITICAL ENGAGEMENT AREAS

FMCSA Staffing—Rebuild the Passenger Carrier Division

FMCSA's Passenger Carrier Division plays a vital role in industry oversight and stakeholder engagement. However, the division has lacked a permanent chief for more than three years and is severely understaffed, with only two remaining staff members based in Iowa. To restore effective communication and improve regulatory responsiveness, ABA urges FMCSA to prioritize appointing a permanent division chief, fill critical vacancies, and work collaboratively with the industry to identify qualified candidates. A well-staffed and engaged division is essential to maintaining a strong, safety-focused regulatory environment for motorcoach operators.

California Meal and Rest Break (MRB) Preemption—Protect National Consistency

The 2020 FMCSA determination to preempt California's meal and rest break rules for interstate passenger-carrying drivers was a necessary and appropriate action to preserve national consistency in HOS regulations. State-level labor rules that overlap with Federal regulations create confusion, compliance risks, and operational disruptions. ABA urges FMCSA to deny all pending waiver requests and to defend the 2020 determination in court. A clear and consistent Federal standard is essential to ensuring legal clarity and safe, efficient service across state lines.

English Language Proficiency (ELP) Rule—Improve Implementation

ABA supports the intent behind the ELP rule as a safety measure, but its current implementation varies widely across states, creating confusion for both drivers and testers. Enforcement inconsistencies and unclear testing standards undermine both compliance and recruitment. ABA urges FMCSA to partner with industry on a webinar or listening session to clarify expectations, gather state-level feedback, and ensure the rule is implemented in a way that supports safety without worsening the national driver shortage and provides a clear path back for those who fall short.

ABA is committed to working collaboratively with this subcommittee, the full Senate Commerce Committee, and the Federal Motor Carrier Safety Administration to ensure that motorcoach transportation continues to meet the highest standards of safety, accessibility, and reliability.

We believe that a strong partnership between policymakers, regulators, and industry leaders is essential to advancing practical, data-driven solutions that reflect the unique operating realities of motorcoach providers. Whether it's improving regulatory clarity, supporting workforce development, or ensuring safe operations on the road, ABA is ready to provide insights and engage constructively in shaping the future of passenger transportation. Safety is our number one priority.

Thank you for the opportunity to testify. I look forward to your questions and to ongoing collaboration on these vital issues.

Senator YOUNG. Thank you, Mr. Ferguson.

Mr. O'Brien, you are now recognized for 5 minutes.

STATEMENT OF SEAN M. O'BRIEN, GENERAL PRESIDENT, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Mr. O'BRIEN. Thank you very much, Chairman Young, Ranking Member Peters, and Members of the Committee. Thank you for the opportunity to testify today on issues impacting the trucking and commercial bus industries.

I am Sean O'Brien, General President of the International Brotherhood of Teamsters. The Teamsters Union represents more than 1.3 million workers since 1903. That is 122 years. Our membership includes hundreds of thousands who start their workday behind a steering wheel of a commercial vehicle.

I am personally familiar with the subject of this hearing and not simply as general president of the Teamsters, I started my apprenticeship program at 18 years old in the rigging industry in South

Boston where I was an apprentice rigger, then a low driver, hauled heavy equipment both interstate and intrastate.

The Surface Transportation Reauthorization is an opportunity for bipartisan action. Together, we must create economic opportunity and improve the lives of millions of Americans. The Teamsters look forward to working closely with the Committee to write a bill that prioritize workers, prioritize public safety, and protection of jobs.

For decades, the Teamsters have led the way in making the trucking industry a better and safer place to work. Teamsters' drivers earn wages and benefits that ensure our members can support their families and retire with dignity. Our union provides high-quality training to drivers. We regularly induct members into the UPS Circle of Honor and many other driver safety programs recognizing 25 to 30 years of safe driving without an accident.

I would like to start by talking about the state of our industry. You have all heard about so-called "driver shortage", and I think you just heard one of my colleagues testify to that, we have been told we can solve this problem by forcing drivers to work longer hours and operate heavier trucks. At UPS, for example, one of our members may spend years working another position, another classification before a job operating a tractor trailer becomes available.

Once our members do get behind the wheel, most remain in these good paying, reliable, and safe positions until retirement. At carriers like TForce and ABF, Teamsters only experience a 10 to 12 percent turnover ratio. Union drivers have the best wages, health care, and retirement securities. In Teamster shops, workers are incentivized to stay, so-called "driver shortages" do not occur.

To help make this a reality for more workers, the Teamsters urge Congress to invest in high-quality CDL training. Sadly, predatory CDL programs are widespread in this country. They take money from students who then graduate unable to pass a skills test or operate a vehicle safely. Teamster Locals in 20 states certify members in the public as CDL drivers, usually at no cost to the students. Let us grow these programs for more American drivers.

The expansion and creation of competitive grant programs under the DOT that are accessible at teams training would help significantly. Federal action is also overdue to regulate autonomous vehicles. Allowing the unfettered operation of AVs is a threat to public safety and to good paying jobs in the trucking industry. The Surface Reauthorization presents an opportunity for Congress to take decisive worker first action on AVs.

I would also like to draw the subcommittee's attention to the growth of dangerous trucking business models. Amazon's trucking services are largely provided by its freight service partners, better known as FSPs. FSPs are contractors who, in turn, hire drivers. These small motor carriers exist as unique entities with individual DOT identification numbers.

This means that the Government cannot connect the dots between individual carriers to establish a pattern of unsafe behavior across a fleet contracted by Amazon and many others. This inability to trace unsafe behavior is critical when we know that Amazon FSP drivers were cited for violations at a rate of 70 times higher than UPS Teamsters.

The Federal Motor Carrier Safety Administration should be directed to collect consolidated safety metrics for companies using contracted fleets. They should also conduct a study on the safety of Amazon's local last-mile delivery service using vehicles under 10,000 pounds.

The Teamsters call on the Committee to reject policies that would reduce safety on our roads. This would include a rejection of weakening hours of service regulations, or permitting longer, heavier trucks. Allowing corporations to push drivers to high levels of fatigue or to operate more dangerous vehicles will result in unnecessary accidents, injuries, and death.

It is important that Congress is aware that one of the obstacles we face in providing the benefits of Teamsters' representation is employer abuse of labor law and refusing to bargain in good faith. Employers drag out negotiations for years and deprive workers of better wages and safer working conditions. This is not a bug. It is a feature in our labor codes.

The Teamsters wholeheartedly endorsed the Faster Labor Contracts Act. This bill requires employers to bargain with workers within 10 days of voting to form a union.

For the record, I want to thank Ranking Member Peters and Senator Moreno for their co-sponsorship of this important legislation.

Thank you for the opportunity to testify today. I look forward to your questions as well.

[The prepared statement of Mr. O'Brien follows:]

PREPARED STATEMENT OF SEAN M. O'BRIEN, GENERAL PRESIDENT,
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Chairman Young, Ranking Member Peters, and members of the Subcommittee, thank you for the opportunity to testify today on "Shifting Gears: Issues Impacting the Trucking and Commercial Bus Industries in the U.S." The International Brotherhood of Teamsters represents 1.3 million hardworking people in the United States, Canada, and Puerto Rico, in nearly every Congressional district, including hundreds of thousands of members who start their workday behind the steering wheel. While today I am proud to serve as the General President of the Teamsters Union, I also started my career as a truck driver, working in the rigging industry as a heavy-equipment driver in the Greater Boston area.

For decades, the Teamsters have led the way in making the trucking industry a better, safer place to work. Thanks to strong union contracts, our drivers earn wages and benefits that ensure they can support their families and have access to a dignified retirement. In the sectors in which we represent drivers, our members earn wages and benefits significantly higher than nonunion workers, particularly in the Less than Truckload (LTL) sector. For example, at UPS, a typical package car driver working full-time in last-mile delivery brings in salary plus benefits with a which substantially surpass their peers at nonunion operators FedEx and Amazon. Our members also work safer, with access to both high-quality training and workplace protections and it is our privilege to regularly induct members into the UPS Circle of Honor, recognizing 25 years of driving without an accident.

I appear before you today at a critical moment as this Committee and Subcommittee begin consideration of the surface transportation reauthorization. This legislation provides an opportunity to work on a bipartisan basis to improve our Nation's infrastructure, strengthen supply chains, create economic prosperity, and improve the lives of millions of Americans who drive, maintain, dispatch, and load the trucks that deliver goods to every corner of this Nation and sustain the lifeblood of American commerce.

I call on the Committee to embrace legislative proposals that prioritize these workers and their labor and reject corporate schemes eager to make driving more dangerous, drivers more fatigued, or replace humans entirely with unproven technologies.

DRIVER PIPELINE

The Teamsters have no doubt that members of this Subcommittee have heard and will continue to hear about the specter of a so-called driver shortage and the actions that Congress should take in response. Industry has been pushing this narrative for more than two decades, including the claim that the Nation is short of as many as 60,000 or more drivers today, and potentially hundreds of thousands in the future. The Teamsters continue to reject this narrative. We agree fully with the recent, Congressionally mandated, National Academies of Science study on driver compensation and driver retention which noted that “the application of traditional economic principles, therefore, does not support assertions of persistent shortages of drivers in the long-distance TL sector” and that “what seems likely, in the committee’s view, is that carriers in the long-distance TL sector have come to believe there are chronic shortages of drivers because of the constant need to replace them during both expansions and contractions of the long-distance TL sector”.¹

Instead of accepting mass driver shortage narratives on their face, we urge subcommittee members to instead consider several key points. First, that claims of driver shortages are frequently accompanied by legislative or regulatory requests that are harmful to drivers, including solving “shortages” by requiring them to drive longer hours, operate heavier trucks, or by attacking key elements of labor law which prevent the abuse and misclassification of drivers. In this regard, we view shortage claims as little more than a pretext for actions that might otherwise draw opposition and scrutiny.

Secondly, we continue to encourage this subcommittee and Congress broadly to delve further into the “why” of large carriers and their representatives’ supposed difficulties. In 2021, an average of 50,000 Commercial Drivers Licenses (CDL) were issued each month.² Yet the truckload sector has long reported annual turnover rates of between 80–90 percent. While we acknowledge that long-haul truck driving is a challenging career that is not suitable for everyone, a turnover rate of such magnitude in any other industry would raise significant alarm bells. As we have long maintained, there are persistent and endemic issues in the trucking industry driving this incredible turnover, including low wages, exploitative contracting schemes, predatory truck leasing arrangements, and more. We believe these issues are worthy of deeper consideration, more so than proposals which would supposedly and paradoxically increase driver supply by making driving a more difficult job.

Finally, our experience at Teamsters carriers like TForce, ABF, and UPS, as well as dozens of smaller trucking companies, offers a striking contrast to the turnover challenges in the truckload sector. While we acknowledge that there are substantial differences between truckload and less than truckload careers, it is still significant that we experience only 10–15 percent annualized turnover at Teamsters LTL carriers. At UPS, depending on location, an employee may spend years working in various positions before a position as a feeder driver, operating UPS tractor trailers, becomes available—at which point most members stay in that position until retirement. The reasons for this are not mysterious—as discussed above, when offered industry leading wages, health care, and retirement benefits, workers are incentivized to stay, and “shortages” do not occur.

To that point, we are unsurprised by a 2019 Bureau of Labor Statistics report into the question of driver availability and economic behavior which largely concluded that the supply of drivers behaves in the manner a basic supply and demand model would anticipate, with expected responses to economic incentives. BLS stated that “the overall picture is consistent with a market in which labor supply responds to increasing labor demand over time, and a deeper look does not find evidence of a secular shortage” and further, “Econometric models of in-and outmigration of drivers support this conclusion. Drivers with higher earnings and [better] hours [when first observed by the study] are less likely to leave driving [12 months later].”

While we reject the shortage narrative, that does not mean that Congressional action on the driver pipeline is unwarranted. There are opportunities for Congress to include initiatives that are simultaneously pro-worker and pro-business in the upcoming reauthorization. For years, Congress has funded driver training through the Commercial Motor Vehicle Operator Safety Training (CMVOST) grant program. The program is small in scope—in 2024 it awarded a total of \$3.5 million to 27 award-ees, and most awards are targeted at advanced safety training for previously li-

¹ Pay and Working Conditions in the Long-Distance Truck and Bus Industries: Assessing for Effects on Driver Safety and Retention, National Academies of Science, 2024

² <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/states>

censed drivers.³ However, a reworked/larger CMVOST, or the creation of a new competitive grant program dedicated to new licensure, could create significant opportunities for prospective drivers.

The need for high quality CDL training is increasingly clear as predatory CDL programs persist across the country. As the Commercial Vehicle Training Association (CVTA) stated in a recent letter to Secretary Duffy, “the continued presence of non-compliant entities on the TPR allows these bad actors to offer substandard training services, resulting in students paying out-of-pocket for instruction that does not meet Federal standards. These students are often left unable to pass the CDL skills test, obtain employment, or operate safely; creating a significant risk to all who share the road.” It benefits no one to generate “graduates” who can’t pass a skill tests or, if they can, are not able to operate safely.

Teamsters local unions in 20 states have established training trusts or apprenticeship programs to train and certify our members and other workers as CDL drivers, as well as offering training in hazmat, passenger, school bus and doubles/triples endorsements—all at little or even no cost to students. Our programs graduate CDL holders who not only have the actual skills needed to be safe drivers but also obtain a pathway to employment. We have deep interest in growing our current programs to reach more Americans in new locations, to expand our offerings in existing programs, and to graduate increased numbers of highly skilled drivers. The expansion and/or creation of new funding streams accessible to Teamsters training programs would be critical to this effort, and we ask for support for this initiative in the surface reauthorization.

Opportunities to expand driver training programs also exist outside of the Federal Motor Carrier Safety Administration orbit. The Teamsters are proud to represent the affiliated Brotherhood of Maintenance of Way Employees (BMWED), protecting 37,000 rail workers who build, inspect, and maintain railroad tracks, bridges, and structures. As part of these responsibilities, many maintenance of way workers (MOW) are required to hold a CDL to operate specialized rail equipment. Our BMWED members report substantial bottlenecks in receiving railroad-provided training. To solve this issue, we strongly support explicit clarification of the workforce development eligibility within the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program to include CDL training programs. As labor organizations are already eligible recipients under CRISI, this would allow the BMWED to apply for Federal support to conduct training programs directly.

AUTONOMOUS VEHICLES

With increased efforts by autonomous vehicle (AV) manufacturers to commercialize autonomous trucks, and examples of actual, limited, commercial deployments, it has never been clearer that Federal action is long overdue. At this hour, the sole unique responsibility that the Federal government places on the testing or deployment of autonomous vehicles is for the operator to report significant accidents via the National Highway Traffic Safety Administration’s (NHTSA) Standing General Order 2021–01.

It is incomprehensible that in the same universe in which the Federal government regulates the size of hazard material placards down to a millimeter, autonomous vehicles are permitted to freely roam the country without oversight. Allowing the unfettered and unregulated operation of autonomous vehicles—ultimately seeking to replace human drivers with robots—is unequivocally a threat to safety on our roadways and the existence of good jobs in the trucking industry. The surface reauthorization presents an opportunity for Congress to finally take decisive action on autonomous vehicles.

This Committee has the advantage of holding jurisdiction over both NHTSA, responsible for vehicle manufacturing standards, and FMCSA, responsible for issues regarding commercial deployment and operations. It is essential that the reauthorization mandates the creation of a regulatory framework for autonomous vehicles governing aspects under the jurisdiction of both agencies. We call for the adoption of policies and other actions enumerated in the Teamsters’ Autonomous Vehicle Federal Policy Principles.⁴

We urge the Committee to specifically consider the economic impacts of mass deployment of unregulated autonomous vehicles on your constituents. The single most common occupation for men in the United States without a college degree is driver/sales workers and truck drivers.⁵

³ <https://ai.fmcsa.dot.gov/Grants/CMVOST.aspx>

⁴ <https://teamster.org/2023/09/teamsters-autonomous-vehicle-federal-policy-principles/>

⁵ <https://www.pewresearch.org/short-reads/2024/07/11/among-young-us-workers-without-a-college-degree-men-and-women-hold-very-different-types-of-jobs/>

Industry talking points on “fostering innovation” and “competing with foreign adversaries” falls on deaf ears for the millions of Americans the AV industry seeks to automate out of a job. Among other efforts, the Subcommittee should consider enacting workforce recommendations made by the Department of Transportation’s Transforming Transportation Advisory Committee, on which the Teamsters served.⁶

While certain regulatory responsibilities concerning autonomous vehicles clearly rest with the Federal government, the subcommittee should not pursue legislative efforts that seek to preempt states from exercising their existing authorities to oversee autonomous vehicles. Particularly as it relates to the terms and permissibility of operating within states without the presence of human drivers, and the collection of data to inform states’ decision-making. We commend every member of this subcommittee for their recent vote to strike a restriction on state action on artificial intelligence from the reconciliation bill.

PREDATORY MODELS

As the Subcommittee considers how to best promote safety in modern-day trucking, it must act on the growth of novel corporate arrangements that render existing safety and accountability metrics ineffective. We draw the Subcommittee’s attention to the trucking practices of Amazon.

Much of Amazon’s trucking services are provided by its Freight Service Partners (FSP). These are contractors to Amazon who in turn use drivers to haul Amazon products. However, these individual motor carriers, many of which are small operations of only a few drivers, exist as unique entities with individual Department of Transportation (DOT) identification numbers under FMCSA’s Compliance, Safety, Accountability (CSA) program, and subject to related enforcement actions through the Safety Fitness Determination (SFD) rating system.

The resulting effect of this model is that the safety behavior and metrics of the contracted carrier reflects only the performance of that individual carrier, not the parent organization impelling these fleets en masse. FMCSA lacks the ability to connect the dots between individual carriers or establish a pattern of unsafe behavior across the contracted fleet. This practice of devolving responsibility has come with tragic results—a 2022 *Wall Street Journal* investigation found that trucking companies hauling freight for Amazon have been involved in crashes that killed more than 75 people since 2015. The investigation further revealed that some carriers were found to be operating despite FMCSA Out of Service Orders; were rehired after significant violations; and that FSP drivers were cited for violations at a rate 70 times higher than UPS Teamsters drivers.⁷

While the use of contracting and freight brokerages are a fundamental component of the trucking industry, the use of contracting for the express purposes of avoiding safety responsibility should not be permitted. To address this scourge, FMCSA should be directed to amend the CSA program to collect comprehensive safety metrics for entities making use of large numbers of contracted fleets, which would be inclusive of the safety performance of all contracted carriers. This would permit FMCSA to take relevant enforcement action in response to such arraignments.

Similarly, we note that Amazon performs most of its local last-mile delivery service using vehicles under 10,001 GVWR, unlike the package cars deployed by UPS. Critically, this also means that because these vehicles are generally not classified as commercial motor vehicles because of their weight, they fall outside the scope of FMCSA’s safety authority, once again putting Federal regulators in the dark regarding their safety performance. To better understand the safety risks presented by these operations, the committee should require that FMCSA, in conjunction with safety research organizations and the Motor Carrier Safety Advisory Committee conduct a study on the safety of such operations and risks presented by their unregulated status and make recommendations to Congress.

SAFETY ISSUES

As discussed previously, it is imperative that the surface reauthorization legislation does not reduce safety on our roadways and for our members.

The Teamsters oppose efforts to water down critical Hours of Service (HOS) regulations, including increasing drive or duty time windows, or providing unwarranted HOS flexibility. The DOT has previously identified that fatigue is a contributing factor in at least 13 percent of large truck crashes, and fatigue is tragically endemic

⁶ <https://www.transportation.gov/priorities/transformation/transforming-transportation-advisory-committee/TTACReport2024>

⁷ <https://www.wsj.com/articles/amazon-trucks-crash-safety-11663793491>

to the industry.⁸ Allowing corporations to further push drivers to dangerous levels of fatigue is a proposal that can only result in unnecessary accidents, injuries, and deaths.

We also strenuously oppose efforts to raise maximum truck length and weight. While we appreciate that these items are bifurcated between this committee (length) and the Committee on Environment and Public Works (weight), we call on members to oppose any changes within this committee's jurisdiction, and in the reauthorization writ large. Research, including the 2019 Comprehensive Truck Size and Weight Limits Study and recent studies concerning the impacts of larger trucks on bridge infrastructure, make clear that increasing truck size and weight is a clear threat to safety.⁹ Our members continue to report that heavier vehicles present operational difficulties such as controlling brake distance and maneuvering in congested traffic conditions. Our members also report that these larger trucks are more likely to overturn. These proposals are also strenuously opposed by the Teamsters Law Enforcement League, representing law enforcement and first responders across the country, based on their experiences dealing with overweight trucks in the states in which they are currently permitted.

DRUG AND ALCOHOL TESTING

The Teamsters Union remains committed to compliance with DOT's drug and alcohol testing requirements, as informed by the Department of Health and Human Services' (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs. We acknowledge that HHS has failed to date to complete scientific and technical guidelines for hair follicle testing as a method of detecting the use of a controlled substance for purposes of DOT testing.

However, we are deeply disturbed by, and strongly opposed to, proposals seeking to skirt the statutory frameworks for DOT testing and guarantees that have been in place for almost 30 years. Specifically, any effort permitting the use of privately tested hair follicle samples to satisfy DOT panel tests and/or uploads to FMCSA's Drug and Alcohol Clearinghouse must be rejected.

Congress must continue to entrust the scientific professionals at HHS to determine whether mandatory guidelines for the use of a sample can be developed in a manner that satisfies scientific and due process concerns. In lieu of this, no legislative action should be taken.

CABOTAGE

Since the adoption of NAFTA, Mexico-domiciled motor carriers have been prohibited from engaging in U.S. point-to-point (domestic) transportation within the United States.¹⁰ Despite this, recent research conducted by the Teamsters into issues surrounding cross-border trucking networks in California revealed a concerning prevalence of illegal cabotage operations by these motor carriers. We encourage the Committee to direct FMCSA to conduct an analysis of the scope of current cabotage violations, and work in concert with relevant law enforcement agencies to curtail these operations.

LABOR STANDARDS

While outside the jurisdiction of the Committee, it is important that Congress broadly is aware that one of largest impediments the Teamsters face in providing the benefits of Teamsters representation to more drivers is the ability for corporations, including trucking companies, to abuse existing labor law and refuse to bargain in good faith with newly organized workers. Too often we have witnessed employers dragging out negotiations to deny workers from securing the wages and conditions they deserve indefinitely. This is a feature, not a bug, in our current labor codes. For this reason, we urgently express our strong support for the Faster Labor Contracts Act, which would require employers to collectively bargain with newly organized workers within 10 days of voting to form their union. We thank Ranking Member Peters and Senator Moreno for their co-sponsorship of this essential legislation.

The International Brotherhood of Teamsters thanks the Subcommittee for the opportunity to testify today. We look forward to continuing to work together on a bipartisan basis on the upcoming surface transportation reauthorization.

Senator YOUNG. Thank you, Mr. O'Brien.

⁸ <https://www.nhtsa.gov/sites/nhtsa.gov/files/18esv-000252.pdf>

⁹ <https://ops.fhwa.dot.gov/freight/sw/map21tswstudy/ctsw/CTSLWS%20Report%20to%20Congress%20FINAL.pdf>

¹⁰ 49 CFR 365.501(b)

We are now going to turn to member questions, and I will begin. I will begin with the Drive Safe Act. We have had some of our witnesses mention this legislation, now law. This is something, an issue I encountered. And I do think there are labor shortages as it relates to drivers of large trucks in this country, and I have encountered it throughout the State of Indiana.

I would travel around Indiana where—right next to some major metropolitan areas in other states. Next to Lawrenceburg, Indiana, is Cincinnati, next to New Albany and Jeffersonville, Indiana, is Louisville, Kentucky, next to East Chicago, and Gary, and Chicago, Illinois, and in each of these locations, I discovered that there were trucking companies attempting to move things, not only within Indiana, they had great facility to do that and had enough drivers because drivers could be 18 if delivering things within Indiana. But to go across state lines, you have to be 21.

That struck me as someone who believes in the power of markets, as absolutely absurd. I looked in the Constitution, it does still say that our job is to facilitate interstate commerce, and so I began working on this with all sorts of stakeholders here. And we finally got this signed into law after working on it for a number of years.

And case closed, right? No, that is not how it works. We had some real challenges with implementation with the last administration. The Biden administration imposed a number of additional burdensome requirements going well beyond congressional intent, and it has severely hampered implementation and participation.

So we are going to give this another shot, but we want to do so in an informed way. So Mr. Spear, from your perspective at ATA, if implemented as Congress intended, how would this program help to bring younger qualified drivers into the industry?

Mr. SPEAR. We are going to utilize that interstate commerce element that you mentioned, which is—and you are full right to emphasize—49 states, 49 states have legislation on the books allowing an 18-year-old to drive. Now, a little short drive in Indiana, in California, Texas, you can get a pretty good clip in, right? So there are no training standards, there are no performance metrics attached to any of that.

What you did in this pilot program, and at the time, Chair Cantwell, agreed to a national pilot program to bring 3,000 of these 18-, 19-, 20-year-olds in and properly teach them how to safely and responsibly drive. OK. I think we would all agree on that, training is key. None of the 49 states have that. Your pilot program that was enacted has 400 hours of training of which you have to have a supervised driver, experienced driver in the cab with you, it has 14 metrics attached to it.

This is a step toward safety unlike the 49 states, not a step away. The reason that it got poor attendance is because the last administration put a whole number of requirements into the pilot that you didn't authorize, including inward-facing cameras. OK?

You already have supervision with the experienced driver in the cab. So I know you and I have some differences, Navy, Army, the Army. I was just down in Benning last Friday, my son is commissioned as a captain, he is a company commander, 236 18-19-year-olds preparing to be infantrymen.

Senator YOUNG. Yes.

Mr. SPEAR. OK. They are going to go do the unthinkable. Hopefully they don't, but if they have to, they are trained to be the best. If we can do that for 18- and 20-year-olds, I am pretty sure we can teach them how to cross state lines in a class A.

Senator YOUNG. Yes. So you know, it is an interesting factoid that the 18 to 21 cohort actually has lower insurance rates than slightly over 21 for whatever anomalous reason. So it might suggest—I am speculating here—that that group who is motivated at the age of, say, 19 to get this sort of training is self-selecting, right? They are very motivated, very conscientious and thus on balance, may be safer, maybe even safer.

Mr. SPEAR. And Mr. Chairman, I would also say—

Senator YOUNG. But nonetheless, we baked 400 additional hours in. We are going to get it right this time.

I am going to move on to Mr. Pugh because I did indicate in good faith that I wanted to continue soliciting feedback from others. And I know—I believe from your comments you have expressed some reservations, Mr. Pugh, about the experience of these drivers and the potential of driving into new terrain. So I will give you an opportunity. Do you believe that the requirements related to complete performance benchmarks for driving in different areas and at different times of the day including on the interstate, in city traffic, on rural two lanes, and evening driving are unsatisfactory?

Mr. PUGH. I think that we need a pathway for 18 to 21 years old to drive truck. I was an 18-year-old, and went in the United States Army and drove a truck. That was my pathway. I went to the Service, got my CDL, and started driving at 21. I do also think at 18 to 21 years old, I did a lot of dumb things. Even when I was in the Military, and you have oversight when you are in the Military, there are other people there to guide you, you know.

But with that also being said, I think what we have to think about here is how we do this. Because even with 400 hours of training, and say you drive around the State of Indiana, or the State of Florida, what happens when you go to the Rocky Mountains and you have never seen the Rocky Mountains, or in the Appalachian Mountains.

I think a much safer, better way to handle this, and I agree with you, it makes no sense that a kid who lives, say, in Louisville, Kentucky, can't just cross the state line, or a kid in Indianapolis can't go maybe to Chicago. You know, I understand what you are saying, go to Gary, but he can't cross to Chicago.

I think what we should think about is 150 air mile radiuses like we do in agricultural and the short haul. That way, these kids who are from 18 to 21 years old, they learn how to operate this equipment in these trucks in areas that they know where they are from, and they know where they are.

As far as inward-facing cameras, I don't think that has anything to do with it, because it is funny that we don't want inward-facing cameras for young kids that are 18 to 21, but we want to have them in this new Independent Contractor Law for owner operators who probably have 20 or 30 years experience. That is OK.

Senator YOUNG. All right. Thank you, sir. Thanks for your comments. We will continue to work on this. We want to—we want to get this thing right.

So I will recognize Mr. Peters for some questions.

Then we will move to Chairman Cruz who just joined us.

Senator PETERS. Well, thank you Mr. Chairman. My first question is for both Mr. Spear as well as Mr. O'Brien. I have long been a champion of the safety benefits of autonomous vehicle technology and what it could offer to the transportation system if they are deployed responsibly and transparently.

In your testimony, both of you mentioned the need for a Federal Policy Framework for autonomous vehicles to set the rules for the road. Mr. O'Brien, you brought it up in your opening comments as well. I agree that we need action in this space, but to do that, we are going to need to make sure that we are meeting the needs of workers, of innovators, and Americans who expect safe roads.

So my question for both of you is: Can each of you please expand on, perhaps, the top two or three principles that you believe must be addressed by Congress or regulators in a Federal Autonomous Vehicle Framework?

Mr. O'Brien, would you kick that off, please?

Mr. O'BRIEN. Yes, I appreciate this opportunity. Our biggest fight whenever we go to the bargaining table with any and all industries is automation. Automation is a real threat to American jobs, and we feel strongly that the biggest threat to the trucking industry is autonomous commercial vehicles not requiring human operators.

So that is a priority to make certain that we have human operators in these vehicles. And I know some people think it is not coming for a long time, but either way, whether it comes tomorrow or 20 years from now, we have to be prepared. And protecting good middle-class jobs is important.

You know, I think there was a statistic set out here today, 3.5 million drivers right now. Well, if we replace 3.5 million drivers, where do they go, and what do they do? And more importantly, it is a public safety issue. We have talked to many law enforcement groups regarding their concerns regarding autonomous commercial vehicles. And it is a real concern if you have a family of four driving down the road.

Right now the best computer and the best reaction is a human operator. And we have all seen how in certain situations where technology has failed in testing of such vehicles with autonomous drivers. And last, we talk about all this investment that we make in infrastructure. And if we allow autonomous vehicles to be heavier, longer, and no requirement, or expand requirements of when they can travel on the roads that is going to be a detrimental effect to bridges, roads—bridges, off-ramps, and roads moving forward. So we think those are the top three threats.

More importantly, it is the jobs. Where do we put these people that have depended upon driving commercial vehicles, providing goods and services to this country? And I think there is no better example than what we went through during the pandemic where truck drivers, regardless of whether you were union, a non-union, or independent, we were all looked upon as essential workers providing goods and services to this country.

And we are not assets. We are human beings that provided these goods and services so that this country could keep moving. And I

think we should be appreciated, not forgotten. And the investment should be made to protect these jobs, not replace them.

Senator PETERS. Very good. Mr. Spear?

Mr. SPEAR. Yes. I think Ranking Member know full well there are five levels of automation. The first four require a driver, you know, engaged in the operation of the commercial vehicle. Level five is driverless. We are a long ways from deploying that widespread. We are going to see some, you know, operations down in the Southwest where it makes sense. You know, the weather is accommodating for that sort of activity, maybe not so much in Wyoming, Nebraska where I am from.

So you know, you are going to see this crop up. But I think to point out, the levels one through four really improve safety performance, not just for the company and the driver, but for the motoring public. There are some really good elements of technology that we need to continue to foster. Level five, before we even get to that, I think is important.

This also comes down to the driver shortage. If you believe it or you don't believe it, it is a fact. It is a fact. We watch it nationwide. We have the largest number of drivers under our membership. We know the demand for these drivers. And if there is a shortage, the inclusion of such technology, even if it is level five, is not going to be displacing anyone's jobs. So this is a red herring. It is—it is a baseless threat that I don't believe in, and our industry has proven that.

Last thing, in terms of automation, the modes are intermodal now. In my industry includes all ports. We support them, rail, we are locked arms now. The automation of the ports, if you looked at the ILA negotiations that just happened for the East Coast and Gulf Coast Ports and include the ILW on the West Coast, 65 ports in the United States and not one of them ranks in the top 50 in the world for productivity, efficiency.

We cannot compete. We cannot get the throughput that the President wants in and out of these ports if we don't utilize technology. And you can do it without displacing union jobs. So we need both, is the point.

Senator PETERS. Very good. I know I am low on time, but Mr. Chairman has granted one additional question, which I appreciate.

For Mr. O'Brien, and your testimony, you describe a shipping model currently being utilized by Amazon that creates avenues for avoiding accountability at FMCSA. I have raised similar concerns with the National Labor Relations Board regarding reports of Amazon retaliating against unionization activities by delivery service partners.

Just a quick question, given recent changes, what are the difficulties you face at the National Labor Relations Board which have impacted your ability to either prevent or address instances of retaliation, or other labor abuses in the industry?

Mr. O'BRIEN. Well, I think the National Labor Relations Board, and I have had this conversation with many Democrats, many Republicans, and someone who organizes workers every single day for the last 30 years, the system is broken, and it has been broken for a long time. And we usually try and avoid the NLRB at all costs

because it is antiquated, and it is also too long of a time-frame to get any type of resolution.

But when you are talking about Amazon, and DSP models, and the FSP models, you are talking about an employer who has skirted obligations of direct employer in claims that they have nothing to do with these subcontractors, yet, they are forced to buy the equipment from Amazon, or lease the equipment from Amazon, they are forced to follow the policies and procedures, but they don't go on Amazon's books as it comes to recording safety violations or anything else. And there is proven statistics out there as a result of that.

But on a bigger scale, we have been getting—we got a favorable decision in California regarding the DSP model under the current Acting General Counsel of the NLRB. But with that said, the bigger picture is the reason why we are working bipartisan to pass the Fair Labor Standards Contract to make organizing a choice that doesn't involve any type of retribution, retaliation for direct employees.

And I think we are going to be fighting the subcontractor model for years to come, or independent contractor model. And look, we are not against anybody for being an owner operator, trying to be their own boss. I think, you know, that has been around for 30, 40, 50 years. What we are against is these corporations that are exploiting workers through a scam system that doesn't provide good opportunity, that has 150 percent turnover ratio in the industry.

And if there is such—and my colleague talked about driver shortages—if there are such driver shortages or turnovers in industries, you have got to ask yourself, there is something wrong. And that is something wrong that we identify with, is not being a direct employee, not having the rights to collectively bargain—

Senator YOUNG. We are going to move on.

Mr. O'BRIEN.—not having the best benefits in the industry.

Senator PETERS. All right. Thank you.

Senator YOUNG. Thank you. Thank you, sir.

Mr. O'BRIEN. Yes.

Senator YOUNG. Senator Cruz, you are recognized.

**STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Mr. Chairman. Thank you to each of the witnesses for being here.

I want to go back, Mr. Spear, and Mr. O'Brien, to the topic that Senator Peters raised, which is autonomous vehicles, which is obviously an incredibly important topic, one that impacts over three million jobs, one that impacts our economy profoundly.

Mr. O'Brien, I wanted to give you an opportunity to respond to what Mr. Spear said particularly talking about levels one through four of automation and what your view and the Teamsters' view is on levels of automation that fall short of removing the driver. What is, you all, view on that?

Mr. O'BRIEN. I am not familiar with one through five, what he is talking about, but I can talk about the threat. You know we talk about automation and I drove a truck my entire life. I drove oversized loads, I hauled heavy equipment both interstate and intra-

state, and you know, there is no better brain—or better computer than your brain or your instinct.

Now, we understand technology is coming and we are not trying to impede any type of technology that is going to make business more efficient. Our sole goal is to protect these jobs, and to make certain that people that don't have the opportunity to go to college, that don't have the opportunity to get high, you know, white-collar jobs have the opportunity in the trucking industry.

I am a fourth-generation truck driver, and I have seen firsthand how important it is to maintain these jobs at the highest level. If we try and replace human operators with computers, I think one, it is going to be detrimental to recruiting new drivers, which further would give credibility to a driver shortage because the uncertainty of the industry. Second, again, it is going to be such a public safety risk.

I mean, do you want your family driving in a car, a minivan, next to a vehicle, not being operated by a human? I don't. I have two boys and I, you know, would hate to think that they are vulnerable to a malfunction in a computer.

And last, the infrastructure, I mean, how many times, and you have been around a long time, Senator, well respected, have you fought long and hard to improve infrastructure especially in your state? Now, if we allow all these autonomous vehicles to run wild, it is going to destroy that infrastructure that we, as taxpayers, have all invested in over the last several decades.

And I think the most important thing, and I will say it again, is the jobs. Where do these people go if you eliminate three million jobs? And people may not think, or there is testimony here, it is not happening for a long time. Don't kid yourself. If a big tech could have this done tomorrow and these corporations could operate without human operators, without paying wages, benefits, that would happen tomorrow.

Senator CRUZ. So Mr. O'Brien, Mr. Spear, both of you all have called for a Federal framework for autonomous vehicles. I want to ask each of you, what are the most important two or three elements in any Federal framework? Mr. Spear, you can go first.

Mr. SPEAR. Well, I think interstate commerce, you have got to protect it, we need one standard, not 50. Right now you have 16 states that have automated vehicle laws on the books. We are operating, we are developing technologies that I think are going to, you know, really be forward-leaning in terms of productivity and what it can do for the supply chain in levels one through four.

We are a ways out from full autonomy. You might see it, as I said earlier, in the Southwest, but nationwide I just don't see it in the near future. But to get there you have got to develop—

Senator CRUZ. What do you mean by "a ways out", how would you quantify that?

Mr. SPEAR. I would say probably 10, 15 years out. But it is always described as threat to jobs, threat to jobs. I go back to the ports example, 65 ports in this country, not one of them ranks in the top 50 for efficiency and productivity. This President wants to take things to a whole another level. To grow this economy, we are going to need both jobs and autonomy.

We are going to need technologies to get that throughput in and out of those ports and on our roads to where it needs to go. You are going to need both those hardworking union jobs, and you are going to need technology to assist them. This is assuming the economy remains stagnant that we have got to wrap our—you know, bubble wrap around all these jobs to protect them. No, we don't. They are going to be there. We need more throughput to grow the economy, we are just not going to be able to do it by adding more people. You are going to have to add technology to get efficiency. It is that simple. You need both.

Senator CRUZ. So Mr. O'Brien, top two or three elements in a Federal Framework for AVs?

Mr. O'BRIEN. We need human operators in these vehicles. And if it is true what he is saying, if you are going to replace a human operator in a commercial vehicle, where does that person go? Where has that job gone? And I am all for efficiencies. I don't think—I don't want you to think that we are not for efficiencies. I am familiar with the ILA Agreement on the East Coast. I sit on the Port Authority Board at the Massachusetts Port Authority, which you know, as well.

But there are efficiencies built in there, but there is also job protection as a result of implementation of this technology which further gives credibility on, when you sit down and negotiate a collective bargain agreement you can embrace the technology and also the efficiencies, but you also can protect and create new jobs as a result of this technology. So I think second priority be, upon implementation, you create opportunities and jobs as a result of this technology.

Senator CRUZ. Thank you. OK. Final question, Mr. Spear, the Texas Department of Public Safety has reported that you can buy a Mexican CDL for as little as \$2,500. Fraudulent licenses mean we don't know if these drivers are qualified to be on the road. What should Congress do to make sure that only qualified, properly vetted drivers are operating on our roads?

Mr. SPEAR. Well, I think—you are absolutely right and it is happening, and it is a big problem. We talked about English language proficiency, making certain that they can communicate in the English language. That is critical. People out there taking advantage of B-1 drivers coming in, drop a load, they are using them for weeks to move freight in the United States. That is illegal. It is called cabotage.

You can buy illegal CDLs, you know, on the corner. This is not uncommon. We need Federal enforcement, we need to work with state enforcement and local to understand those credentials and take these drivers off the road. They have no business being out there. We have seen foreign drivers that don't speak English, that are having no insurance whatsoever and operating shoddy equipment out there. That is the kind of riffraff we need to get out. That is not the image any of us want. OK? We are very proud of our industries and what we do, but that kind of thing happens and there is an accident that is not a reflection of our efforts. We need good coordination with our Federal regulators to ensure that these folks are taken off the road.

Senator CRUZ. Thank you.

Senator YOUNG. OK. I am going to recognize Senator Moreno for questions. Senator.

**STATEMENT OF HON. BERNIE MORENO,
U.S. SENATOR FROM OHIO**

Senator MORENO. Thank you, Mr. Chairman for doing this hearing. I thought maybe Mr. O'Brien, I will start with you. There is some conversation about tariffs, not that this is a hearing about tariffs, but let us say that real quick. You care. I think when I look in your eyes and I have met with you, you actually care deeply about making certain that we have a growing, thriving middle class in this country. I mean, that is not an act. That is something that you believe in your heart and soul.

Mr. O'BRIEN. Yes. I think someone referred to me as a—hold on—as a “self-promoting union boss” in one of their articles. But I am not a self-promoting union boss. I am a truck driver from a middle-class family that appreciates and embraces the preservation of the middle class.

Senator MORENO. Right. So when we think about tariffs, we can go out and find the cheapest labor on earth, slave wages in China, massively subsidized industries, and there is this mentality that somehow tariffs are bad for America, when in reality, wouldn't you say that it is good to have trade barriers to put American workers on a level playing field with workers around the world?

Mr. O'BRIEN. Yes. I mean, there is no secret where what our position is as a union on tariffs, and I know there is a concern with—when these tariffs are implemented, if they are implemented, and when they are implemented, what is that—what effect is that going to have on the consumer? Now, we have to go back in history a little bit. Remember when we had plenty of industry in this country where we were producing goods and services, where we were manufacturing steel, we were doing a lot of this work, and then these bad trade deals that happened in 1993 with NAFTA and everything else had an impact on jobs and they went away, and our jobs, and everything went overseas, and that level playing field was completely uneven to the American worker.

Now, fast forward where we want to repeal a lot of these trade deals. We want to impose these tariffs unilaterally I believe to what we are paying, and what they should be paying, there is a concern that we are going to diminish jobs, and where is all this cost going to go?

Now, we have got to take a look—there is a lot of factors here—we have got to take a look at excessive compensation with a lot of these CEOs, and these corporations, and their willingness to reward Wall Street instead of the people that work in these jobs.

So we can have that debate as well on: Hey, you know what, if these tariffs come in, take a little less in your own pocket, stop giving more to the—to Wall Street and just reward your workers and don't pass this cost on the consumers. The fear of the unknown is what is—

Senator MORENO. But ultimately it is important, I think I am hearing you say which I agree with 100 percent. I just hope my colleagues listen to this. Is that we want to have these jobs in America. That is very important, because these are good working-class

jobs that allow a mom or a dad to be able to provide a living for their family, retire debt free. That is really important, so totally, totally with you on that one.

Let us dig a little deeper into this English requirement. Now, I wasn't born in this country. My mom made me learn English pretty quickly. And I don't think there are a lot of legal immigrants that think differently than I do. They believe that we should assimilate, learn English, learn the language.

But what are the implications for you and your members when, during the Biden years, you had ten million people come in this country illegally, a lot of them under the guise of independent contractors started becoming truck drivers? The giant spike that happened, these are people that spoke no English, had no idea of our traffic laws, and yet they were unleashed on our roads.

What was it like for your members to be able to—to drive on the roads with people that, again, had no idea what they were doing, no idea about our safety requirements?

Mr. O'BRIEN. Well, I think it is extremely frightening to be honest with you. You had a lot of trucking companies that were actively recruiting in foreign countries to bring people over here on those work visas, whatever they are called, and train them and put them on the roads where they are not from this country, they don't know this language.

So our members are very passionate. By the way, our membership of 1.3 million is well representative from first-generation immigrants who came over here the right way, who learned the language, learned the laws, obtained their CDLs properly and, you know, went to work, and everything else. But you know, it was frightening times and it still is. I mean, we heard a comment today about Mexican truck drivers coming over these borders and doing the cabotage. We are 100 percent in agreement that shouldn't be happening.

Matter of fact, we would rather have Mexican drivers drop their trailers at the borders and let American companies pick them up and do the deliveries.

Senator MORENO. Yes. I mean, so clearly that is something that should be in legislation.

I will switch over to you, Mr. Spear, real quickly. There is this conversation about, you know, what is a threat to the trucking industry. I think we need to—maybe if you could briefly describe what it meant to the trucking industry to have the Congressional Review Act that eliminated the Advanced Car Truck Rule, and what that meant. Because we forget, we forget that that was a mere six or seven weeks ago. What would that have meant to the industry if we had gone through—down the cliff of electrification on semis?

Mr. SPEAR. You would have witnessed consolidation in our industry that has never happened since 1980 during deregulation. I mean the medium and small companies, 68 percent of our members are less than 100 trucks, 35 percent are less than 25 trucks. Those companies would be gone, gone, because they can't have access to that kind of equipment because there is not enough of it under those rules. And it would be three and a half times more than what

they pay for a brand new diesel today, which by the way emits 98.5 percent less than what it did in 1988.

So 60 trucks today emit what one truck emitted in 1988. That is how far we have come. We didn't need, you know, the United States of California telling our industry operating in 50 states how to work with the EPA to get clean air and water. We were already doing that.

So revoking these through the CRA, you just took off one of the biggest threats to our industry in a matter of 8 months, and it is now allowing us to do a whole host of other constructive things such as the Safety Title. So I thank you for that vote.

Senator MORENO. No, it is great. And let us talk about, so Mr. Pugh or Mr. Spear, if you want to answer, what does the one big beautiful bill and bonus appreciation mean to your industry? The ability to make an investment, have that, be able to be—depreciate; is that positive or negative for you?

Mr. PUGH. Yes. We appreciate the big beautiful bill and understand that what we—what we need to see happen now though—

Senator MORENO. I am talking about just the bonus depreciation, the ability to write off your equipment. Is that a net positive or net negative?

Mr. PUGH. That is definitely a net positive to be able to write off equipment for sure.

Senator MORENO. Right. So I just want to just recap real quick, to my Democrat colleagues, wrong on tariffs, wrong on immigration, wrong on EVs, and wrong on voting against the one big beautiful bill. And if my colleague, would you mind one more question as—and you wouldn't mind? OK. I always ask permission from my great colleague here from Nebraska.

So one last question, Mr. Spear; what is the average age of the semi in America, on the road, more or less?

Mr. SPEAR. Yes, we assessed that a couple years back, particularly in California, but nationally 53 percent of the commercial vehicles operating in the country are 2010 or older.

Senator MORENO. And what level autonomy those have?

Mr. SPEAR. I am sorry?

Senator MORENO. What level autonomy do they have?

Mr. SPEAR. Well, it is—

Senator MORENO. That would be level zero. These things have no safety technology. They are much worse emitters of—and what is keeping people from buying new cars? I am going to answer my own question. There is Federal excise tax.

Mr. SPEAR. Absolutely.

Senator MORENO. Twelve percent. So if we can—if we can massively reduce the Federal excise tax and allow people to open the door to buying new semis, talk real briefly because I am wearing on the patience of my colleague on taking over time—

Mr. SPEAR. She is still nodding so I think we are safe. But Senator Cantwell alluded to this in her opening statement, too. The added cost from the FET, the Federal excise tax, by the way, this dates back to the Titanic sinking. This was put in place by Congress, coupled with a number of other provisions that no longer exist, ours do, it is a 12 percent tax on trucks and trailers, and that is about \$35,000 for both, total, each purchase.

So you know, if you have got somebody out there that is buying, say, 1,800 new tractors, you know, for a third of their fleet that they turn over every year, that is \$65 million. That is real money. So that is going to the Federal Government, not to them.

So we would argue for repealing this. It was put in place to fund trench warfare in World War I. It is outdated. We can take that money. It is our money, not the governments. We can invest it in training, pay, equipment, get that brand new equipment out there and replace the old stuff. You will reduce emissions by 83 percent just by putting new diesels out on the road.

Senator MORENO. Great. Thank you.

Senator YOUNG. So I recognize Senator Luján.

**STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Mr. Spear, just last month, I had the honor of meeting with the Gunter family from New Mexico. And if you know who this family is, you will know of the tragic loss of two brothers, Brad and Chad. Now, they were killed when a truck drove off of Interstate 40 and crashed through their blacksmith shop. What they shared with me is that the truck's cruise control was set to 65 miles per hour and the brakes were never applied as the truck ran into a blacksmith shop.

Technology exists to prevent this, which makes this even harder. Can you explain how automatic emergency braking works and how it could be used to prevent tragedies like the one the Gunter family had to suffer, to prevent this suffering from happening again?

Mr. SPEAR. Yes, I will. Actually this dates back to when I was with Hyundai Motor Company, and all the motor companies I was the signature for that, for Hyundai signed on voluntarily adopting AEB on all new models. So I am very familiar, this dates back to the Obama administration.

So this technology works. It has been in place, not just in passenger vehicles, but in the commercial sector. I would say our industry is lagging a bit behind. There needs to be a lot more testing. This was a rule that was not removed from the Federal Registry for regulations, the regulatory agenda. Secretary Duffy kept that in place.

So I do think there is promise there for both cars and trucks. I am also mindful, Senator, that two-thirds of the accidents that involve commercial vehicles are caused by passenger vehicles. So I want to be clear about that. Texting and speeding, they are not paying attention. They are on their phone. That is a problem that is not going away anytime soon.

So here is something that—a situation where AEB can really play an invaluable role of saving lives and bringing down that fatality rate to zero.

Senator LUJÁN. So Mr. Spear, are you saying that if vehicles had technology to prevent passenger vehicles from being involved in those distracted crashes that would be helpful here as well?

Mr. SPEAR. Yes. And it goes back to the earlier discussion too about automated vehicles. That level one to four, there are telematics in there where the two are communicating with each other. So if you are on autopilot in the car and you are asleep, God

forbid, or you are texting and not paying attention, the car is going to see the obstacle coming, whether it is a trailer, or a building, or what not, it is going to see that, it is going to apply the brakes, it is going to send off warnings to the driver. That is preventive. We prefer that. We prefer the kind of technology where the accident doesn't happen, where people don't get killed. And I think there is a lot of promise there. We should continue to invest in it.

Senator LUJÁN. I appreciate you saying that. There is a rule-making currently before Secretary Duffy on a piece of legislation that I proudly passed with Rick Scott and other members of this committee that would require more of this technology to be in vehicles across the country. So I am very proud to hear you say that.

Now, with the trucking, can you tell me how you will work to ensure that the technology we just talked about is deployed in trucks as soon as possible, on the braking side?

Mr. SPEAR. Well, you have got to test it. Obviously there is a lot of variables in terms of weight, how it is applied across the board, is it for new trucks, is it existing trucks, these are all things that—you know, you need to take a little bit of time before mandating something, to be sure that it works, and that you are getting a return on that. So you know, I know that there has been some opposition here to electronic login devices and others said that our companies work people, you know, for endless hours. No, they don't. No, they don't. That is why we have electronic login devices so they don't go over their period of work, that they are well-rested. OK.

If you want to keep paper books and cheat, all right, but the rule that you guys passed, told DOT to do is technology that tracks it, it keeps them under those hours, keeps them safe, keeps them rested. These are good things for the motoring public, not just our fleets and drivers. So there are technologies out there that have a safety return, and that is your title.

So I think this is an important discussion. You got to keep investing in the good technologies, test them, deploy them. I think the Department is very good about picking the best technologies that impact our industry and our safety rates.

Senator LUJÁN. And that includes braking?

Mr. SPEAR. Yes, that includes braking, absolutely.

Senator LUJÁN. Now, on driver fatigue, Mr. O'Brien, I do have a question there. As we know, it is a contributing factor to at least 13 percent of large truck crashes, and it was likely a contributing factor when the truck rammed into the blacksmith shop of the Gunter brothers. What needs to happen to reduce crashes due to fatigue?

Mr. O'BRIEN. Well, I think, you know, any talk of expanding hours of service would be detrimental and that would cause more collisions, more driver fatigue. But my colleague, I will agree that, you know, technology that is going to reduce the risk of certain crashes even though if a driver does fall asleep for fatigue, or there is something preventable that technology can alert to avoid it, I mean, I don't think anybody at this table would disagree that that is paramount to the safe operation. But I think any talk of expanding hours of service would be detrimental and be a safety concern moving forward as well.

Senator LUJÁN. Appreciate that, sir. Now, last question I have, and I will submit the others into the record. According to the FMCSA report, over 60 percent of truck drivers are not tested for alcohol and other substances following fatal crashes despite an existing statute requiring carriers to do so.

It is clear that this quote, “self-policing policy” is failing. Now, my question is, this lack of accountability which I would deem unacceptable, Mr. O’Brien, do you support efforts to ensure that all truck drivers are tested for drugs and alcohol following fatal crashes?

Mr. O’BRIEN. 100 percent. A matter of fact, I had a personal experience in the City of Boston. I was working for a crane company, Shaughnessy & Ahearn, and a driver ran underneath my flat bed of my truck and he died. I immediately, at 22 years old, was taken from the scene and drug tested, even though that I was not the cause of the accident. But that is an example. But I think the problem is, is enforcement, enforcement.

Senator LUJÁN. Um-hum.

Mr. O’BRIEN. I mean, I don’t think anybody wants anybody going down the road in an 80,000-pound vehicle under the influence of any controlled substance and/or alcohol.

Senator LUJÁN. Mr. Spear, yes or no?

Mr. SPEAR. Absolutely, yes. I think it is paramount. And will go so far to say hair testing as well.

Senator LUJÁN. Yes.

Mr. SPEAR. In part because you have an opioid, you know, plague going into every community right now. There are things out there with legalization recreational marijuana, we didn’t face that 10, 20 years ago. We do now. We need more tools to make sure that, to Sean’s point, anyone that gets behind the wheel of an 80,000-pound vehicle is not impaired.

Senator LUJÁN. Appreciate that. Mr. Pugh, yes or no?

Mr. PUGH. Yes, we would support—we support after—post-crash testing for sure. But we do not support the hair testing because we don’t feel that there is enough research or data out there to show that it is true, as what a urine test is. And also with different nationalities, different types of people, it doesn’t always come out accurate, and there is plenty of proof to show that. Urine test has been working. That is what scientists set up years ago. That is what we should be using.

Senator LUJÁN. Thank you, Mr. Pugh. And Mr. O’Brien, you have something else, but my time has expired. I will make sure that we get something—

Mr. O’BRIEN. I am good. Thank you.

Senator LUJÁN. OK. Very good.

Thank you, Mr. Chairman. I yield back.

Senator YOUNG. Thank you, Mr. Luján.

Senator Fischer, you are recognized.

**STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Mr. Chairman. I am so happy you are back.

[Laughter.]

Senator FISCHER. Ouch. You deserved that.

Senator YOUNG. OK.

Senator FISCHER. Mr. O'Brien, thank you for being here today. I enjoyed working with you last year on the REEF Act where we helped ensure that railroaders' hard-earned benefits were not going to be subject to sequester. That legislation, now law, was a prime example, I believe, of how Congress, industry, and labor can come together to benefit hardworking people. As we look forward to surface reauthorization, I hope we can continue in this collaborative fashion between industry and labor.

You mentioned, sir, in your testimony and in earlier comments here today, the importance of removing predatory CDL training programs from the training provider registry. I know this is a concern that is shared by Mr. Spear and ATA, as well as CBTA and others.

Mr. O'Brien, what steps do you recommend this committee take to improve FMCSA's oversight of the TER?

Mr. O'BRIEN. Well, I think first and foremost, I think—I want to thank you for your hard work with our rail workers who obviously need CDLs outside of the FMCA, we have about 40- to 50,000 members that fix and keep the rails moving so the trains can stay on them.

But more importantly, I think we have to take a deep dive on all the vendors that are on the list that provide CDL training because there are a lot of predatory trainers out there that will put you through a training program where you are not qualified, you can't pass a skills test, and you are not marketable. Most of these folks are paying out of their own pockets to go to these schools.

So I think eliminating the bad actors by doing some audits, and statistics can show that they are not performing and/or providing the qualified drivers necessary to keep our roads, the public safety—and the people safe. Now, we have 20 schools that we run nationwide under the Teamster umbrella, and I ran one of them in Boston in the late 90s where we were very successful in our training, and we were able to successfully train, but more importantly, transition people into jobs that actually could do the jobs because of their training, because of their education.

And a lot of what we have seen over the past years are people coming from some of these predatory schools coming to our 20 training facilities who paid thousands upon thousands of jobs—thousands of dollars and are not qualified to do this job. So I think imposing and enforcing criteria and mandates for these predatory, and getting rid of the ones that are not successful or it is just a money grab.

Senator FISCHER. OK. Thank you very much. Mr. Spear, and Mr. Pugh, I want to thank you both for your continued support of my Household Goods Shipping Consumer Protection Act. The bill cracks down on cargo theft by giving FMCSA enforcement tools to protect consumers from fraud by scammers. This committee has unanimously advanced the bill, and I look forward to working with both of you to get it into law.

On another topic, I want to discuss EVs, not all the stuff we have we have already gone through, so calm down. I want to be able to discuss with you both the Highway Trust Fund. Now through the—

or though the fund is outside this committee's jurisdiction I remain concerned about its solvency, and the impact that insolvency would have on our entire system, infrastructure around this entire country.

Though not a silver bullet we need to get electric vehicles paying into the fund. Currently electric vehicles don't pay a dime. They are heavier. They cause more damage to roadways without paying for the repair, for the maintenance. They impact new construction as well. I have legislation that requires electric vehicles to contribute to the Federal Highway Trust Fund, and I know T&I, Chair Graves in the House, has a proposal as well, and I appreciate his work to address this important issue.

From your perspective, gentlemen, why is it important for EVs to contribute to the trust fund and for Congress to step up and address the Fund's solvency in our upcoming surface reauthorization?

Mr. SPEAR. So you know, I am calm, now.

Senator FISCHER. Thank you.

Mr. SPEAR. You know me better than my own staff. So I would just say that all users have to pay. They do. If you are on the roads, you are on the bridges, you should pay. EVs don't, and they are heavier. It is a developing technology that we need to capture and ensure that our roads and bridges remain a priority and that those using them are contributing to that.

I think fairness and some evolution here. It has been since 1993 since Congress has, you know, raised the fuel tax. It is not politically popular, I get it, on both sides of the aisle. We just did a Highway Bill, we took it out of general funds. Not a big fan of that. We do support the user fee. Why? Because the fuel tax is the most efficient way to pay into the trust fund, it is less than a penny. So we need to replace it with something that doesn't jack up the administration costs, like tolling, weight, distance tax, or even congestion pricing. We are talking about 20-25 percent administrative fee. We need that money going to roads and bridges, not getting chewed up in administration costs.

So we are looking very seriously about advocating a registration fee that applies to everybody, trucks, cars, EVs. You already register your vehicle at the state DMVs. You just simply pay for what you normally would pay in fuel costs at the pump. Get rid of the gas tax, get rid of the tire tax, get rid of all the taxes, put it in a registration fee. You are probably looking at about \$200 to \$250 a year for a motorist. OK? Be more for us. That is fine. We are willing to do that. But for a motorist, having that spread out, too, over 12 months, because \$250 for some folks is a lot of money.

Senator FISCHER. It is. Yes.

Mr. SPEAR. Spread it over 12 months so they can pay it that way. But that will capture everybody. It is fair. You are using it. You register a vehicle. There you go.

Senator FISCHER. Mr. Pugh, I would like to hear your thoughts as well.

Mr. PUGH. Yes, we definitely support some sort of registration fee, or something, going to the Highway Trust Fund with electric vehicles. I mean, by all means, why shouldn't they pay? They use the highways and they should. We should also make sure we are not giving them special carve outs for hauling them or transporting

them when they are—because they are heavier loads to haul and transport. We should make sure we are not doing that as well.

I think what we need to do is, unfortunately, is get the intestinal fortitude here in Congress to raise the gas tax because it hasn't been raised. It does work. You pay it at the pump. People don't realize it. Why create anything new other than for these vehicles, electric vehicles, to pay a registration?

Senator FISCHER. Yes, I am just—I am just focused on capturing a user fee of some kind from EVs.

Mr. PUGH. Yes.

Senator FISCHER. Whether they are passenger vehicles, trucks, whatever.

Mr. PUGH. Correct.

Senator FISCHER. Because they pulverize a road—a road bed, and more so.

Mr. PUGH. I would also think that we could put some sort of a collection on their pumps just like we do for fuel, but for electricity. We take it right there at the time.

Senator FISCHER. Thank you. Thank you very much.

And thank you, Mr. Chairman. Senator Moreno, who has escaped, I would like to point out that he and I are trying to work on something here so that we can add more revenue to the Highway Trust Fund. Thank you, Mr. Chairman.

Senator YOUNG. Well, thank you for your leadership on that issue, Senator Fischer. I would love to review that bill if I am not already on it.

So, I will recognize Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. OK. Thank you. And I heard the beginning of your testimony there, Mr. Spear, when I was here earlier, and you were talking about cargo theft, correct? And as you know, we have held a hearing in this subcommittee on the growing threat of cargo theft often involves high value retail goods, but not always. One dairy protein export company in Minnesota has reported an average of one to three break-ins per month just for containers of dry milk powder. Of course valuable, but I don't think people probably think it is like jewelry or something, but this is what is going on with some of the food shipments.

How can we best address this issue? And I think I will ask you that as well, Mr. Pugh. Thanks.

Mr. SPEAR. Well, I would just say thank you for your leadership and co-sponsoring the CORCA Bill. You have heard two testimonies now in this committee as well as in Judiciary Committee, and we are very excited that you all are taking the time to really shine a spotlight on this issue. We need Federal leadership, in concert with state and local, and in partnership with our industry. We have all got to, collectively, come together if we are to put a stop at this practice.

This is a lot more advanced than what we were seeing 10, 15, 20 years ago. As long as trucks have been on the road, there has been theft. I mean hit-and-run type things. What we are seeing now is transnational organizations operating out of Eastern Eu-

rope, Russia. They are hacking into the bill of laden. Sometimes when the truck is in motion, driver sees it come up, the drop changes, they think it is legit because it is the company. By the time they drop the load and figure out what just happened; it is long gone.

This is very advanced, you know, type of practices that we really need coordination with DHS, DOJ, with our states and local government, and industry.

Senator KLOBUCHAR. Thank you.

Mr. SPEAR. So thank you for that.

Senator KLOBUCHAR. Thank you. Mr. Pugh.

Mr. PUGH. Yes. And we need—FMCSA needs the power to go after these folks, and the oversight as well, as long as—and truckers need a place, and brokers as well to report these kind of things. We get calls on a daily basis at OOIDA where drivers are taking loads and they get the load, they deliver the load, and it is a fictitious broker, the broker is pretended to be someone else.

I know brokers are dealing with the same thing with truckers. They get trucking companies that are getting their identity stolen. It is too easy for trucking companies to sell their identity, and it is much too easy to get into our industry in the first place. That is where this all starts.

Senator KLOBUCHAR. Yes.

Mr. PUGH. As I have said in a past hearing, you can take someone off the street who has never even been in a truck or seen a truck, and in a month and a half they can be a full-blown truck driver and motor carrier. That is insane. That is insanity. You know, to be a broker, you post a \$75,000 bond and you are a broker.

Senator KLOBUCHAR. OK.

Mr. PUGH. We have got to start at the beginning, stopping these folks.

Senator KLOBUCHAR. All right. One of the things that this kind of plays into is just workforce retention and supply chain, and that means ensuring that crucial careers like trucking receive good wages, my grandpa started out delivering and pulling a wagon, ended up as a miner. But we know, Mr. O'Brien, we know that unions ensure that truck driving not only keeps workers with good wages, but also makes it safer. Talk about this as the need to keep our drivers there in the long term.

Mr. O'BRIEN. Well, I think it is continuity of the workforce. I mean, you take companies like UPS, where you can go to work as a part-timer unloading trucks at 18, you become 21, you can go out in the road, deliver a package, your earnings go up, you are accruing credit for your health and welfare pension, and then when you get enough seniority, you get the ability to drive tractor trailers.

There is a path to a career here, and that path to a career is your wages being the highest, you have the best health benefits, and have a retirement that you can retire with respect and dignity. You look at ABF, you look at TForce, you look at a lot of regional carriers that we represent, there is 10 to 15 percent turnover ratio, not because of low wages, not because of benefits or anything else, and that is proven. I mean, we have statistics that prove it.

And I think the higher standards that are set, especially working under a collective bargaining agreement, is going to help retain drivers. That is why it is important, and I mentioned earlier, we have got a bipartisan bill with Senator Hawley and Senator Booker, requiring the fair labor standards contract where you can organize without any threats of retribution, retaliation, and there is a mechanism to get to a first contract through binding arbitration.

Senator KLOBUCHAR. OK, very good.

Mr. O'BRIEN. Thank you.

Senator KLOBUCHAR. Thank you. Enjoy working with you as you know.

Last question, Mr. Ferguson, I weirdly just got a text from Charlie Zelle, you know he used to head up Jefferson Bus Line.

Mr. FERGUSON. Absolutely. He is a strong member of ours.

Senator KLOBUCHAR. Right. And then became the head of our transportation. He was transportation commissioner, did a great job and now at our Met Council, he is just announcing—I don't know—well, I will tell you about it later. OK. So the FMCSA, the Passenger Carrier Division, can you speak to the impact this was in your testimony that low staffing has on motor coach operators and how important this is; a different version of the question than Mr. O'Brien?

Mr. FERGUSON. Yes, my testimony recommends that prioritizing staffing at the Passenger Carrier Division is a huge priority.

Senator KLOBUCHAR. Um-hum.

Mr. FERGUSON. The interaction that our staff has with their staff is ongoing and daily, typically. You know, understanding what is the operational reality of this regulation or that new requirement is very helpful for the regulators to understand what is it like on the roads and on the ground, and vice versa, for us to have a better understanding of intent, desire, you know, outcomes. It can allow us to better communicate and share with our membership what is happening, what is coming, et cetera.

So having more points of contact, more partners, you know, we host a variety of webinars, in-person safety briefings, you know, having speakers, engagement, that cross-coordination is a huge part of our success.

Senator KLOBUCHAR. OK. Thank you. I am done, but I will ask, in writing, Mr. Spear, some questions about distracted driving. This is a big priority of mine and really, really important. So maybe we can have another hearing on that at some point. But thank you.

Senator YOUNG. Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman, very much.

According to CBS analysis of Federal data, Amazon's delivery truck contractors consistently have higher safety violation rates compared to the rest of the industry. From 2019 to 2024, Amazon's contractors had a violation rate roughly double the industry average. Because of Amazon's nefarious corporate practices of misclassifying workers and shirking its joint employer responsibil-

ities, Amazon itself has not been held accountable by regulators for the performance of its fleet.

Each individual subcontracted delivery truck company faces consequences when something goes wrong. Companies like Amazon can use this subcontracting scam to wash their hands of responsibility for the overall performance of their operations. An operation the size and scale of Amazon's lacking a comprehensive safety record for which the company can be held accountable is dangerous for drivers and other motorists, and unfair to companies that play by the rules.

Mr. O'Brien, do you agree that Amazon's trucking model shields the company from accountability for its safety record?

Mr. O'BRIEN. It absolutely does.

Senator MARKEY. And in your view, maybe you can expand, does Amazon structure its operations this way to avoid accountability?

Mr. O'BRIEN. Yes, I testified earlier that, you know, they use a lot of these independent contractors, these smaller companies that have their own individual DOT numbers, which it is tough to point to saying Amazon is responsible, and Amazon will say, well, they are not direct employees of ours. They are subcontractors. So it is a—it is a game, it is a scam.

And you look at an employer like United Parcel Service that is similar in nature where they have all direct employees. They have a proven track safety program in place, collectively, administered by the union and by management where we do the same exact work, the same neighborhoods, and we have got a stellar record in safety because of the training, and the cooperation, and the work collectively by both.

Now if you—I will give you a prime example and everybody sees Amazon in their neighborhoods. If you look at an Amazon truck in your neighborhood delivering you look at the shape that that truck is in, you look at the condition it is in, and then you look at the condition that a UPS truck is in, that will tell the story right there.

Senator MARKEY. Yes. And so as a result, safety just falls into a regulatory black hole. Who is responsible? You know, so that is the issue.

Mr. Chairman, I have a letter from the Truck Safety Coalition that I would like to enter into the record, unanimously.

Senator YOUNG. Without objection.

[The information referred to follows:]

TRUCK SAFETY COALITION

★ HELPING FAMILIES & SAVING LIVES ★
FOR OVER 30 YEARS

July 22, 2025

The Honorable Todd Young, Subcommittee Chair
The Honorable Gary Peters, Ranking Member
United States Senate
Washington, D.C. 20510

Dear Subcommittee Chair Young and Ranking Member Peters:

Quietly, and with scant attention from the media, a truck crash fatality crisis is occurring on our highways. Truck crash deaths have surged by nearly 62 percent since 2009.¹ In 2023, NHTSA estimates roughly 5,500 people lost their lives in crashes involving large trucks, with another 150,000 sustaining injuries.² These preventable tragedies irreparably alter the lives of everyday Americans in every state across the nation.

Saving lives and reducing injuries from large truck crashes is not a matter of chance; it requires deliberate action by the dedicated policymakers of the Senate Surface Transportation, Freight, Pipelines, and Safety Subcommittee. The Truck Safety Coalition, comprised of Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (PATT), urges the Subcommittee to prioritize the following safety-sensitive actions:

- **Automatic Emergency Braking (AEB) for Large Trucks:** The Infrastructure Investment and Jobs Act required rulemaking is nearly two years overdue. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks EVERY YEAR. TSC urges this Subcommittee to utilize its DOT oversight authority to ensure this rule is finalized as soon as possible
- **Close the “Look-Away Loophole” that allows Drunk & Drugged Truck Drivers on our Roads**
Year over year, FMCSA data indicates roughly 60% of truck drivers involved in fatal crashes are NOT tested for alcohol and other substances, despite an existing statute, 49 CFR § 382.303, requiring such testing to occur.³ Failure to conduct such testing must result in Compliance, Safety, and Accountability violations for noncompliant carriers.
- **Universally Oppose All Efforts to Increase Truck Size & Weight**
Longer and heavier trucks have long been proven to be involved in a greater frequency and severity of crashes. The U.S. Department of Transportation reported higher crash

¹ Overview of Motor Vehicle Traffic Crashes in 2023, NHTSA, Apr. 2025, DOT HS 813 705.

² Id.

³ Large Truck and Bus Crash Facts 2021, FMCSA Analysis Division, November 2023, FMCSA-RR-23-002
<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2023-12/LTBCF%202021-FINAL%20508_0.pdf> [People Table 27.]

rates, between 47%-400%, for trucks weighing over 80,000 pounds.⁴ Truck driving is ALREADY a Top Ten Deadliest Profession according the Bureau of Labor & Statistics, it would be absurd to make even more dangerous for our nation's truckers.⁵

- **Protect the Traveling Public from Tired Truckers**

The NTSB routinely cites fatigue as a major contributor to large truck crashes. Yet, the Federal Motor Carrier Safety Administration does not require Electronic Logging Devices to have an administrator audit log of changes, thus allowing rampant Hours of Service (HOS) fraud. Additionally, carriers exempt from HOS regulations are not required to register use of the exemption with FMCSA. Addressing these common-sense issues will make everyone safer on our roads. Any efforts to weaken existing HOS regulations must be vigorously opposed.

Now more than ever, America needs high-impact, commonsense truck safety policies to protect all roadway users from the carnage occurring on our roads and highways. Safety must always be made a bipartisan priority. The Truck Safety Coalition stands as a trusted partner in the urgent effort to save lives and reduce injuries from large truck crashes. Together, with the powerful, cautionary stories of crash victims and survivors guiding us, we can make a difference. The lives these policies save could be those of your friend, child, or spouse.

Sincerely,



Zach Cahalan
Executive Director, Truck Safety Coalition (TSC)



Tami Friedrich
President
Truck Safety Coalition & Citizens for Reliable and Safe Highways Board Member
Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.

⁴ Highway Safety and Truck Crash Comparative Analysis Technical Report, USDOT, June 2015
https://ops.fhwa.dot.gov/freight/sw/map21tswstudy/technical_rpts/hstcanalysis/safety_comp_analys.pdf

⁵ Bureau of Labor & Statistics, "Civilian Occupations with High Fatal Work Injury Rates, 2023."
<<https://www.bls.gov/charts/census-of-fatal-occupational-injuries/civilian-occupations-with-high-fatal-work-injury-rates.htm>>
700 Pennsylvania Ave, Suite 200, Washington, DC 20003

Senator MARKEY. Thank you. In Mr. Spear's testimony, he discusses at length an argument we often hear, Mr. O'Brien, from the trucking industry. The government should weaken safety regulations, such as lowering the minimum age to hold a commercial driver's license from 21 to 18 to address the trucking industry driver shortage. Trucking is a very dangerous industry, any argument to lower safety standards deserves close scrutiny.

So let us examine the so-called "driver shortage", the word "shortage" implies the pool of qualified workers is too small. But two million people hold commercial drivers licenses in the United States. And hundreds of thousands more licenses are issued every single year. All these qualified drivers are competing for about 900,000 long-haul trucking jobs. And while there are plenty of qualified drivers available, many trucking companies struggle to retain these drivers.

In fact about—this is an incredible number, 90 percent of truck drivers leave their job after one year, 90 percent. This high level of turnover suggests the issue might not be whether there are enough drivers, but whether existing drivers are getting enough out of the job.

So before we take more actions to make trucking less safe, Mr. O'Brien, do you believe that a 90 percent turnover rate in the long-haul trucking is the sign of a healthy industry?

Mr. O'BRIEN. No. I think long haul trucking is a very difficult job. I think we can all agree to that. It is a lot of time away from your family, a lot of sacrifice. But if you have a 90 percent turnover ratio, then there is something wrong in the industry. When you look at unionized carriers who have 10 to 15 percent turnover ratio, that is significant because that means people are happy with their wages. They are happy with their benefits.

When you have a race to the bottom and people keep leaving jobs after 12 months or leaving the industry, and I think the number we have, there is four to six million people in this country that hold CDL licenses and I believe 3.5 million are actually on the roads today. So there is definitely a breakdown somewhere and we know for a fact that when people aren't making the highest wages, when they are not getting the best benefits, they are not going to stay at a job.

Senator MARKEY. Yes. So when wages are too low, you are obviously going to have massive turnover. And 90 percent turnover rate shows workers are not thriving. And any argument that says that they are is just not credible. My father was a truck driver, sat at our kitchen table every night, every morning. I am a senator, but he got paid a living wage. And so truck drivers are hardworking people. My father was, 61–65, and you can just see what that truck driver looked like. OK. It is a hard—

Mr. O'BRIEN. They had good diners back then, sir.

[Laughter.]

Senator MARKEY. Excuse me?

Mr. O'BRIEN. They had good diners at the truck stops back then.

Senator MARKEY. Yes, the times have changed and we are going to have to build in protections to make sure that those people who could put three children through college and law school, you know,

have protections, benefits that fit the hard work that they put in every day.

I thank you, Mr. Chairman.

Senator YOUNG. Well, thank you, Senator Markey. And thank you to all of our witnesses. This has really been a terrific hearing. We have appreciated all of your testimony.

Senators will have until the close of business on Tuesday, July 29, to submit additional questions for the record and the witnesses will have until the close of business on Tuesday, August 12 to respond to those questions.

This concludes today's hearing. The Committee stands adjourned. [Whereupon, at 11:35 a.m., the hearing was adjourned.]

A P P E N D I X

ADVOCATES FOR HIGHWAY AND AUTO SAFETY
July 21, 2025

Hon. TODD YOUNG, Chair,
Hon. GARY PETERS, Ranking Member,
Committee on Commerce, Science, and Transportation,
Subcommittee on Surface Transportation, Freight, Pipelines, and Safety,
United States Senate,
Washington, DC.

Dear Chairman Young and Ranking Member Peters:

Thank you for convening tomorrow's hearing, "Shifting Gears: Issues Impacting the Trucking and Commercial Bus Industries in the U.S." Truck drivers and the trucking industry are critical to our Nation's supply chain and the movement of essential goods. Improving the safety of our roadways will both optimize efficiency and ensure that truck drivers and all road users return home to their loved ones after their travels. Advocates for Highway and Auto Safety (Advocates) respectfully requests this letter be included in the hearing record.

The Physical, Emotional and Financial Costs of Truck Crashes Are Devastating

In 2023, 5,472 people were killed and over 153,000 people were injured in crashes involving large trucks.¹ Since 2009, the number of fatalities in large truck crashes has increased by 62 percent.² In that same timespan, the number of people injured in crashes involving large trucks rose by 107 percent.³ In fatal two-vehicle crashes between a large truck and a passenger motor vehicle, 96 percent of the fatalities were occupants of the passenger vehicle.⁴

Truck driving is identified as one of the most dangerous occupations in the U.S. by the Bureau of Labor Statistics.⁵ In 2023, 961 occupants of large trucks were killed in crashes.⁶

These devastating crashes result in long-lasting impacts which often are not accounted for in statistics alone. For every single death and serious injury, there is a horrific ripple effect forever changing the lives of children, parents, friends and communities.

According to the Federal Highway Administration (FHWA), traffic incidents, which include crashes, are one of the seven main causes of traffic congestion which

¹ Overview 2023.

² Annual Report 2022 and Overview 2023 Note, the 62 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2023. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck-involved crashes increased by 21 percent, and between 2016 to 2023, it increased by 17 percent, and between 2015 and 2016, it increased by 14 percent.

³ Annual Report 2022 and Overview 2023 Note, the 107 percent figure represents the overall change in the number of people injured in large truck involved crashes from 2009 to 2023. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of people injured in truck-involved crashes increased by 59 percent, and between 2016 to 2023, it increased by 14 percent, and between 2015 and 2016, it increased by 14 percent.

⁴ Insurance Institute for Highway Safety (IIHS), Large Trucks. <https://www.iihs.org/topics/fatality-statistics/detail/large-trucks>.

⁵ National Census of Fatal Occupational Injuries in 2023, Bureau of Labor Statistics, Dec. 2024, USDOL-24-2564, available at: <https://www.bls.gov/news.release/pdf/cfoi.pdf>.

⁶ Overview 2023.

erodes the reliability of travel time.⁷ The report notes that for truck operators, “[t]he cost of unexpected delay can add another 20 percent to 250 percent” to their hourly costs.⁸ The cost to society from crashes involving large trucks and buses was estimated to be \$128 billion in 2021, the latest year for which data is available.⁹ When adjusted solely for inflation, this figure amounts to over \$155 billion.¹⁰

Solutions to Improve Commercial Motor Vehicle Safety are Available and Proven

Automatic emergency braking systems (AEB): According to the Insurance Institute for Highway Safety (IIHS), equipping large trucks with forward collision warning and AEB could eliminate more than two out of five crashes in which a large truck rear-ends another vehicle.¹¹ In 2015, Advocates, along with the Center for Auto Safety, the Truck Safety Coalition (TSC) and Road Safe America, filed a petition with the National Highway Traffic Safety Administration (NHTSA) seeking the issuance of a rule to require forward collision avoidance and mitigation braking systems (F-CAM), now more commonly known as AEB, on commercial motor vehicles (CMVs) with a gross vehicle weight rating (GVWR) of 10,000 pounds or more.¹² The agency granted Advocates’ petition in October 2015 but no subsequent action has been taken.¹³ The Infrastructure Investment and Jobs Act (IIJA) requires the U.S. Department of Transportation (DOT) to issue a Final Rule by November 2023 for AEB in large CMVs and the issuance of a Federal Motor Carrier Safety Regulation (FMCSR) to require drivers use AEB.¹⁴ DOT issued a Notice of Proposed Rulemaking (NPRM) in July 2023.¹⁵ Advocates submitted comments to the NPRM. When this Rule is completed and implemented, it will have a significant impact on safety and result in substantial reductions in highway deaths and injuries.¹⁶

Speed limiting devices: According to the Federal Motor Carrier Safety Administration (FMCSA), 10,440 people were killed from 2004 to 2013 in crashes where the speed of the CMV likely contributed to the severity of the crash.¹⁷ On average, that is over 1,000 lives lost annually to speeding CMVs. In September 2016, NHTSA and FMCSA issued a joint NPRM to require vehicles with a GVWR of more than 26,000 pounds to be equipped with a speed limiting device.¹⁸ The NPRM estimated that setting the device at 60 MPH has the potential to save almost 500 lives and prevent nearly 11,000 injuries annually.¹⁹ Setting the speed at 65 MPH could save as many as 214 lives and prevent approximately 4,500 injuries each year.²⁰ Subsequently, in May 2022, FMCSA issued an Advanced Notice of Supplemental Proposed Rulemaking.²¹ Last month, DOT announced that it was withdrawing the rulemaking despite research demonstrating that the technology is currently being used by 77 percent of trucks on the road in the United States.²² It is incumbent that the DOT re-strengthen this rulemaking or more lives will be needlessly lost.

Truck parking: The lack of safe and convenient truck parking merits Federal action. Yet, dedicating more Federal funding to building parking facilities alone will likely not solve the issue. Studies have demonstrated that the parking shortage is often most acute in areas of the country, such as along the Interstate 95 corridor in the Northeast, where building facilities for parking may not be realistic due to

⁷ Traffic Congestion and Reliability: Trends and Advanced Strategies for Congestion Mitigation, March 2020, FHWA. Available here: https://ops.fhwa.dot.gov/congestion_report/chapter2.htm (2020 Traffic Congestion and Reliability Report).

⁸ 2020 Traffic Congestion and Reliability Report.

⁹ 2023 Pocket Guide to Large Truck and Bus Statistics, FMCSA, Dec. 2023, RRA-23-003.

¹⁰ CPI Inflation Calculator, BLS, available at https://www.bls.gov/data/inflation_calculator.htm, calculated from Jan. 2021–Jan. 2025.

¹¹ IIHS, Study shows front crash prevention works for large trucks too, available at: <https://www.iihs.org/news/detail/study-shows-front-crash-prevention-works-for-large-trucks-too>.

¹² Petition for Rulemaking, Feb. 19, 2015, Docket NHTSA-2015-0099-0001.

¹³ Grant of Petition for Rulemaking, NHTSA, 80 FR 62487, Oct. 16, 2015.

¹⁴ *Id.*

¹⁵ 88 FR 43174, July 6, 2023.

¹⁶ *Id.*

¹⁷ Federal Motor Vehicle Safety Standards; Federal motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices, NPRM, NHTSA AND FMCSA, 81 FR 61942, Sep. 7, 2016. (SL 2016 NPRM).

¹⁸ SL 2016 NPRM.

¹⁹ SL 2016 NPRM.

²⁰ *Id.*

²¹ 86 FR 26317 (May 4, 2022).

²² U.S. DOT, U.S. Transportation Secretary Sean P. Duffy Unveils Pro-Trucker Package as Part of President Trump’s Executive Order (Jun. 27, 2025); Preliminary Regulatory Impact Analysis (PRIA) and Initial Regulatory Flexibility Analysis, FMVSS No. 140, Speed Limiting Devices, p. 28 (NHTSA, Aug. 2016).

costs and scarcity of open land.²³ As such, along with providing funding to address this issue, Advocates urges policymakers to examine additional remedies to address this problem such as use of existing dormant facilities.

Underride guards: This critical safety equipment can prevent a passenger vehicle from traveling underneath a trailer during a crash. Yet, for decades the Federal safety standards for rear underride guards were woefully outdated. In 2022, NHTSA issued a Final Rule revising the regulations, but the performance standards for rear guards remain below industry standards.²⁴ As such, Advocates, Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (P.A.T.T.) filed a petition for reconsideration which was denied by the agency in 2024.²⁵

In the spring of 2017, the Insurance Institute for Highway Safety (IIHS), for the first time, tested a side underride guard.²⁶ The guard successfully prevented a vehicle from traveling underneath the side of a trailer at 35 miles-per-hour (MPH).²⁷ In August of 2017, IIHS performed a second test of an underride guard at 40 MPH (the speed at which IIHS conducts its frontal crash tests of passenger cars) and once again the guard prevented underride of the vehicle.²⁸ In April 2023, NHTSA issued an Advanced Notice Proposed Rulemaking on the installation of side underride guards that drastically undercounted crashes involving underride as well as failed to properly evaluate the benefits from requiring this equipment on trailers and semitrailers.²⁹ DOT must advance this rulemaking utilizing accurate data.

Entry-level driver training: In 1991, Congress, concerned with the unacceptable level of truck crashes and the quality of training being given to commercial driver's license (CDL) applicants, directed the FHWA to issue a rule requiring entry-level driver training (ELDT).³⁰ After repeated failed attempts by FMCSA to issue a rule requiring ELDT, the agency convened the Entry-Level Driver Training Advisory Committee (ELDTAC) to conduct a negotiated rulemaking in 2015.³¹ The ELDTAC recommended that all CDL candidates receive a minimum number of hours of behind-the-wheel (BTW) training.³² The vote was unanimous by the members of the Committee representing safety groups, training schools, the motorcoach industry and individual drivers.³³ Consensus was reached by the ELDTAC regarding the BTW requirement because this provision ensures that candidates' training will include a minimum amount of time operating a vehicle. The requirement was included in the NPRM but excluded from the Final Rule issued in 2016.³⁴ We urge Congress to close this glaring loophole in Federal training requirements for CDL candidates.

Weakening Essential Safety Regulations is Irreconcilable with Roadway Safety

Federal limits on the weight and size of interstate CMVs: Current maximum weights and lengths for CMVs aim to protect truck drivers, the traveling public, and our Nation's roads, bridges and other infrastructure components. Even with these thresholds, the American Society of Civil Engineers (ASCE) reports "these vital lifelines are frequently underfunded, and over 40 percent of the system is now in poor or mediocre condition."³⁵ In their 2025 Report Card, roads received a grade of "D+," with 39 percent in poor or mediocre condition.³⁶ Bridges received a "C," with about a third of the Nation's bridge inventory (221,791 spans) in need of repair replacement. In addition, approximately 45 percent of bridges have exceeded their planned design lives of 50 years.³⁷ Moreover, driving on deteriorated and congested roads still costs the average driver over \$1,400 per year in vehicle operating costs and lost time.³⁸

²³ Federal Highway Administration, Commercial Motor Vehicle Parking Shortage (May 2012).

²⁴ 87 FR 42339 (July 15, 2022).

²⁵ 89 FR 53505 (Jun. 27, 2024).

²⁶ IIHS, Side guard on semitrailer prevents underride in 40 mph test (Aug. 29, 2017).

²⁷ *Id.*

²⁸ *Id.*

²⁹ 88 FR 24535 (Apr. 21, 2023).

³⁰ 72 FR 73226 (Dec. 26, 2007).

³¹ 79 FR 49044 (Aug. 19, 2014).

³² Federal Minimum Standards for CMV Entry-Level Driver Training Written Statement, June 5, 2015 (Final Statement).

³³ *Id.*

³⁴ 81 FR 88732 (Dec. 8, 2016).

³⁵ <https://infrastructurereportcard.org/wp-content/uploads/2025/03/Full-Report-2025-Natl-IRC-WEB.pdf>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

Raising truck weight or size limits could result in an increased prevalence and severity of crashes. Longer trucks come with operational difficulties such as requiring more time to pass, having larger blind zones, crossing into adjacent lanes, swinging into opposing lanes on curves and turns, and taking a longer distance to adequately brake. In fact, double trailer trucks have an 11 percent higher fatal crash rate than single trailer trucks.³⁹ Overweight trucks also pose serious safety risk. Brake violations are a major reason for out-of-service violations.⁴⁰ According to a North Carolina study by IIHS, trucks with out-of-service violations are 362 percent more likely to be involved in a crash.⁴¹ This is also troubling considering that tractor-trailers moving at 60 miles per hour are required to stop in 310 feet—the length of a football field—once the brakes are applied.⁴² Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in adequate working condition. Moreover, increasing the weight of a heavy truck by only 10 percent increases bridge damage by 33 percent.⁴³

Despite claims to the contrary, bigger trucks will not result in fewer trucks. Following every past increase to Federal truck size and weight limits, the number of trucks on our roads has gone up. Since 1982, when Congress last increased the gross vehicle weight limit, truck registrations have more than doubled.⁴⁴ The U.S. DOT Comprehensive Truck Size and Weight Study also addressed this meritless assertion and found that any potential mileage efficiencies from the use of heavier trucks would be offset in just one year.⁴⁵

There is overwhelming opposition to any increases to truck size and weight limits. The public, local government officials, safety, consumer and public health groups, law enforcement, first responders, truck drivers and labor representatives, families of truck crash victims and survivors, and even Congress on a bipartisan level have all rejected attempts to increase truck size and weight limits. Also, the technical reports released in June 2015 from the U.S. DOT Comprehensive Truck Size and Weight Study concluded there is a “profound” lack of data from which to quantify the safety impact of larger or heavier trucks and consequently recommended that no changes in the relevant truck size and weight laws and regulations be considered until data limitations are overcome.⁴⁶

We urge Congress to oppose any increases to Federal truck size and weight limits, including mandating pilot programs, measures specific to certain products, and state or industry specific exemptions. These endless exemptions undermine a critical Federal safety regulation, needlessly jeopardize public safety and present unnecessary obstacles for enforcement.

Minimum age requirements for interstate truck drivers: CMV drivers under the age of 19 are four times more likely to be involved in fatal crashes, as compared to CMV drivers who are 21 years of age and older, and CMV drivers ages 19–20 are six times more likely to be involved in fatal crashes (compared to CMV drivers 21 years and older).⁴⁷ Yet, some segments of the trucking industry have been pushing to allow teenagers to operate CMVs in interstate commerce for more than 20 years, often relying on their own forecasts for the number of drivers needed as a rationale. These projections have consistently failed to materialize.⁴⁸ The trucking industry continues to face a driver retention crisis, not a driver shortage. Past witnesses representing parts of the trucking industry have testified before Congress

³⁹ An Analysis of Truck Size and Weight: Phase I—Safety, Multimodal Transportation & Infrastructure Consortium, November 2013; Memorandum from J. Matthews, Rahall Appalachian Transportation Institute, Sep. 29, 2014.

⁴⁰ Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019—Calendar), FMCSA.

⁴¹ Teoh E, Carter D, Smith S and McCartt A, Crash risk factors for interstate large trucks in North Carolina, *Journal of Safety Research* (2017).

⁴² Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).

⁴³ Effect of Truck Weight on Bridge network Costs, NCHRP Report 495, National Cooperative Highway Research Program, 2003.

⁴⁴ 2017 Annual Report.

⁴⁵ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

⁴⁶ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

⁴⁷ Campbell, K. L., Fatal Accident Involvement Rates By Driver Age For Large Trucks, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287–295 (1991).

⁴⁸ FMCSA Document ID: 2000–84100–0782. American Trucking Associations, *Truck Driver Shortage Analysis 2015* (Oct. 2015) and 2019 available here: <https://www.trucking.org/news-insights/ata-releases-updated-driver-shortage-report-and-forecast>.

that there is not a driver shortage and perpetuating this falsehood could negatively affect the supply chain.⁴⁹

The IIJA included a provision requiring the establishment of pilot program to permit teen truckers to operate in interstate commerce. This program is basically a “science experiment” with all road users serving unknowingly as “test subjects.” If accepted research protocols are not followed by FMCSA, it could result in preventable deaths and injuries and will also jeopardize the legitimacy of the outcomes of the program. Lastly, the agency’s recommendations and conclusions in the required report to Congress must be supported by sufficient evidence and data collected during the program. We urge this Committee to continue oversight of this program.

Truck drivers’ hours of service and electronic logging devices (ELDs): Self-reports of fatigue, which almost always underestimate the problem, find that fatigue in truck operations is a significant issue. In a 2006 driver survey prepared for the Federal Motor Carrier Safety Administration (FMCSA), “65 percent [of drivers] reported that they often or sometimes felt drowsy while driving” and almost half (47.6 percent) of drivers said they had fallen asleep while driving in the previous year.⁵⁰ In fact, the National Transportation Safety Board (NTSB) has repeatedly cited fatigue as a major contributor to truck crashes as determined by its investigations.⁵¹ Expanding the hours operators of trucks can drive through misguided pilot programs or undermining the use of ELDs through endless exemptions for carriers transporting livestock and insects as a rationale for moving more goods puts truck drivers, their loads and everyone on the roads with them at risk.⁵²

Automated driving system (ADS) technology

Autonomous driving technology has made advances yet remains unable to consistently operate safely with all road users, conditions and scenarios, as evidenced by fatal and serious crashes involving passenger motor vehicles equipped with ADS of varying levels.⁵³ Transparency and robustness in crash and incident data reporting involving vehicles equipped with ADS are critical to the safety of public roads, the management of cities in which they are operating, for researchers and related industries as well as for Congress and the DOT as it considers legislative and regulatory proposals. Further, if those incidents had involved autonomous commercial motor vehicles (ACMVs), which are larger and heavier with more stopping distance needed, the results could have been even more catastrophic, and the death and injury toll could have been much worse. Some of the most pressing safety shortcomings associated with autonomous vehicle (AV) technology, which include the ADS properly detecting and reacting to all other road users and cybersecurity, are exponentially amplified by the greater crash force of an ACMV. As such, it is imperative that ACMVs be subject to comprehensive safety regulations, including having a licensed driver behind the wheel for the foreseeable future.

The interest in expanding the use of this technology must not be used as a pretext to eviscerate essential safety regulations administered by the FMCSA, and particularly in the absence of new standards to ensure the technology performs safely and as needed. The public safety protections provided by the FMCSRs have become no less important or applicable simply because a CMV has been equipped with an ADS. In fact, additional substantial public safety concerns are presented by ACMVs. This includes the deployment of emergency beacons. More research needs to be done on the safety impact of cab mounted beacons rather than Congress taking action to force FMCSA to allow their use.

Drivers operating an ACMV must have an additional endorsement or equivalent certification on their commercial driver license (CDL) to ensure they have been properly trained to monitor and understand the ODD of the vehicle and, if need be, to operate an ACMV. This training must include a minimum number of hours of behind-the-wheel training.

⁴⁹ “The State of Transportation” Hearing, U.S. House of Representatives Transportation and Infrastructure Committee.

⁵⁰ Hours of Service of Drivers, NPRM (2010 NPRM), FMCSA, 75 FR 82170 (Dec. 29, 2010), citing Dinges, D.F. & Maislin, G., “Truck Driver Fatigue Management Survey,” FMCSA (May 2006), FMCSA–2004–19608–3968.

⁵¹ NTSB, Highway, Multivehicle Work Zone Crash on Interstate 95 Cranbury, New Jersey June 7, 2014, Accident Report NTSB/HAR–15/02 (Aug. 11, 2015) and Fatigue, Disregard for Safety Regulations and Oversight Failures Lead to Fatal Bus and Truck Collision in Upstate New York, Report *HIR–24–08*, December 19, 2024.

⁵² U.S. DOT, U.S. Transportation Secretary Sean P. Duffy Unveils Pro-Trucker Package as Part of President Trump’s Executive Order (Jun. 27, 2025); FMCSA, ELD Hours of Service (HOS) and Agriculture Exemptions; Public Law No: 119–4 (2025).

⁵³ NHTSA, Standing General Order 2021–01 (Aug. 2021). ADS Incident Report Data available here: https://static.nhtsa.gov/odi/ffdd/sgo-2021-01/SGO-2021-01_Incident_Reports_ADS.csv.

The remote operation of AVs, including any for ACMVs, presents distinct safety concerns including issues involving latency. Remote operators are often tasked with exercising some operational control over the vehicle, either for normal operations or in response to commands of an emergency responder. As such, all remote operators must be legally licensed in the U.S. to operate the AV in question. In addition, remote operators face unique challenges in the operation of an AV compared to a driver located in the vehicle. For instance, a human driver behind the wheel may have access to a broader range of details regarding the driving environment than someone located in an office far from the actual location of the AV, potentially in another country. Therefore, individuals in these roles must be given specific training for remote operations. These individuals should also have significant experience operating both an AV on public roads and remote operation of an AV in realistic training scenarios. Lastly, remote operators must never be in a situation where they would even potentially have to oversee the “real time” operation of more than one AV and there should be limits on hours of service for these positions.

Advocates and numerous stakeholders developed the “AV Tenets,” policy positions which should be foundational to any AV legislation.⁵⁴ The AV Tenets have four main, commonsense categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. While the AV Tenets were developed for application to vehicles under 10,000 pounds, many of the principles also apply to larger commercial vehicles. At a minimum, ACMVs must meet safety standards for the ADS and related systems, including for cybersecurity, and operations must be subject to adequate oversight as a starting point for their potential deployment.

In December 2024, Advocates released a public opinion *poll* that found 9 of 10 adults surveyed are concerned about themselves or their loved ones getting into motor vehicle crashes.⁵⁵ The survey noted that 88 percent of respondents affirmed sharing the roads with driverless trucks presented concern, with 69 percent acknowledging a high level of concern. The high percentage expressing concern was regardless of political affiliation or region.

Conclusion

The DOT must implement the directives to address the truck crash fatality and injury toll, and we urge Congress to prioritize oversight, advancing proven safety measures and funding for such in the next transportation reauthorization legislation.

Thank you for your consideration of these issues. We look forward to continuing to work with you to improve safety on our Nation’s roadways.

Sincerely,

CATHERINE CHASE,
President.

cc: Members of the Subcommittee on Surface Transportation, Freight, Pipelines, and Safety

PREPARED STATEMENT OF ANNE C. REINKE, PRESIDENT AND CEO, INTERMODAL ASSOCIATION OF NORTH AMERICA (IANA)

On behalf of the Intermodal Association of North America (IANA), thank you Subcommittee Chair Young, Ranking Member Peters, and Subcommittee Members for convening this hearing to discuss policies and regulations impacting the trucking industry, particularly with an eye toward the upcoming surface transportation reauthorization.

As the only transportation trade association that represents the combined interests of intermodal freight providers and customers, IANA represents more than 1,000 corporate members, including railroads, ocean carriers, ports, intermodal truckers and over-the-road highway carriers, intermodal marketing and logistic companies, and suppliers to the industry. IANA’s associate (non-voting) members include shippers (defined as the beneficial owners of the freight to be shipped), academic institutions, government entities, and non-profit trade associations.

⁵⁴ <https://saferoads.org/autonomous-vehicle-tenets/>.

⁵⁵ Online CARAVAN SURVEY, The Public is Very Concerned About Traffic Safety Even Though They Are Not Aware of the Enormity of the Deadly Toll on our Roadways (Dec. 2024). Available at: <https://saferoads.org/wp-content/uploads/2024/12/Advocates-December-2024-Poll-Report-12-4-24.pdf>.

Unlike single transportation modes, global and domestic intermodal freight supply chains are comprised of separate entities that work together to complete each intermodal movement. Truck movements are an essential link in the intermodal supply chain and each container's journey requires multiple drivers to complete a combined total of 98 million intermodal trucking moves annually.

Recognizing the broad range of issues under the Subcommittee's jurisdiction, IANA looks forward to working with you to advance policies in the next surface transportation authorization law that increase intermodal supply chain efficiency, support the industry's essential workforce, and foster economic growth and competitiveness. An overview of the Association's most pressing policy principles related to trucking can be found below.

Workforce

According to the American Trucking Associations (ATA), in 2023, the trucking industry faced a shortage of roughly 60,000 drivers. ATA further projects that the industry must recruit more than 1 million new drivers over the next decade to replace an aging workforce and keep pace with growing freight demand. Given these estimates, IANA encourages Congress to advance legislation that supports the retention of the existing trucking workforce, reduces regulatory burdens, and incentivizes new drivers to enter the industry.

Presently, drivers must be at least 21 years old to operate a commercial motor vehicle (CMV) in interstate commerce. This age barrier serves as a deterrent for 18- to 21-year-olds who are interested in entering the workforce. Frequently, these individuals undergo training and apprenticeship in other fields before their age qualifies them to operate a CMV in interstate commerce. IANA supports Federal efforts that would allow drivers between the ages of 18 and 21 to enter the interstate workforce, while maintaining safety objectives.

The Infrastructure Investment and Jobs Act (IIJA) took a critical step in creating a career pathway for the next generation of interstate CMV drivers by establishing the Safe Driver Apprenticeship Program (SDAP) under the Federal Motor Carrier Safety Administration. The pilot program allows qualified younger drivers to operate in interstate commerce and ensures participants satisfy comprehensive training and safety standards. Unfortunately, the addition of extraneous requirements, beyond what is written in law, has hampered participation in the program by both motor carriers and drivers. To maximize the potential of the SDAP and the future trucking workforce, we encourage Congress to build on its important work under the IIJA by steering the program back on course and ensure it is implemented according to Congressional intent.

Another top priority for the intermodal industry is to preserve the independent contractor model, which allows truck drivers to enjoy maximum flexibility by choosing the hours and routes that best align with their personal circumstances and preferences. While not directly under the Committee's jurisdiction, we hope to count on your support for this important issue that stands to impact approximately 400,000 independent truck drivers and an estimated 80 percent of the intermodal drayage trucking workforce. Although employee driver positions are readily available, these individuals have made the conscious decision to carry out their work as independent owner-operators—investing time and financial resources in their small business, which includes training, regulatory compliance, licensing, insurance, and the purchase of a truck.

To further the trucking industry's workforce recruitment and retention goals, IANA supports Congressional efforts—such as S. 2228, the Modern Worker Empowerment Act—that empower these hardworking men and women by providing increased certainty and consistency to their classification as independent contractors.

Cargo Theft

In recent years, instances of organized cargo theft and fraud have increased at an alarming rate. According to CargoNet's annual analysis, reported cargo theft incidents rose 27 percent between 2023 and 2024 across the United States and Canada. Demonstrating the rise of premeditation, CargoNet estimates that instances of strategic theft—which involve the use of fraud and deception in addition to, or in place of, physically stealing cargo—have risen by over 1,500 percent since the first quarter of 2021. Fraud and deception tactics may include identify theft, forged bills of lading, and advanced cyber tactics.

It is important to note that crime statistics represent reported theft, as the occurrence is not always reported for a host of reasons, including reputational brand management, tedious paperwork, fear of increased insurance costs, and low cargo recovery rates. Knowledge that cargo theft is vastly underreported leads to a wide span of loss estimates, ranging from \$455 million annually to several billion dollars.

It is likely that theft, fraud, and cyber-security attacks aimed at freight transportation will require a host of solutions, and we applaud Congress for its dedication to identifying bipartisan approaches, such as S. 1404, the Combating Organized Retail Crime Act and S. 337, the Household Goods Shipping Consumer Protection Act. Both of these bills would make meaningful changes at the Federal level to identify, prosecute, and deter cargo theft. A coordinated, national response is needed to address this growing threat by improving enforcement capabilities and fostering increased collaboration across relevant federal, state, and local agencies.

Truck Size and Weight

In 1991, Congress froze truck size and weight limits on Federal highways. The intermodal industry wholly adopted this standard and, accordingly, built trailers and containers in compliance with Federal law. Any changes to these long-standing regulations will upend intermodal operations, sending a ripple effect across the entire supply chain as intermodal equipment is carefully designed for safe and efficient transport by water, rail, and road.

Intermodal Connectors

Despite constituting less than one percent of total National Highway System (NHS) mileage, NHS-designated intermodal connectors play an outsized role in freight network fluidity. These connectors provide necessary links to seaports, rail facilities, and airports that allow for seamless interaction between transportation modes and are essential to the movement of goods between points of origin and destination. According to a 2017 study by the Federal Highway Administration, only nine percent of intermodal connectors are classified as in good or very good condition. Under the next surface transportation reauthorization, IANA strongly supports continued eligibility and robust funding made available for improvements to intermodal connectors under Federal formula and discretionary programs.

Thank you for your time and your leadership in support of intermodal goods movement and its related issues. It is our hope that IANA can be a resource as Congress continues developing reauthorization legislation. We look forward to working with you and would welcome the opportunity to further engage with your offices. If you or your staff have any questions, please do not hesitate to contact me at areinke@intermodal.org or 301-982-3400.

PREPARED STATEMENT FROM THE COMMERCIAL VEHICLE SAFETY ALLIANCE (CVSA)

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments for the record in response to the Committee on Commerce, Science & Transportation's Subcommittee on Surface Transportation, Freight, Pipelines and Safety's hearing on "Shifting Gears: Issues Impacting the Trucking and Commercial Bus Industries in the U.S."

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and Federal commercial motor vehicle (CMV) safety officials and industry representatives. The Alliance aims to prevent CMV crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve CMV safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

CVSA commends the Subcommittee for holding a hearing to explore and understand issues facing the CMV industry. The hearing offered a timely opportunity for Senators to engage with industry stakeholders to better understand the unique challenges of the CMV industry, in addition to learning about the surface transportation priorities of the industry witnesses participating in the hearing.

CVSA and its members are committed to improving CMV safety in the motor carrier industry and have long supported solutions to improve CMV safety on our Nation's roadways. Discussion during the July 22 hearing covered a variety of issues confronting the industry, such as effective use of safety technology, impaired and fatigued driving, and regulatory improvements. The Committee's upcoming work on surface transportation reauthorization is the perfect opportunity to address some of the issues shared by stakeholders. CVSA is committed to improving roadway safety and welcomes this opportunity to share several solutions to issues affecting the CMV industry.

Universal Electronic Vehicle Identifier

As part of its written testimony, the Owner-Operator Independent Driver Association (OOIDA) misrepresented one of CVSA's reauthorization priorities, the universal electronic vehicle identifier.

The universal electronic vehicle identifier is an inspection selection tool and solution for inspectors to better identify and prioritize vehicles with safety concerns for intervention, more effectively and efficiently removing unsafe vehicles and drivers from the Nation's roadways. Currently, when an inspector is observing CMVs available for inspection, that inspector can only view information for a single truck at a time when using various screening technologies and tools. Additionally, inspectors have to manually review the information when they query the screening technology programs. Inspectors have a limited window in which to view the information and make the inspection selection decision.

Under current inspection selection procedures, inspectors are not receiving a complete picture of the CMVs in their vicinity that are available for inspection. Using technology to identify multiple vehicles electronically would allow enforcement to increase the number of vehicles that are screened for inspection while using data to better select vehicles for intervention, creating efficiencies for the enforcement community and the motor carrier industry. A universal electronic vehicle identifier would provide inspectors with a complete picture of the vehicles around them, so they can better identify and prioritize vehicles that are operating unsafely. After reviewing a complete picture of the vehicles in the vicinity, the inspector maintains discretion to select the vehicle that poses the greatest imminent hazard to road users.

OOIDA's label of the universal electronic vehicle identifier as "trackers on truckers," misrepresents what CVSA would like to see as part of implementation of a universal electronic vehicle identifier. There are no credible privacy concerns with implementation of a universal electronic vehicle identifier because sensitive information, such as driver information and data, would not be transmitted. The only data transmitted would be the universal vehicle identifier. The universal vehicle identifier, potentially tied to the vehicle identification number, would provide enforcement with access to the information they currently access by running the vehicle's USDOT number or license plate number, creating a more efficient means to retrieve data already available to them. CVSA's state and territory members are pursuing a requirement that CMVs be equipped with a universal electronic vehicle identifier to improve roadway safety—not to track trucks or their drivers, a point CVSA has made clear in its outreach on this topic and the Alliance is committed to ensuring any legislative language or regulatory requirement for a universal electronic vehicle identifier reflects the technology's intended purpose. Additionally, CVSA disputes OOIDA's claim that the universal electronic vehicle identifier would negatively impact safety. The universal electronic vehicle identifier will aid inspectors in selecting the vehicles on the roadway that are most in need of an inspection or intervention. For example, a system that uses the universal electronic vehicle identifier could flag vehicles that are operating under a Federal or state out-of-service order. These are vehicles that should not be operating yet are on the road despite significant safety issues, placing other road users at risk. Deployment of a universal electronic vehicle identifier could help inspectors better identify these vehicles for removal from the roadways.

There are additional applications for how a universal electronic vehicle identifier can aid enforcement beyond the inspection selection process. For example, a universal electronic vehicle identifier can support enforcement in identifying instances of motor carrier fraud and USDOT number theft. In instances where USDOT number theft is suspected, enforcement can rely on the electronic vehicle identifier, in addition to a motor carrier's registration information, to determine if the vehicle being driven is associated with the USDOT number.

With the size of the CMV industry, it is not possible for the roughly 13,000 inspectors across North America to inspect every vehicle, driver and motor carrier operating on our roadways on a regular basis. Chairman Young shared in his opening statement that Congress needs to ensure that law enforcement agencies are well-equipped. Implementing a universal electronic vehicle identifier would provide the CMV enforcement community with a tool that would significantly improve the way CMVs are selected for inspection, leveraging limited resources and improving roadway safety.

Safety Technology and Automated Commercial Motor Vehicles

During the hearing, various forms of safety technologies were discussed. CVSA generally supports policies that encourage the deployment of safety technologies proven to improve CMV safety, either through preventing or mitigating the severity of crashes. As budgets continue to tighten and technology continues to advance, it is imperative that those in the safety and enforcement communities take full advantage of technological advancements that improve safety and demonstrate a net benefit to society. As Congress considers developing performance standards and speci-

fications for safety technologies, it is imperative to work with industry and the enforcement community to ensure that the devices are effective and that any regulations put into place are enforceable.

A focus of the hearing was automated, or self-driving, CMVs. For several years, CVSA's membership has been working to prepare for the presence of automated CMVs on our roadways. CMVs equipped with automated driving systems (ADS) have the potential to significantly improve roadway safety. As ADS technology continues to advance and be tested on public roadways, it is imperative that Federal agencies, lawmakers, law enforcement and motor carriers keep pace with the ADS industry. While ADS-equipped CMVs have the potential to improve roadway safety, that potential is based on the vehicles and technology being well maintained and fully functional. Oversight by the enforcement community is necessary to ensure ADS-equipped CMVs are properly maintained. Unfortunately, there are challenges with applying the traditional roadside inspection program to ADS-equipped vehicles, because the current roadside inspection program is not compatible with ADS-equipped CMVs. The current inspection process relies heavily on the driver to complete an inspection, for example. In addition, incorporating all possible roadside inspection locations into an ADS-equipped CMV's operational design domain is not practical. To address these challenges, CVSA coordinated several years of research and discussion with state and local CMV enforcement officials, motor carriers and ADS developers to design an alternative approach to ensuring ADS-equipped CMVs receive the necessary oversight to ensure compliance with Federal safety regulations.

CVSA recommends implementing the Enhanced Commercial Motor Vehicle Inspection Program, an inspection standard and procedure designed to govern the inspection of ADS-equipped CMVs operating without a driver/operator on duty. The program establishes a no-defect, dispatch (point-of-origin) inspection program and includes an enhanced inspection standard and procedure for motor carriers operating ADS-equipped vehicles, as well as a 40-hour CVSA training course and exam (written and practical) for motor carrier personnel who will be conducting the inspections. Under this program, rather than the driver conducting a pre-trip inspection (as is currently done), for ADS-equipped CMVs, CVSA-trained and -certified motor carrier personnel would conduct the Enhanced CMV Inspection Procedure at the point of origin before dispatch.

Surface Transportation Reauthorization as a Solution to Issues Facing the CMV Industry

Although the hearing focused on challenges within the CMV industry, the upcoming surface transportation reauthorization presents a critical opportunity to address these issues. To further the discussion, CVSA has identified key priorities that should be considered in the reauthorization process.

Improvements to the Enforcement Training and Support Grant Program

One issue that can be addressed in the upcoming surface transportation reauthorization legislation is ensuring that there is a well-trained inspector population available to enforce the Federal Motor Carrier Safety Regulations (FMCSR). In the Infrastructure Investment and Jobs Act, Congress created the Enforcement Training and Support Grant which created a new approach to how certification training to state and local CMV inspectors is developed and delivered. In order to improve the training of inspectors, CVSA recommends a series of improvements to the structure and administration of the Enforcement Training and Support Grant to be included as part of the surface transportation reauthorization legislation.

Currently, qualified state inspectors are used to deliver the CMV inspector certification training included under the Enforcement Training and Support Grant. Inspectors who want to become instructors are required to become qualified as an instructor in each type of curriculum they wish to instruct. However, due to a misinterpretation of Congressional intent, activities under the current Enforcement Training and Support Grant are limited to the development and delivery of certification training to state and local enforcement personnel seeking to become certified as a CMV inspector, excluding the training of the instructors for the courses. These instructors, who are also state personnel and inspectors, are a critical part of the training process and their training should be part of the same program. In addition to the overall improvement to the quality of training instructors are receiving and the administrative benefits of consolidating all state and local roadside inspector and instructor training into one program, this clarification would match the intentions of the creation of the program in the Infrastructure Investment and Jobs Act. To resolve this, CVSA seeks language clarifying that the state instructors delivering

the certification training to state personnel under Enforcement Training and Support Grant should be trained and managed under the grant as well.

Another recommendation to improve the Enforcement Training and Support Grant is to implement a multi-year grant cycle. The Enforcement Training and Support Grant currently operates on an annual award cycle, which contains multiple downsides for the delivery of this important training. First, a single year of funding impacts the grant recipient's ability to implement a comprehensive training program reliably and consistently. Additionally, the administrative burden of annually applying for a single year of funding is cumbersome on grantees, as well as the agency. Further, a multi-year grant cycle would provide the state and local inspectors receiving the critical certification training with much needed stability and continuity. In addition, a multi-year grant cycle would ensure consistency with the delivery of the enforcement training program, as well as give the grant recipient the opportunity to deliver on longer terms goals and objectives. Finally, transitioning to a multi-year grant cycle would reduce the administrative burden of soliciting and awarding the grant program for the Federal Motor Carrier Safety Administration (FMCSA). CVSA supports a multi-year grant cycle for the Enforcement Training and Support Grant.

A final improvement for the Enforcement Training and Support Grant is to ensure that the activities under the Enforcement Training and Support Grant are delivered by the organization comprised of state government agencies responsible for the oversight and implementation of CMV enforcement activities.

In order to ensure the quality of the training, the state agencies responsible for motor carrier enforcement programs strongly support limiting the CMV Enforcement Training and Support Grant program to one recipient and support that the program be delivered only by the organization comprised of state government agencies responsible for the oversight and implementation of CMV enforcement activities. CVSA is the organization responsible for developing and maintaining the North American Standard Inspection Program (NASI). CVSA's certification standards are identified by the FMCSRs in 49 Code of Federal Regulations (CFR) § 350.105 as the certification standard to which CMV inspectors must adhere. As the entity responsible for the certification standard, CVSA is best qualified to deliver the certification training for NASI inspectors, as well as instructors. The state agencies responsible for CMV safety inspections comprise CVSA's membership and will ensure the quality of the training program. Identifying CVSA as the entity responsible for this training would provide the jurisdictions with long term stability within this critical training program.

Personal Conveyance

Another challenge for the CMV industry is fatigued driving. The International Brotherhood of Teamsters acknowledged this in its written testimony, when they cited fatigue as "endemic to the industry." Driver fatigue is a significant contributor to CMV crashes and poses a substantial risk to road safety. A National Transportation Safety Board study found that 31 percent of heavy truck crashes with fatalities to the driver involved fatigue.¹ Additionally, fatigued drivers perform more inappropriate lane deviations and have slower steering responses, experience reductions in responses to speed changes of a lead vehicle, have increased speed variations, exhibit slower reaction times, experience impaired visual scanning or "tunnel vision," and are at risk of falling asleep at the wheel. All of these factors increase the likelihood of crashes and near-crashes resulting from driver error.² In the motor carrier industry, the Federal hours-of-service requirements exist to help prevent and manage driver fatigue. While sleep cannot be regulated, the hours-of-service rules set forth a framework that, if followed, allow drivers to get the rest necessary to operate their vehicles safely. It is important that the hours-of-service requirements continue to focus on fatigue management and safety, factoring in the best available fatigue data.

Opportunities for driver fatigue can be reduced by clarifying the definition of personal conveyance within the FMCSRs by adding a maximum time for its use. Under personal conveyance, a driver is able to use a loaded or unloaded CMV for personal use and count that driving time as off-duty time. With the current definition of personal conveyance, a driver can drive hundreds of miles over the course of several

¹ Factors that Affect Fatigue in Heavy Truck Accidents Volume 2: Case Summaries. National Transportation Safety Board. NTSB Report Number SS-95-02. <https://www.nts.gov/safety/safety-studies/Documents/SS9502.pdf>.

² Guidelines and Materials to Enable Motor Carriers to Implement a Fatigue Management Program. North American Fatigue Management Program. https://nafmp.org/wp-content/uploads/2021/04/implementation_manual_en.pdf

hours under the designation of personal conveyance before, during, or after their workday, putting them at risk for increased levels of fatigue.

Roadside inspectors see countless examples of this occurring, with drivers claiming they are operating their vehicle for personal use, when in reality they are extending their driving time. Some common examples of personal conveyance abuse include using personal conveyance for up to 10 hours between dropping off loads and going to the next pick up; driving over two hours claiming they are looking for a place to park when there are open spaces along the two-hour drive; using personal conveyance to make up for time lost at loading docks; and switching to personal conveyance time just before violating the 11-or 14-hour rules. Allowing significant extension of driving time with the use of personal conveyance undermines the goals of the hours-of-service regulations, which exist to mitigate the impacts of fatigue on highway safety.

In recent years, CVSA inspectors have observed a rise in personal conveyance abuse and misuse. For example, as part of a data collection conducted by CVSA in 2023, CVSA found that when personal conveyance was being used by a driver, it was being used improperly nearly 40 percent of the time. Additionally, CVSA has seen an increase in false log violations, which is where personal conveyance violations are documented. False log violations have jumped from the seventh most frequently cited driver violation in 2019 to the third most cited in 2021, 2022 and 2023. In 2024, false log violations were the twelfth most frequently cited driver violation. When looking at “false logs—personal conveyance” violations, the number of violations rose from the 60th most frequently cited driver violation in 2021 (when the specific violation code was created) to the 27th most frequently cited in 2024.

Analysis of the 2023 data collection revealed that motor carriers whose drivers use personal conveyance improperly have a crash rate that is four times higher than motor carriers whose drivers use personal conveyance properly.

Additionally, the driver out-of-service (OOS) rate is over two times higher for motor carriers with drivers improperly using personal conveyance.

Using personal conveyance to extend driving time increases the possibility of fatigued driving and can endanger other road users. Placing a limit on the time that a driver can use personal conveyance is a strategy for mitigating fatigued driving that should be implemented.

Motor Carrier Safety Program Improvements

Congress provides funding to the states, through FMCSA’s Motor Carrier Safety Assistance Program (MCSAP) and High Priority Grant. States and local agencies use these funds to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to CMV safety issues. The goal of these programs is to reduce CMV-involved crashes, fatalities and injuries through consistent, uniform and effective CMV safety programs. The programs seek to identify safety defects, driver deficiencies and unsafe motor carrier practices and remove them from the Nation’s roadways. To address issues and ensure that, as Chairman Young mentioned in his opening statement, law enforcement agencies are well-equipped to fulfill the goals of MCSAP, CVSA recommends multiple improvements.

To improve MCSAP, CVSA supports giving FMCSA the authority to allow states to make adjustments to their maintenance of effort (MOE) and enforcement activity minimums, when appropriate. As a condition of MCSAP, states are required to meet minimum financial requirements, known as MOE, by investing state funds in their CMV safety enforcement programs. States must also meet certain CMV inspection and enforcement minimums in order to have traffic safety activities reimbursed under MCSAP. However, the MOE and minimum activities benchmarks are outdated and often no longer relevant to the jurisdiction’s program due to changes in program structure, responsibilities and priorities.

The motor carrier industry has evolved significantly since the MOE and inspection benchmarks were last updated. State CMV safety programs have evolved alongside industry to address the most prevalent safety issues, making the 20-year-old MOE and inspection benchmarks outdated for many programs. Giving states the option to request an adjustment to their MOE and inspection benchmarks ensures that their minimum state contributions meet the needs of their program and the current motor carrier safety trends. FMCSA should be given the authority to consider permanent changes to a jurisdiction’s MOE upon request, providing the states with additional flexibility to manage their programs.

Another recommendation to improve MCSAP would provide greater spending flexibility for jurisdictions. Activities that are primarily eligible for MCSAP funding are the national program elements, which include driver and vehicle inspections;

traffic enforcement; compliance reviews, carrier interventions, investigations and new entrant safety audits; public education and awareness; and data collection and quality. There are some activities and expenses not currently covered under MCSAP, which limits how jurisdictions are able to spend MCSAP funds, placing unnecessary constraints on state programs and limiting efficacy. Creating additional spending flexibility by expanding MCSAP eligibility would allow jurisdictions to spend MCSAP funds in ways that meet their individual needs, maximizing the benefits of MCSAP funds. Based on feedback from the states, CVSA recommends expanding MCSAP to include physical infrastructure, including MCSAP-related facilities construction, purchases and maintenance; MCSAP-related activities performed by non-MCSAP personnel, such as oversize/overweight enforcement; intrastate carrier compliance reviews; tools, promotional items and educational items for distribution to industry; and overtime for non-CMV traffic enforcement.

A final recommendation would create a dedicated funding program for local jurisdictions. Currently, there is not a dedicated funding mechanism to provide funding for local enforcement agencies participating in the MCSAP program. As a result, local jurisdictions must compete with state agencies for limited grant funds. Dedicated funding for local jurisdictions should be competitive in nature and restricted to local jurisdictions with an active memorandum of understanding with the lead MCSAP agency in their state. This dedicated funding will help ensure that local jurisdictions who wish to participate in the MCSAP program have the resources to fully participate.

Minimum Qualifications for Entry as a Motor Carrier

As was noted in the hearing, it is currently far too easy to obtain a USDOT number and enter the industry as a motor carrier.

Safety on the roadways is paramount, particularly within the motor carrier industry. It is critical that those operating in commerce understand what is required of motor carriers, how to comply with the Federal regulations and how to establish a strong safety culture within their operations. Currently, however, very little is required of an entity to obtain registration and begin operations as a commercial motor carrier. In comparison, CMV inspectors and enforcement personnel must be trained and certified to conduct inspections, and CMV drivers must go through a rigorous Entry Level Driver Training and/or qualification process and be properly credentialed in order to drive a CMV. No such standards or qualifications exist, however, to become a motor carrier. Motor carriers applying for a USDOT number do not have to demonstrate qualifications in the same way as CMV inspectors and drivers. As a solution, CVSA supports requiring that FMCSA establish a set of minimum motor carrier qualification standards. Creating a standard for entry for motor carriers reinforces an industry-wide safety priority and would ensure those entering the industry are equipped to do so safely. CVSA is preparing specific recommendations on what should be included as part of these motor carrier qualifications and will bring these specific recommendations to Congress as part of its work on surface transportation reauthorization legislation.

Improvements to the New Entrant Safety Audit Program

The purpose of the New Entrant Safety Audit in 49 CFR § 385.309 is to provide educational and technical assistance to the new motor carriers and gather safety data needed to assess the new entrant's safety performance and the adequacy of its basic safety management controls. The existing New Entrant Safety Audit Program is not adequately fulfilling its purpose and instead provides minimal education to motor carriers.

The New Entrant Safety Audit Program should return to the intended focus on motor carrier education before operation. This would increase efficiency, reaching more carriers to proactively improve new entrant safety and create more uniformity for all new entrants regardless of assignment type. CVSA is preparing specific recommendations on what improvements should be made to the New Entrant Safety Audit Program and will bring these specific recommendations to Congress as part of its work on surface transportation reauthorization legislation.

Expanding CDLPI Eligibility to Puerto Rico and the U.S. Virgin Islands

Multiple hearing participants spoke about the importance of having well-trained, credentialed drivers as part of the workforce. For example, the American Trucking Associations (ATA) touched on how having qualified drivers is vital for improving safety in their written testimony. CVSA understands the importance of having well-trained and qualified drivers on the roadways.

One way to address driver credentialing and guarantee a qualified CMV driving population is to expand the Commercial Driver's License Program Implementation (CDLPI) grant eligibility to include Puerto Rico and the U.S. Virgin Islands. Cur-

rently, the commercial driver's license (CDL) programs in both Puerto Rico and the U.S. Virgin Islands are not recognized by FMCSA as equivalent to the standards in 49 CFR Part 383. Making the territories eligible under the CDLPI grant program would enable them to improve their existing CDL programs and bring them in line with Part 383, ensuring those drivers are properly trained and credentialed, increasing safety on the roadways.

Additionally, this will bring uniformity to the enforcement of the safety regulations surrounding CDLs, particularly when it comes to CMV drivers from either territory operating a CMV in one of the 50 states in the U.S. Currently, because their licenses are not recognized as equivalent, CDL drivers from Puerto Rico and the U.S. Virgin Islands may end up with two driver's licenses—one from their home territory and one from a state. FMCSA and the states strive for a “one driver, one license” approach for all CDL drivers. Including Puerto Rico and the U.S. Virgin Islands in the CDLPI program would enable the territories to improve their CDL programs to bring them in line with 49 CFR Part 383, which would allow FMCSA to recognize those licenses and equivalent to other U.S. issued licenses, allowing for a single and proper credential for all CDL holders from those territories.

ELD Certification

CVSA also supports requiring that FMCSA create a process for certifying electronic logging devices (ELDs). Currently, manufacturers self-certify that their devices meet the ELD specifications set by FMCSA. FMCSA has the ability to remove a device from the list of self-certified ELDs if, after self-certification, the device is found to be non-compliant by the agency. This lack of Federal oversight before a device is deemed compliant results in carriers purchasing ELDs that are later deemed non-compliant and then having to replace those devices. The volatility of removing ELDs from the list of registered devices places additional burdens on motor carriers who may not have realized their selected ELD was non-compliant.

Additionally, relying on compliant ELDs is key to effective enforcement of the hours-of-service regulations, which exist to help prevent and manage driver fatigue. ELDs make it easier for inspectors to identify violations and take unsafe, non-compliant carriers and drivers off the roadways, all while saving time for both enforcement and industry.

Establishing a certification process administered by FMCSA would address the issues with self-certification while providing motor carriers with a more reliable list of eligible devices.

Applicability of Drug and Alcohol Testing Requirements

Impaired driving continues to be an issue that negatively impacts safety on our roadways, and CVSA maintains that continued enforcement of impaired driving standards for both drugs and alcohol use is a key component of CMV safety programs. In its written testimony, ATA identified improvements to drug testing as a solution to address a rise in impaired driving. Additionally, Senator Lujan used part of his time to ask the panelists about impairment and drug and alcohol testing, highlighting the need to address this safety issue. Impaired driving remains a threat to roadway safety, and resources devoted to rigorous enforcement of impaired driving standards are needed.

Currently, compliance with the drug and alcohol testing and reporting requirements in 49 CFR Part 382 apply only to CDL drivers, excluding drivers operating the 11 million non-CDL CMVs on the Nation's roadways. Non-CDL CMVs weigh between 10,001 and 26,000 pounds, and examples include large box trucks, large truck-trailer combinations and passenger carrying vehicles that seat 9–15 passengers.

When a CDL-driver has a positive drug or alcohol test result, the result is placed in the Drug and Alcohol Clearinghouse where motor carriers can view if a driver is in a prohibited status and therefore unable to operate a CMV in interstate commerce. In order to have their prohibition rescinded, the disqualified driver must complete a return-to-duty process.

However, data from FMCSA shows that of 296,021 drivers with at least one drug and alcohol program violation, there are 186,337 prohibited drivers in the Drug and Alcohol Clearinghouse, and only 109,684 drivers have completed the return-to-duty process and are no longer in a prohibited status.³ In addition, we are seeing instances where motor carriers hiring for a non-CDL CMV driver position unknowingly hire a driver in a prohibited status, placing these unsafe drivers back on the

³ April 2025 Monthly Summary Report. Drug and Alcohol Clearinghouse. FMCSA. April 2025. https://clearinghouse.fmcsa.dot.gov/content/resources/Clearinghouse_MonthlyReport_April2025.pdf, p. 9

roadway. Those motor carriers are then penalized for unknowingly hiring a driver in a prohibited status when those drivers are stopped for inspection. However, because the requirements in 49 CFR Part 382 do not apply to non-CDL drivers, those motor carriers are not required to check their status in the Drug and Alcohol Clearinghouse.

Recent data from FMCSA shows an increase in crashes and fatalities in the non-CDL CMV sector. For example, from 2021 to 2022, the number of CMVs involved in a fatal crash with a weight rating between 10,001 and 14,000 pounds increased 4 percent.⁴ Additionally, FMCSA has observed increases every year since 2016 of fatal crashes involving large trucks with a weight rating between 10,001 and 14,000 pounds.⁵

Drivers that fail to comply with the drug and alcohol requirements pose a significant risk to all motorists. If being in a prohibited status within the Drug and Alcohol Clearinghouse disqualifies a driver from operating any CMV, then all CMV drivers should be subject to the drug and alcohol testing and reporting requirements found in the safety regulations. CVSA supports expanding the applicability of the drug and alcohol testing and reporting requirements in 49 CFR Part 382 to include non-CDL CMV drivers.

Hazardous Materials Safety Grant Improvements

The Pipeline and Hazardous Materials Safety Administration (PHMSA) administers multiple grant programs that provide funding for recipients to train and conduct outreach to first responders, communities and hazardous materials industry safety professionals. Specifically, the Hazardous Materials Instructor Training (HMIT), Assistance for Local Emergency Response Training (ALERT) and Community Safety grants are separate grant programs that target different stakeholder groups, despite sharing a common mission of training stakeholders on hazardous materials safety. These existing hazardous materials safety training grants should be consolidated into a single training grant. Combining these related grant programs into one training grant improves efficiency of the grant process, allowing PHMSA to better fund quality grant applications and provides grantees with flexibility to meet the most pressing training needs, while reducing the administrative burden for both PHMSA and the grantees.

In addition, due to the shared goals of the grants, many grant recipients receive funding from multiple grants to fund various training programs. For example, five non-profit organizations received funding from multiple grants as part of the fiscal 2024 awards across the various programs. Currently, if a recipient receives funding from two different grant programs, they have to submit separate funding proposals, track expenses for each grant separately and submit separate reports to the agency. This also doubles the amount of administrative work for the agency, as they have to oversee these steps of the grant process. By consolidating the grant programs, grant recipients can redirect the resources dedicated to the administrative tasks of multiple grants to the mission of hazardous materials safety and PHMSA can more efficiently manage and administer their grant programs. Consolidation also allows more flexibility for grant recipients. By combining the funding into one grant, funding can be dedicated to projects that comprehensively address current needs. Under the current structure, grant applicants must create projects that fit the narrow requirements of each grant and funding levels are tied to the specific grant criteria.

Conclusion

As Congress begins its work on surface transportation reauthorization, it is important to use this as an opportunity to address and prioritize challenges confronting the CMV industry. Congress can ensure that enforcement has the tools necessary to enforce safety regulations and improve roadway safety by implementing a universal electronic vehicle identifier, making improvements to the Enforcement Training and Support Grant, and creating flexibility in the Motor Carrier Safety Assistance Program. CVSA encourages the committee to consider its additional recommendations on personal conveyance, motor carrier qualification standards, the New Entrant Safety Audit Program, expanding CDLPI eligibility, ELD certification, the applicability of drug and alcohol testing requirements and hazardous materials safety grants. Each of the Alliance's recommendations aligns with the Subcommittee

⁴ Commercial Motor Vehicle Crash Data Overview. FMCSA. December 2024. <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2024-12/Commercial%20Motor%20Vehicle%20Crash%20Data%20Overview%20508.pdf>, p. 15

⁵ Commercial Motor Vehicle Crash Data Overview. FMCSA. December 2024. <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2024-12/Commercial%20Motor%20Vehicle%20Crash%20Data%20Overview%20508.pdf>, p. 17

tee's task of examining issues to improve the safety of the CMV industry and the Nation's roadways.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TODD YOUNG TO
CHRIS SPEAR

Autonomous Vehicles

Question. During the hearing you voiced support for the further adoption of autonomous vehicles and noted the safety benefits of automation, along with the increases in efficiency and productivity the technology can bring.

Mr. Spear, can you provide further information on the benefits of the driverless operation of commercial motor vehicles with Level 4 and Level 5 automated driving systems? We have already seen driver-out testing and deployment of Level 4 vehicles on some roads in Texas, when can we expect wider driver-out deployment of driverless Level 4 vehicles and what can this Committee do to support the AV trucking industry going forward?

Answer. First, it is important to clarify the types of automation when discussing AV policy. SAE defines levels of automation based on the degree to which it can control the vehicle. SAE levels 1–3 provide limited degrees of control and require a human driver. SAE levels 4–5 are driverless and do not require a human to be engaged with the driving task while automation is engaged. ATA sees potential benefits to both driver assistance automation (SAE levels 1–3) and driverless automation (SAE levels 4–5) in terms of safety and efficiency. However, there are some unique challenges for developing, testing, and deploying level 4 automation in commercial vehicles. It is important that we are able to continue to develop and test level 4 automation in order to learn where it may be able to improve commercial vehicle operations and under what conditions.

The testing and very limited deployments of Level 4 driverless commercial vehicles in Texas and other Southwest U.S. corridors is promising. But these are not enough to fully understand the safety of driverless commercial vehicles, their operational requirements, or how the technology can ultimately be integrated into our supply chain effectively. We need a Federal framework for AV testing and deployment to facilitate these efforts, particularly for commercial vehicles. A Federal framework allows for transparency and consistency in how AV are tested and deployed regardless of the types of vehicles, types of operations, or geographic locations. This lets all road users, our fleet members included, understand where the technology shows potential and decide if and how it could be beneficial in commercial vehicle transportation. A Federal framework also helps ensure consistency between states in how AV are tested and deployed, which is critical for facilitating long haul automated commercial vehicle deployments. We recommend that the committee direct the Department of Transportation to create and manage such a framework, and to ensure that the DOT has the resources necessary to collect, organize, and disseminate data on AV deployments.

Outdated Regulations

Question. Outdated and overly burdensome regulations continue to hinder progress in both safety and innovation—particularly in the surface transportation sector. The upcoming surface transportation reauthorization presents a key opportunity to revisit and modernize these regulations under the FMCSA purview.

Mr. Spear, can you highlight any technologies your members are using that can increase safety? And are there specific regulations that you or your members have encountered that could be updated or reformed to better support safety advancements and innovation in this industry?

Answer. ATA members actively leverage a range of safety-enhancing technologies and innovations—from automatic emergency braking (AEB) and collision mitigation systems. ATA is a strong supporter of AEB technologies for their life-saving abilities, and Congress has directed USDOT to mandate AEB on heavy duty commercial vehicles. We look forward to working with USDOT to finalize a mandate that is aligned with Congressional direction and supports a higher standard of safety on our Nation's roadways. We also support the industry-wide adoption of electronic logging devices (ELDs), which have cut Hours of Service violations by more than 50 percent—representing significantly fewer instances of fatigued driving on U.S. roads. Yet in many cases, outdated regulations hinder full deployment of safety technologies and innovations—some of these with common sense solutions. For example, drivers are still required to carry printed ELD manuals and backup paper logs, despite the widespread availability of digital alternatives.

Similarly, current rules mandate that drivers exit their vehicles, sometimes in risky roadway conditions, to manually place reflective warning triangles when stopped roadside—a decades-old requirement that increases risk to the driver and fails to recognize modern, vehicle-integrated lighting technologies that can perform the same function more safely and effectively. This warning triangle regulation has also stymied the full deployment of autonomous commercial trucking—a promising piece of the puzzle when thinking about how to make our Nation's roadways safer.

In addition to these technology-related reforms, ATA has recommended non-technology-based updates, including commonsense improvements to the Commercial Driver's License (CDL) process. These include allowing third-party knowledge testing, permitting states to test out-of-state applicants, and enabling Commercial Learner's Permit holders who have passed their skills test to operate under supervision while awaiting credentialing. These changes would help alleviate workforce bottlenecks without compromising safety. We also recommended that FMCSA eliminate outdated requirements like the rear underride guard certification label, which serves no safety purpose once a trailer is in service.

We're grateful to Secretary Duffy, FMCSA, and the broader Administration for moving swiftly on several of ATA's recommendations, including the proposal to remove the outdated requirement for hard-copy ELD materials and rear underride labels. We're encouraged by this momentum and look forward to continuing our work together to modernize the regulatory landscape in a way that enhances safety, supports innovation, and improves industry efficiency.

Freight Fraud and Abuse

Question. In my opening statement I mentioned the prevalence of freight fraud and cargo theft. To summarize, Congress needs to act to prevent this pervasive practice from continuing.

Mr. Spear, how significant is this problem for your members and how can Congress partner with industry to combat this issue?

Answer. This is a significant problem, and I am grateful to you for shining a light on this issue by holding a subcommittee hearing in February to consider its impact. Freight fraud and cargo theft impacts motor carriers of all sizes and specializations and is a threat to America's national security and economic resilience. We are grateful for your ongoing leadership on this issue.

Freight-related fraud and cargo theft have become increasingly sophisticated and costly, posing serious risks to supply chain integrity and motor carrier operations. As ATA members report growing incidents of double brokering scams, identity theft, and fictitious pickups—often orchestrated by bad actors exploiting gaps in the current registration system administered by FMCSA—ATA continues to elevate our focus on this issue. Cargo theft is no longer a problem to be handled on a one-off basis. Rather, cargo theft is now a criminal enterprise that has resulted in billions of dollars in lost goods. Since the first quarter of 2021, strategic theft has risen 1,500 percent. From electronics to clothing to food, nearly every industry has been hit and consumers experience the consequences at the cash register. Cargo theft costs the American economy up to \$35 billion per year with an average value per theft of more than \$200,000.

These thieves show no signs of slowing down with cargo theft incidents reported during the first quarter of this year, a 36 percent increase compared with Q1 2024. This figure is likely much higher given the nature of cargo theft and fraud reporting in the industry and limited data collection on the law enforcement side.

One of the most alarming aspects is the way in which these criminal operations have become more sophisticated. Thieves are using advanced technology to track shipments, identify routes, and even disrupt communication systems to exploit weaknesses in the supply chain. Whether it is tricking motor carriers or drivers into delivering freight to thieves or striking poorly secured distribution centers, these criminals are taking advantage of any opening they can find. Not only can registration and other forms of cyber-related freight fraud lead to cargo theft, but it also results in significant loss of industry and employee efficiency when numerous hours are lost to undoing operational, reputational, and other business damage.

This issue is particularly urgent for small and mid-size carriers who lack the resources to absorb these losses, navigate a fragmented fraud-reporting system, or put the extensive security protocols in place to prevent becoming a victim in the first place. Congress can play a critical role by partnering with industry to modernize broker registration and oversight requirements, ensure FMCSA dedicates appropriate resources to enforcement and fraud prevention, and support interagency coordination with law enforcement. FMCSA is already in the process of modernizing its registration and other cyber systems to weed out and prevent fraud in the trucking industry while creating a more seamless user experience for motor carriers. ATA

applauds and supports the agency's efforts. We also encourage Congress to consider establishing clearer authority for FMCSA to act against fraudulent brokers and to increase transparency in the freight marketplace—without undermining the commercial flexibility that allows legitimate brokers and carriers to operate efficiently.

ATA has been grateful for bipartisan support of legislation such as the Combating Organized Retail Crime Act, which is currently pending before the Senate Judiciary Committee. We stand ready to work with this committee on legislative solutions to strengthen DOT and FMCSA programs to address fraud and theft, while preserving the functionality of a competitive freight market.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
CHRIS SPEAR

Potential Tariff on Commercial Vehicles and Commercial Vehicle Parts

Manufacturing supply chains in North America are deeply integrated. Parts and components sometimes travel back and forth multiple times between the United States, Canada, and Mexico before final manufacturing. When President Trump threatened 25 percent Tariffs on trade with these countries, the American Trucking Associations estimated this could increase the cost of new trucks by \$35,000.

Question 1. What would higher prices on new vehicles, or their parts, mean for your members?

Answer. Motor carriers do not have the ability to absorb the significant price increases, nor can they easily pass along additional tariff-related costs to their customers. Trucking is a highly competitive business with more than 550,000 fleets in the U.S. Most of those fleets are small. In fact, 95.5 percent of motor carriers have 10 or fewer trucks. Intense competition among those companies leads to very lean profit margins, with most fleets netting 5 percent or less in a normal year. This business is one of the few where the pool of competitors is not limited by size or location, with small fleets competing against large ones and east coast-based companies competing with those based on the west coast. This commonly results in underbidding, which strains margins and reduces the flexibility to pass along increased operating costs to customers.

As an example of this intense competition and the impacts, just look at industry trends over the last couple of years. After the initial boom in freight during the early part of the global Covid-19 pandemic, truck freight slowed dramatically. Households that were buying appliances and other household goods when travel was difficult pivoted to spending dramatically more on experiences including travel. As a result, trucking experienced a prolonged freight recession, where freight volumes contracted, freight rates fell, and the costs of operating a truck continued to rise. These trends pushed many fleets out of business and created financial hardship for those that remained.

During this period of falling volumes and contracting freight rates, motor carriers faced much higher costs. According to the American Transportation Research Institute (ATRI), the cost to operate a truck one mile, excluding fuel, surged over 19 percent in just a couple of years. As previously mentioned, it is difficult for carriers to pass along these added expenses particularly when freight rates are declining. To preserve financial flexibility in the face of higher truck prices, fleets frequently chose to cut or postpone truck purchases.

If forced to adapt to increasing costs due to Section 232 tariffs, many fleets will likely choose to hold on to older equipment and extended trade cycles. While this is not ideal, and likely to cause some operational challenges, it is not unreasonable for them to extend trade cycles. In 2024 the average age of the active Class 8 truck fleet was 5.69 years, equivalent to the average of this measure over the last ten years and 4.4 percent below the average over the last 20 years.

In short: carriers are not keeping their trucks for as long as they used to, suggesting that many fleets have the ability to maintain their current equipment and can extend their trade cycles. This really would be the only option for most motor carriers since absorbing higher truck prices and passing them along to customers is not feasible.

Question 2. How would a tariff on imported commercial vehicle parts impact the cost of purchasing and repairing commercial vehicles?

Answer. In recent years, due to several factors including environmental regulations, the price of new Class 8 tractors has surged. In fact, a recent analysis from the American Transportation Research Institute (ATRI) showed that the average purchase price of new Class 8 trucks has surged from less than \$130,000 in 2014 to \$170,000 in 2023. Even more compelling, that increase was most significant be-

tween 2021 and 2023, with the average price jumping 21 percent from roughly \$140,000 to \$170,000. Based on those current prices, ATA estimates that if a 25 percent tariff was applied to imported heavy-duty Class 8 tractors from Mexico, with no rebates for U.S. or USMCA content, the price of that tractor could increase by \$30,000 or more.

On top of those costs, motor carriers are also required to pay a Federal excise tax (FET) on the sale of new truck equipment. The FET on heavy-duty trucks is 12 percent of the purchase price. With a new Class 8 truck costing an average of \$170,000 (likely higher in 2025), a 25 percent tariff applied to all new trucks from Mexico would increase the retail price to \$200,000. This means that trucking companies would have to pay the 12 percent FET on the post-tariff price of \$200,000, not \$170,000. That brings the total price of a new truck, on average, to \$224,000, which is simply cost prohibitive for most trucking companies. These numbers do not account for any maintenance costs, which would increase if the price for new parts increases, or the potential surge in insurance prices because of increased equipment costs.

It should again be noted that trucking companies operate on very thin profit margins, leaving them with extremely limited ability to absorb higher prices. In 2023, the latest data available, most truckload sub-sectors, who buy a significant percentage of new tractors, saw their average operating margins plummet to low single-digits. In that same year, the less-than-truckload (LTL) sector, which tends to have better margins, still only posted 12 percent operating margins.

Question 3. If it is more expensive to maintain and replace parts on commercial vehicles, would there be an impact on safety on our roads?

Answer. Absolutely. As motor carriers extend the lives of their trucks, it is likely that the highways will become less safe than they would have been under normal buying rates. Newer trucks are equipped with more advanced safety technology such as anti-lock braking systems, advanced emergency braking, forward collision warning, and electronic stability control, which makes them safer to drive and helps avoid accidents. A Section 232 tariff would likely impair highway safety progress if carriers are discouraged from purchasing new trucks due to high prices.

Additionally, as larger fleets buy new trucks, they sell their three-to-five-year-old trucks on the secondhand market. Smaller fleets often buy these trucks to replace the older ones that they operate. This cycle of purchasing used equipment benefits smaller carriers that cannot afford new trucks and contributes to the improvement in highway safety by allowing those smaller fleets to affordably phase out still-older equipment. However, if larger fleets slow their purchases of new equipment, this cycle will be interrupted and smaller fleets won't have the access to a sufficient supply of newer used trucks, thus further impairing safety on America's roadways.

Freight Infrastructure Investments

American businesses spend over \$2 trillion annually on logistics costs. Highway congestion increases truck transportation costs by over \$100 billion each year. Driving down these costs will allow businesses to hire more people and will decrease the costs of goods at the grocery store.

In the Bipartisan Infrastructure Law, I created the Mega grants program, which is tackling some of the worst congestion choke points in the nation, like the I-5 Bridge in WA, which is the 31st worst truck bottleneck in the nation, and the Brent Spence Bridge, which is the 15th worst truck bottleneck according to your organization.

Question 1. Do you think we need to continue funding the mega projects grant program in the next surface reauthorization?

Answer. As you point out, highway congestion imposes very high direct costs on the trucking industry, which are ultimately passed on to consumers and make U.S. farmers and manufacturers less competitive globally. Congestion also reduces supply chain reliability, which imposes additional costs on shippers. The American Transportation Research Institute (ATRI) has identified *the top 100 highway bottlenecks* nationwide. These bottlenecks are responsible for a disproportionate share of freight congestion costs. Addressing these bottlenecks often requires a significant investment, one that states may not be able to cover on their own. The Mega Grant program, with its focus on projects with significant national or regional impacts and high project costs, is ideally situated to help move major bottleneck projects forward, and ATA supports its continued funding, with additional resources. ATA also supports creation of a new discretionary program focused solely on addressing the most costly highway bottlenecks.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
CHRIS SPEAR

Distracted Driving Prevention

In your testimony, you described the need to combat distracted driving among all roadway users. In 2021, I passed my *SAFE to DRIVE Act* to provide additional funding to states to enforce distracted driving laws.

Question 1. Can you expand on the importance of law enforcement in addressing distracted driving?

Answer. Enforcement is a critical tool for reducing distracted driving. However, its effectiveness relies on two key factors. First, laws must be clear, simple, and enforceable. Law enforcement must be able to utilize statutes and act when a driver is actively holding or visibly using a device while driving. Distracted driving laws that focus only on certain activities like talking or texting with exceptions for certain applications or utilities, such as GPS mapping or making phone calls, or that provide distracted driving as a secondary offense make enforcement of these laws challenging, if not impossible in some scenarios. Additionally, laws that are well-written—clear, simple, and enforceable—allow for outreach and education that amplifies the effects of enforcement. Clear and simple laws are much easier to message to educate the public on the dangers of distracted driving, how they can comply with the law, and the legal and financial consequences for failing to do so. Based on the realities of limited staffing and resources, enforcement can only direct eyes on a small portion of drivers only part of the time. However, amplified outreach efforts allow law enforcement's efforts to motivate a much larger audience to remain safe and focused while behind the wheel.

The State of Ohio recently passed updated distracted driving laws—backed by strong support from the state's legislature, governor, and executive agencies—which has led to sizable reductions in distracted driving and crashes in their state. Two years after Ohio's handheld-device ban became enforceable as a primary offense (effective April 2023), the tougher distracted-driving law led to an 8 percent decline in crashes, 3 percent fewer injuries, and a 4 percent reduction in fatalities statewide after two years. In the first full year of enforcement alone (October 2023—October 2024), the state saw 1,112 fewer distracted-driving crashes and a 19.4 percent drop in fatal crashes, around 138 lives saved. This law and enforcement gains corresponded with nearly 15,400 fewer overall motor-vehicle crashes year-over-year, underscoring the law's early success. However, these results did not require a significant increase in actual enforcement efforts as the clear language of the statute and effective messaging by the state to drivers was enough to drive measurable change.

Additionally, ATA is a member of the *National Distracted Driving Coalition* and recommends the committee reach out to the Coalition for more information on Ohio's efforts specifically or for more information on best practices around laws, policies, outreach, and analysis. ATA has assembled its own Distracted Driving Working Group charged with examining how the trucking industry can play a role in ensuring fewer instances of distraction on our Nation's roadways among all types of drivers.

Question 2. In addition to law enforcement, what other efforts can be made to prevent distracted driving in the trucking industry?

Answer. Much like enforcement, commercial fleets and the trucking industry rely on outreach to amply efforts to prevent distracted driving. Increasingly, commercial drivers report witnessing passenger car drivers distracted—whether that be using a device, eating, or applying makeup—on our Nation's roadways, posing an increased risk of crash especially when driving in the proximity of a large truck. Informing the public of the risks associated with distracted driving near large trucks—let alone how to drive while focused on the road near a large truck—is critical. However, fleets often lack resources for distracted driving prevention and messaging to the broader driving public. Additionally, fleets must focus on educating and protecting their own drivers. They may set internal policies based on local laws, rely on outreach produced by others to educate their drivers, and/or have limited opportunities to conduct that outreach face to face. By bolstering the resources and attention given to distracted driving laws and the outreach surrounding those laws, we also improve the resources for fleets to update their policies and outreach. It is also worth noting that the best practices around commercial vehicle distracted driving are still being developed. Many ATA members have adopted driver-facing cameras which can detect handheld device use. Fleets are still developing their policies around cameras, trying to balance safety with legitimate concerns about privacy, security, and liability. Outreach efforts can go beyond the general public to help iden-

tify and highlight best practices around in the trucking industry and how new technologies are reducing distracted driving in trucks.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
CHRIS SPEAR

Truck Parking

In 2023 a Greyhound bus traveling westbound on I-70 from Indianapolis, Indiana to St. Louis, Missouri experienced a deadly crash in Highland, Illinois while exiting at a rest area. The bus crashed into three trucks which were parked on the shoulder of the exit ramp. Three bus passengers were killed. The driver and 11 of the other passengers were injured.

NTSB found that a contributing factor was the three trucks parked on the shoulder of the exit ramp. The lack of available truck parking remains a major problem, not just for the trucking industry, but for the traveling public, as this horrible incident so tragically illustrates.

Last Congress, Senators Lummis and Kelly introduced the Truck Parking Safety Improvement Act to provide Federal grants to expand parking for commercial trucks. I joined several of my colleagues on both sides of the aisle in cosponsoring this bill, but unfortunately it didn't pass.

Question 1. As Congress works on the next Surface Transportation Reauthorization bill, what would you recommend we do to increase truck parking across the country, and how would you recommend we pay for it?

Answer. The lack of truck parking is a perennial challenge, and each year truck drivers identify it as their number one or two concern. According to the USDOT, 98 percent of truck drivers state that they regularly have difficulty finding a safe place to park for the night. This is an issue that impacts not only highway safety but also supply chain productivity and workforce development for the trucking industry. It is hard to attract the next generation of truck driver (particularly women, who only account for 7 percent of drivers currently on the road) to enter the profession if those individuals cannot be guaranteed access to safe, well-lit facilities.

ATA is extremely grateful for your support of the Truck Parking Safety Improvement Act in the previous Congress. We continue to believe that this legislation to ensure dedicated Federal investment in the construction of safe truck parking spaces nationwide is the best solution to the parking problem. We strongly support its reintroduction, and we strongly encourage you and your colleagues to support its passage. Funding should come from the Highway Trust Fund, either as a new, standalone discretionary program or a set-aside from an existing discretionary program.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO
CHRIS SPEAR

Side Underride Guards

In your written testimony, you call for the deployment of quote “proven safety technologies”. I’d like to call attention to one simple, lifesaving technology—side underride guards. In 2017, the Insurance Institute for Highway Safety conducted crash tests of trailers equipped with side underride guards at *35 mph* and *40 mph*. The test results demonstrate that the side underride guards prevented lethal passenger compartment intrusion, thereby saving lives.

Question 1. If you support the deployment of proven safety technologies, under what circumstances would ATA support deployment of side underride guards?

Answer. The testing conducted by IIHS and other groups on vehicular underride is encouraging, but we do not believe it is sufficient to establish a mandate. As noted by NHTSA, most of these devices are still being tested and are not yet commercially available. We also think it is unlikely that side underride protection for vehicles can be effective at higher speeds, as the energy that must be absorbed is too great for the materials and structures that are in current designs. This does not mean we are against side underride deployment. We support efforts for further research and testing into their effectiveness, and we think deployments are extremely helpful in learning more about their real-world performance and design requirements.

In our comments responding to the NHTSA NPRM, we pointed out that if side underride guards are unlikely to be effective at higher speeds, some degree of crash prevention or mitigation would also be necessary to reduce the energy of the impact. These systems, such as Automatic Emergency Braking, are much more effective at

reducing speed and energy compared to an impact guard. Our main point is that as side impact guards for vehicles continue to be tested and developed, we should focus efforts on safety technologies which could prevent or mitigate these types of crashes prior to impact. These technologies are available today, are relatively mature, but lack standardization in performance and testing.

Regarding a mandate, ATA pointed out that trucking is not a monolith, and that there are many kinds of trucks, trailers, and operations. A mandate, particularly a broad one covering all newly manufactured trucks, would need to consider all these different types of vehicles and their operations. In the proposed mandate, any truck in any kind of operation would need to meet whatever minimum performance requirements would have been set forth. This would include dry vans, tankers, flatbeds, auto haulers, grain hoppers, dry bulk tanks, or any other type of vehicle. A mandate is only as effective as its minimum performance requirements, and much greater breadth of testing would be required to establish performance across all these different configurations.

We also pointed out that all configurations of vehicles with low clearance must be careful around high-grade crossings, especially rail crossings. Some ATA members have stopped using aerodynamic skirts on the sides of certain vehicles for exactly this reason, despite their fuel economy benefits. These devices were getting stuck or damaged at rail crossings or on customer loading docks that have steep grades. This is a problem which engineers can potentially solve by developing appropriate design requirements. However, there was no consideration in the proposed mandate for whether the side impact designs would meet this safety requirement, or how changing designs to meet this requirement would impact performance.

Question 2. Do you agree that side underrides guards on trucks save lives?

Answer. Yes, but as shown in the NHTSA analysis only a portion of vehicle crashes involving side underride occur at speeds at which guards have been tested. As noted above, we see side underride protection as one of several potential ways to address these types of crashes. We see driver assistance technologies such as AEB as more mature, applicable in more types of crashes, and ultimately more effective at this time. We fully support additional testing and development of side underride guards to better understand their performance, including design requirements to address the kinds of issues described above.

Inclusion of Vulnerable Road Users in NHTSA's Cost Benefit Analysis

A draft DOT report concluded that regulations requiring side underride guards were cost beneficial. According to a whistleblower and news reports, ATA lobbied DOT to alter the draft report. Subsequently the language and numbers of the draft report were altered. The draft report's cost benefit analysis concluded that preventing the deaths of vulnerable road users by requiring side underride guards was cost beneficial. Unfortunately, this life-saving research was not officially published.

NHTSA has a pending Advanced Notice of Proposed Rulemaking on side underride guards, which would protect the lives of automobile occupants, as well as vulnerable road users like pedestrians, bicyclists and motorcyclists. NHTSA made assumptions in their cost benefit analysis to exclude whole categories of preventable deaths. Consequently, preventing the deaths by truck underride of vulnerable road users such as pedestrians, bicyclists, and motorcyclists was not even considered in the ANPRM's cost-benefit analysis. As a result of that and other omissions, NHTSA erroneously concluded that the cost of installing side guards exceeded the benefits.

Question 1. Do you agree that vulnerable road users should be included in these statistics, which would likely change the cost benefit analysis?

Answer. The engineering involved in preventing a vulnerable road user (VRU) underride is very different from that of preventing vehicular underride. We think a separate analysis for vulnerable road users is a better approach, so that solutions specific to VRUs (such as the Lateral Protection Device developed by Volpe) can have their cost/benefit analyzed. The lower energy of impacts involved in VRU crashes also means there is more design flexibility for addressing operational requirements, including those described above. The geography of VRU crashes also means that efforts can be targeted to surface streets where VRU encounters are more prevalent, rather than on the highways where VRU encounters are rare. We recognize that side guards for VRU have been adopted in Europe and many other locations, and we are ready to work with stakeholders on addressing these crashes here in the U.S. Our role, as experts on the equipment and their operation, is to help convey the operational requirements of our freight network. Trucking is not one size fits all so, when introducing any safety technologies, we recommend focusing on use cases with the highest exposure to risk and lowest barriers to adoption.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO
LEWIE PUGH

OOIDA represents small trucking businesses, which currently make up over 96 percent of registered motor carriers in the U.S. Like many small businesses, owner-operators and small trucking fleets operate on the slimmest of margins. When costs unexpectedly arise, these margins become even smaller, making it challenging to remain profitable. Even nominal cost increases can force some operators out of business entirely.

One controversial issue currently being debated is whether Congress should increase truck size and weight limits in the next Highway Bill. I have seen information from OOIDA stating that it could cost an owner-operator upwards of \$10,500 to add axles to a truck to operate at 91,000 pounds—an increase from the current limit of 80,000 pounds that is being proposed by some in Congress. I am assuming extra weight would also increase the cost of fuel and general wear and tear for small trucking businesses.

Can you explain your concerns about increasing the size and weight limits of trucks, as well as the financial and real-world impacts it would have on small business truckers specifically?

Answer. Increasing size and weight is all cost and no benefit for truckers. Proponents of weight increases portray new limits as optional and maintain that carriers won't have to haul at these weights if they don't want to do so. But inevitably, the higher limits become the new standard as businesses and shippers seek out carriers that offer the increased capacity. As you point out, the cost to upgrade equipment would be prohibitive for many small-business truckers. 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 just to remain viable.

Even if small trucking operations pay for upgrades, our experience has shown that they rarely see a return on this investment. This was demonstrated during a House Transportation & Infrastructure Committee hearing earlier this year. One of the Nation's largest retailers said that if they could put more weight on a truck hauling their product, they would not increase pay for truckers hauling additional freight.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TODD YOUNG TO
LEWIE PUGH

Outdated Regulations

Outdated and overly burdensome regulations continue to hinder progress in both safety and innovation—particularly in the surface transportation sector. The upcoming surface transportation reauthorization presents a key opportunity to revisit and modernize these regulations under the FMCSA purview.

Mr. Pugh, can you highlight any technologies your members are using that can increase safety? And are there specific regulations that you or your members have encountered that could be updated or reformed to better support safety advancements and innovation in this industry?

The best way to increase safety is to properly train drivers. While there is a role for proven, cost-effective technology solutions, safety starts with the driver. At a minimum, Congress must require 30 hours behind-the-wheel training for those seeking a commercial driver's license (CDL). Additionally, lawmakers should pass S. 2114, which would require drivers demonstrate English language proficiency before being licensed and require CDL testing be conducted only in English. These are simple solutions that would have a more profound impact on highway safety than unproven technologies that have been marketed as safety devices.

The electronic logging device (ELD) mandate imposed by Congress has done nothing to improve safety. In fact, crash rates continue to move in the wrong direction since the implementation of the ELD mandate. Our members have consistently indicated ELDs increase their stress, reporting a constant sense of 'fighting the clock' to complete a haul or find a safe place to park before running out of allowable driving hours under rigid hours-of-service rules. Large motor carriers convinced lawmakers—many who now tout their support for deregulation—that ELDs would dramatically improve safety. However, there is no indication the mandate has done anything to deliver on those promises. The time has come to repeal the ELD mandate.

The development of autonomous vehicles (AVs) and Automated Driving Systems (ADS)-Equipped CMVs have the potential to drastically change the trucking industry, in particular its workforce. We feel elected officials, Federal regulators, and our industry partners must develop AV policies in a responsible manner that considers the perspective of American truckers, as we have yet to see any assurances that AVs can operate as safe as human drivers on our Nation's roads. While AVs might improve safety under certain conditions, they create new risks with dangerous outcomes.

Over the last several years, the U.S. Department of Transportation (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 how they will impact highway safety, the transportation workforce, and national security. OOIDA supports mandatory testing, safety, and crash reporting requirements that will provide the public with direct and easy access to information about AV performance.

Freight Fraud and Abuse

In my opening statement I mentioned the prevalence of freight fraud and cargo theft. To summarize, Congress needs to act to prevent this pervasive practice from continuing.

Mr. Pugh, how significant is this problem for your members and how can Congress partner with industry to combat this issue?

Answer. Freight fraud is a serious and growing problem for small-business truckers. This Committee has already taken a significant step towards fighting freight fraud by passing S. 337, the Household Goods Shipping Consumer Protection Act. It is imperative this legislation be signed into law.

In the potential absence of regulatory improvements, Congress must also ensure brokers are compliant with existing Federal rules involving transparency. Circumventing or evading these requirements has led to a lack of transparency in the supply chain, which makes it more difficult for motor carriers—especially small trucking businesses—to protect themselves from fraudulent brokers. OOIDA has petitioned FMCSA to ensure brokers are no longer dodging transparency rules. If the agency fails to deliver substantial safeguards, Congress must do so in the next Highway Bill.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO LEWIE PUGH

Potential Tariff on Commercial Vehicles and Commercial Vehicle Parts

Manufacturing supply chains in North America are deeply integrated. Parts and components sometimes travel back and forth multiple times between the United States, Canada, and Mexico before final manufacturing. When President Trump threatened 25 percent Tariffs on trade with these countries, the American Trucking Associations estimated this could increase the cost of new trucks by \$35,000.

Question 1. What would higher prices on new vehicles, or their parts, mean for your members?

Answer. Small business truckers already struggle to afford new vehicles due to extremely high prices, which have increased dramatically over time due in large part to excessive environmental regulations. Any increase in the cost of new vehicles would further limit our members ability to purchase them. To keep costs down, OOIDA members often purchase used vehicles. Higher costs for new vehicles would likely drive up the cost of used vehicles over time, further limiting our members ability to acquire equipment.

Increases in the cost of both new and used trucks will result in small business truckers simply operating their existing equipment longer. However, higher costs for parts will make it more expensive to maintain this older equipment.

Question 2. How would a tariff on imported commercial vehicle parts impact the cost of purchasing and repairing commercial vehicles?

Answer. This would likely result in higher costs, which may result in some motor carriers deferring maintenance.

Question 3. If it is more expensive to maintain and replace parts on commercial vehicles, would there be an impact on safety on our roads?

Answer. Yes, any conditions that force motor carriers to defer maintenance could negatively impact safety. However, Congress must also consider how excessive, unnecessary, and ineffective regulations have driven up the cost of new equipment without any discernable improvements to safety. Lawmakers must also be careful not to embrace new proposals that drive up operating costs without improving safety, including minimum insurance increases, and the mandated use of side underride guards and Universal Electronic Identifiers.

Driver Training

You both represent truck drivers who also want the roads they are driving on to be safe. There are those who claim we need to make it easier for truck drivers to get a license by allowing them to get tested in any state, not just the state where they received their training.

It may surprise some people that there are no Federal requirements for truck drivers to spend a certain amount of time training behind the wheel of a truck. However, in the state of Washington, drivers must have at least 30 hours of behind-the-wheel training.

Question 1. What can we do to improve training for truck drivers so that our roads are safer?

Answer. At a minimum, Congress must require 30 hours behind-the-wheel training for those seeking a commercial driver's license (CDL). Additionally, lawmakers should pass S. 2114, which would require drivers demonstrate English language proficiency before being licensed and require CDL testing be conducted only in English.

Question 2. Should we make it easier for prospective drivers to circumvent strong state requirements?

Answer. No. However, OOIDA believes the most effective way to ensure drivers across the country are properly trained is to strengthen Federal Entry Level Driver Training requirements.

Overtime for Truck Drivers

President Trump promised workers that their overtime earnings would not be taxed.

Question 1. Was the promise fulfilled for truck drivers?

Answer. Unfortunately, the Fair Labor Standards Act unfairly exempts truckers from being guaranteed overtime pay. As a result, truckers will not benefit from "no taxes on overtime" policies like most other blue-collar professionals. To solve this problem, Congress must pass S. 893, the Guaranteeing Overtime for Truckers Act, which will repeal this outdated exemption. Providing competitive and sustainable compensation will also help address the trucking industry's astronomically high driver turnover rates, which prevent truckers from gaining the experience to operate at the safest levels.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO
LEWIE PUGH

Question Topic: Truck Parking

Question. In 2023 a Greyhound bus traveling westbound on I-70 from Indianapolis, Indiana to St. Louis, Missouri experienced a deadly crash in Highland, Illinois while exiting at a rest area. The bus crashed into three trucks which were parked on the shoulder of the exit ramp. Three bus passengers were killed. The driver and 11 of the other passengers were injured.

NTSB found that a contributing factor was the three trucks parked on the shoulder of the exit ramp. The lack of available truck parking remains a major problem, not just for the trucking industry, but for the traveling public, as this horrible incident so tragically illustrates.

Last Congress, Senators Lummis and Kelly introduced the Truck Parking Safety Improvement Act to provide Federal grants to expand parking for commercial trucks. I joined several of my colleagues on both sides of the aisle in cosponsoring this bill, but unfortunately it didn't pass.

A. As Congress works on the next Surface Transportation Reauthorization bill, what would you recommend we do to increase truck parking across the country, and how would you recommend we pay for it?

Answer. Congress must enact a long-term, sustainable program, like the Truck Parking Safety Improvement Act, to invest in parking capacity to address the national shortage of truck parking. Over the past two decades, numerous studies at

the state and Federal level have examined the parking issue, and the problem is clear: there are shortages in every part of the nation, and more funding is needed for more spaces.

Legislation like the Truck Parking Safety Improvement Act would dedicate Federal funding for expanding capacity. Currently, truck parking must compete with other more politically-popular projects, and given the consistent shortage, it is clear that parking is not being prioritized how it should be.

The Truck Parking Safety Improvement Act has enjoyed broad bipartisan support as well as support from every segment of the trucking industry and beyond. This legislation is a “must-pass” as part of the next highway bill.

On the question of funding, OOIDA has long advocated for increases to existing fuel taxes as a way to fund greater infrastructure investment. The current fuel taxes are the most efficient and straightforward way to collect revenue. Mechanisms, such as a vehicle-miles-traveled fee or tolling, have significantly higher overhead costs and unanswered questions about implementation. We also support policies that would ensure all road users pay into the Highway Trust Fund, such as a fee on electric and hybrid vehicles.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BEN RAY LUJÁN TO
LEWIE PUGH

Question. Side Underride Guards:

Do you agree that side underrides guards on trucks save lives?

Answer. In certain conditions, side underride guards have demonstrated an ability to prevent passenger compartment intrusion in passenger vehicles. However, testing has been limited to extremely narrow circumstances, which are not reflective of highway driving conditions. The true safety performance of these devices cannot be determined until they are tested in a wide variety of conditions, including varying speeds and angles of impacts. Additionally, we have not seen any research on the safety outcomes associated with vehicle deflection resulting from impacts with side underride guards. OOIDA remains staunchly opposed to any Federal side underride guard mandate.

Rather than requiring the use of impractical, costly, and unproven devices, the best way to increase safety is to properly train drivers. While there is a role for proven, cost-effective technology solutions, safety starts with the driver. At a minimum, Congress must require 30 hours behind-the-wheel training for those seeking a commercial driver’s license (CDL). Additionally, lawmakers should pass S. 2114, which would require drivers demonstrate English language proficiency before being licensed and require CDL testing be conducted only in English. These are simple solutions that would have a more profound impact on highway safety than a side underride guard mandate.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO
FRED C. FERGUSON

Outdated Regulations

Question. Outdated and overly burdensome regulations continue to hinder progress in both safety and innovation—particularly in the surface transportation sector. The upcoming surface transportation reauthorization presents a key opportunity to revisit and modernize these regulations under the FMCSA purview.

Mr. Ferguson, can you highlight any technologies your members are using that can increase safety? And are there specific regulations that you or your members have encountered that could be updated or reformed to better support safety advancements and innovation in this industry?

Answer. Many ABA members have proactively invested in advanced safety technologies that not only protect passengers but also help prevent accidents before they occur. These include collision mitigation systems (such as active cruise braking and autonomous emergency braking), lane departure warning systems, electronic stability control, and speed monitoring technology. Several operators have also adopted telematics platforms to monitor driver performance and vehicle diagnostics in real time, supporting both safety and operational efficiency.

However, despite these advancements, several outdated or overly broad regulations create barriers to innovation. For example:

- Hours of Service (HOS) rules, while critical for safety, are still largely modeled on trucking operations rather than passenger service, limiting flexibility in how

rest and driving time are scheduled—even when modern fatigue management tools are in place.

- Speed limiter mandates were developed with freight carriers in mind and don't account for the motorcoach industry's unique operating characteristics and proven safety record. Imposing a single speed threshold could inadvertently increase congestion risks and undermine safety benefits.
- CSA/SMS scoring methodologies don't always accurately reflect motorcoach safety performance and can penalize smaller or seasonal operators whose data sets don't fit the freight model.
- CDL testing and credentialing processes often remain paper-based and slow to adapt to modern training and assessment tools, delaying the onboarding of qualified drivers.

The upcoming surface transportation reauthorization is a pivotal chance to modernize these frameworks. By aligning regulatory requirements with current technologies and safety practices, Congress and FMCSA can support an environment where innovation is encouraged rather than hindered—and where passenger safety remains the top priority.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
FRED C. FERGUSON

Potential Tariff on Commercial Vehicles and Commercial Vehicle Parts

Manufacturing supply chains in North America are deeply integrated. Parts and components sometimes travel back and forth multiple times between the United States, Canada, and Mexico before final manufacturing. When President Trump threatened 25 percent Tariffs on trade with these countries, the American Trucking Associations estimated this could increase the cost of new trucks by \$35,000.

Question 1. What would higher prices on new vehicles, or their parts, mean for your members?

Answer. On behalf of the U.S. motorcoach industry, higher prices on new motorcoaches or their critical components would have profound negative impacts on operators and the communities they serve. Because there are currently no motorcoaches manufactured within the United States, our industry is entirely reliant on imports from Canada and Europe to modernize fleets. If tariffs are imposed, the resulting cost increases would:

- Raise trip prices for schools, seniors, rural communities, and military transport, all of whom depend on affordable motorcoach service.
- Force smaller operators—who make up over 80 percent of our industry—to delay or forgo fleet replacement, undermining both safety and environmental progress.
- Slow recovery from the pandemic, which already caused the loss of 50 percent of operating companies.

Recent data already show new motorcoach sales are down 5.6 percent this year, after a strong rebound in 2024. Tariffs inject further uncertainty into purchasing decisions, eroding the confidence operators need to invest in newer, safer vehicles.

Question 2. How would a tariff on imported commercial vehicle parts impact the cost of purchasing and repairing commercial vehicles?

Answer. A tariff on imported parts would directly increase the cost of maintaining and repairing motorcoaches—many of which must stay in service well beyond their intended life cycle, particularly for small and mid-sized family-owned companies operating on thin margins. While key components like engines and transmissions are often domestically produced, many systems and assemblies—such as electrical components and specialized safety equipment—must be sourced internationally.

This would lead to:

- Higher repair costs, passed along to consumers who rely on motorcoaches for commuting, tourism, and essential transportation.
- Longer downtime, as operators struggle to find affordable replacement parts.
- Further pressure on smaller fleets, reducing service availability and potentially triggering more business closures.
- There may additionally be reduction of some vehicle useful life as good preventative maintenance practices may not be implemented on schedule, potentially impacting the resale value of used vehicles.

At a time when the industry is still working to recover capacity lost during COVID-19, additional cost burdens from tariffs could reverse hard-won gains and destabilize service nationwide.

Question 3. If it is more expensive to maintain and replace parts on commercial vehicles, would there be an impact on safety on our roads?

Answer. Yes—making it more expensive to purchase new motorcoaches or maintain existing ones would directly undermine safety progress. The motorcoach sector has an outstanding safety record, accounting for just 0.015 percent of all U.S. roadway fatalities over a recent five-year period. But maintaining this record depends on operators being able to refresh fleets and adopt new safety technologies.

When costs rise due to tariffs, operators are forced to:

- Delay fleet replacement, continuing to run older vehicles without the latest safety design and technology.
- Postpone installation of advanced systems, such as collision mitigation and electronic stability control, which help prevent crashes.
- Divert limited resources from training and preventive maintenance, further risking operational safety.

Because motorcoaches are essential for evacuations during disasters, military transportation, and rural mobility, any policy that slows fleet renewal can harm public safety far beyond the companies themselves.

In short, tariffs on motorcoaches and their parts will mean higher costs, fewer safety advancements, and reduced access to vital transportation. With no U.S. manufacturing alternatives for complete motorcoaches, we urge policymakers to exclude motorcoaches and their components from any increased tariffs, in recognition of the industry's essential role in the economy and transportation infrastructure.

I'd be glad to share more data or meet with your teams to further discuss these critical issues.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
FRED C. FERGUSON

Question Topic: Motorcoach Driver Fatigue

Question 1. In 2023 a Greyhound bus traveling westbound on I-70 from Indianapolis, Indiana to St. Louis, Missouri experienced a deadly crash in Highland, Illinois while exiting at a rest area. The bus crashed into three trucks which were parked on the shoulder of the exit ramp. Three bus passengers were killed. The driver and 11 of the other passengers were injured.

According to the National Transportation Safety Board (NTSB), the probable cause of the crash was the bus's departure from the travel lanes onto the shoulder of the exit ramp due to fatigue. NTSB found that a contributing cause was the driver's irregular work-rest schedule and prolonged time awake.

NTSB recommended that the American Bus Association inform its members about the Highland, Illinois crash and urge them to develop fatigue management programs to educate drivers and other employees about fatigue, its causes, and its countermeasures.

A. When will the American Bus Association complete its implementation of this NTSB recommendation?

Answer. ABA appreciates the opportunity to work with the National Transportation Safety Board on initiatives to improve highway and motorcoach safety. ABA expects to complete all of the aspects of the NTSB recommendation by February 2026. To date, ABA has sent out 3 different communications briefing our members on the details and findings of the crash as well as recommended activities to improve their safety posture. We have also invited the NTSB to attend ABA safety meetings to brief our members on the findings of the recent crash as well as incorporated education sessions focusing on the safety management cycle into in-person safety meetings of motorcoach operators taking place in August as well as other regional meetings during the fall of 2025. We hope to have a session on fatigue management set for January of 2026. ABA already has a relationship with the Commercial Vehicle Safety Alliance, the current home of the North American Fatigue Management Program, as well as a scheduled presentation by them and distribution of some of their safety materials.

The NTSB also made several recommendations to Greyhound to help mitigate driver fatigue, including revising its driver scheduling policies to reduce scheduling variability that results in irregular work-rest cycles.

NTSB also made several recommendations to Greyhound to help mitigate driver fatigue, including revising its driver scheduling policies to reduce scheduling variability that results in irregular work-rest cycles.

B. Does the American Bus Association support these NTSB recommendations to Greyhound?

Answer. ABA supports the NTSB recommendations related to monitoring driver fatigue and fatigue management policies. We believe these are good safety practices included in their recommendations that all motor carriers (truck and bus) will benefit from being reminded about, and ABA's peer-led education offerings will feature future sessions focusing on fatigue management best practices. We look forward to sharing Greyhound's refined best practices and their successful implementation of these recommendations. Passenger safety remains ABA's number one priority and we look forward to sharing these resources and best practices with the broader motorcoach and passenger carrier industry.

C. When can we expect Greyhound to implement these recommendations?

Answer. ABA appreciates the question and the intent behind it, but ABA does not have insight as to the development of Greyhound's internal policies and operations and can not comment on Greyhound's behalf. We believe that they will work to implement these recommendations and revise their practices as quickly as practicable.

Question Topic: Truck Parking

Question 2. NTSB found that a contributing factor to the crash in Highland, Illinois was the three trucks parked on the shoulder of the exit ramp. The lack of available truck parking remains a major problem, not just for the trucking industry, but for the traveling public, as this horrible incident so tragically illustrates.

Last Congress, Senators Lummis and Kelly introduced the Truck Parking Safety Improvement Act to provide Federal grants to expand parking for commercial trucks. I joined several of my colleagues on both sides of the aisle in cosponsoring this bill, but unfortunately it didn't pass.

A. As Congress works on the next Surface Transportation Reauthorization bill, what would you recommend we do to increase truck parking across the country, and how would you recommend we pay for it?

Answer. While my testimony focused specifically on the motorcoach industry rather than trucking, I do want to emphasize that parking challenges also have serious implications for motorcoach operations and the traveling public more broadly. Motorcoaches frequently encounter scarce, inadequate, or poorly designed parking and staging areas, particularly near interchanges, rest areas, and key destinations. This creates safety hazards not only for professional drivers but also for passengers disembarking in areas never intended for passenger loading or unloading.

From the perspective of motorcoach operators, any effort to increase safe, dedicated parking infrastructure will benefit the overall safety and efficiency of the surface transportation system. While I defer to my colleagues in the trucking sector on the specific scope of truck parking needs, I would recommend that Congress consider:

- Expanding eligibility under parking grant programs to explicitly include motorcoach parking, staging, and passenger facilities, to avoid similar risks for buses that must resort to parking on shoulders or undesignated areas.
- Integrating parking improvements into broader infrastructure investments, such as rest area modernization and multimodal facility development, to serve both freight and passenger carriers effectively.
- Ensuring Federal funds for parking are distributed in a way that prioritizes safety-critical corridors and high-traffic regions, including those frequented by motorcoach operators.

As to funding, Congress could consider dedicating a modest portion of existing Highway Trust Fund revenues or leveraging discretionary grant programs like CMAQ, INFRA and RAISE, with clear set-asides to improve commercial vehicle parking capacity. Investing in safe parking infrastructure is a shared benefit: it protects drivers, passengers, and all roadway users.

Again, while this issue primarily affects freight, it is vital that any Federal policy take into account the unique needs of motorcoaches as part of a comprehensive solution to parking shortages nationwide. ABA has and will continue to stand shoulder to shoulder with the freight community in seeking full implementation of Jason's Law and hopes that as this Committee and the Department of Transportation consider future truck parking initiatives that they consider all commercial vehicles within the sphere of fleets and commercial vehicle road users seeking parking alternatives.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BEN RAY LUJÁN TO
FRED C. FERGUSON

Motorcoach Driver Fatigue

Question. In your written testimony, you called for the tailoring of hours-of-service regulations for the motorcoach industry.

Given the unique and irregular scheduling demands in the motorcoach industry, how do you plan to ensure that any changes still properly address the risks of driver fatigue?

Answer. Yes, in my testimony, I emphasized the need to preserve industry-specific flexibility in Hours of Service (HOS) regulations for motorcoach operators. This flexibility is critical because motorcoach operations differ significantly from freight trucking in terms of trip lengths, schedules, passenger responsibilities, and rest opportunities. Our charter bus drivers often operate on irregular schedules that include waiting time at hotels, tourist attractions, or special events—time that, while not “off-duty” under current regulations, does not contribute to fatigue in the same way continuous driving does.

That said, we fully agree that addressing driver fatigue must remain a top priority. Our approach is to work with FMCSA to develop tailored policies that reflect the realities of motorcoach operations while maintaining a strong safety framework. This includes:

- Supporting enhanced driver training and fatigue management education.
- Encouraging the adoption of onboard technologies that monitor driver behavior and provide early warnings of fatigue.
- Promoting data-driven oversight that considers the unique operating patterns of motorcoach carriers rather than applying one-size-fits-all rules designed for freight.

We believe that a thoughtful, flexible approach—grounded in real-world operating data—can both improve safety outcomes and avoid unnecessary disruptions to the essential passenger services our industry provides.

ABA has worked with several entities in the past and in recent years on driver fatigue and distracted driving research, including with the Virginia Tech Transportation Institute, Washington State University, University of Michigan, University of South Florida, the National Academies of Science, the Transportation Research Board, FMCSA’s Medical Review Board and other interested parties. We are in full support of future research studies, soliciting our members, vehicle manufacturers and other industry experts to fully engage and participate in further pursuit of this initiative if this Committee would like to request additional research efforts looking at motorcoach driver fatigue. We hope that a research-based and data-driven approach will be considered before moving forward with any changes to existing mandated service hour limits.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROGER WICKER TO
SEAN M. O’BRIEN

Question. In 2023, the year with the most recently available NHTSA and FMCSA crash data, there were 1,743 large-truck crashes in Mississippi. Sadly, 107 people lost their lives in those crashes, and 1,019 people were injured. This is a 23 percent increase in fatalities compared to the previous year. From 2013 to 2023, truck crash fatalities rose by 70 percent in Mississippi. Despite this troubling trend, efforts to raise the gross vehicle weight limit in Congress persist in the lead-up to Reauthorization.

In a recent letter to Congress, the International Brotherhood of Teamsters Law Enforcement League added its voice in opposition to increased truck size and weight limits, which include proposed Double 33-foot trailers that would decrease a truck’s stopping distance by 22 feet as compared to today’s double 28-foot trailers, while also increasing rollover propensity.

Mr. O’Brien, could you please reiterate why the International Brotherhood of Teamsters continues to oppose proposals in Congress to increase the Federal gross vehicle size and weight limits, and expand on your knowledge of the safety dangers posed by longer configurations, like Double 33s, in particular?

Answer. All available research, including that conducted by both the Department of Transportation and third parties, as well as the everyday experiences of Teamster drivers and law enforcement personnel have made abundantly clear the dangers presented by longer and heavier trucks. These vehicles and combinations, including double 33s and triples, are more difficult to operate, damage infrastructure like

roads and bridges, and when involved in crashes result in more severe and fatal incidents. We thank Senate Wicker for his long-time opposition to truck size/weight increases and it is imperative that Congress reject efforts to increase length or weight in the upcoming surface transportation reauthorization.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
SEAN M. O'BRIEN

Potential Tariff on Commercial Vehicles and Commercial Vehicle Parts

Manufacturing supply chains in North America are deeply integrated. Parts and components sometimes travel back and forth multiple times between the United States, Canada, and Mexico before final manufacturing. When President Trump threatened 25 percent Tariffs on trade with these countries, the American Trucking Associations estimated this could increase the cost of new trucks by \$35,000.

Question 1. What would higher prices on new vehicles, or their parts, mean for your members?

Question 2. How would a tariff on imported commercial vehicle parts impact the cost of purchasing and repairing commercial vehicles?

Question 3. If it is more expensive to maintain and replace parts on commercial vehicles, would there be an impact on safety on our roads?

Answer. At this time, we do not have an estimate on the impact of potential tariffs on the commercial motor vehicle industry. Broadly, the Teamsters believe that targeted tariffs can play a role in reshoring jobs that have been sent abroad.

Truck Safety

Tragically, on July 18th, a tanker truck carrying 9,000 gallons of diesel and gasoline overturned off of Highway 101 in Clallam County, Washington, spilling 3,000 gallons of hazardous material into Indian Creek. This spill threatened the drinking water of over 19,000 people in Port Angeles and contaminated a vulnerable habitat for salmon to spawn. Fortunately, no one was hurt. This incident demonstrates the importance of ensuring our trucks and truck drivers are safe.

Question 1. Your members want the roads to be safe because they want to make it home to their families. What can we do to ensure that commercial vehicle drivers on our roads are safe?

Answer. As discussed below, Congress should ensure that drivers are receiving high-quality training at the time of initial licensure and when receiving additional endorsements, including for hazardous materials. It is also imperative that the Federal Motor Carrier Safety Administration has the necessary resources to oversee and inspect motor carriers of all sizes and take enforcement action as necessary. Finally, we encourage Congress to examine specific and novel models of trucking operations, like those implemented by Amazon and its vast fleet of contracted services and take action to ensure that companies cannot exploit current safety regulations to operate dangerously.

Autonomous Vehicles

As you said in your testimony, the Federal government has not developed any safety requirements for self-driving trucks.

Question 1. Since there are no safety requirements on the Federal level, do you think it is wise for Congress to prevent states from ensuring autonomous cars and trucks are safe?

Answer. It is an unequivocally bad policy for Congress to restrict states from taking responsible actions on autonomous vehicles to keep their citizens safe. While certain authorities, like equipment standards, are clearly the responsibility of the Federal government, States must continue to be allowed to exercise their rights when it comes to the operations of autonomous vehicles on their roads. As mentioned, efforts to restrict states are particularly offensive when the Federal government to date has provided no alternatives. Preventing states from acting is little more than a giveaway to the industry to operate in any manner it sees fit, even if doing so puts lives in danger.

Question 2. What steps should Congress take regarding autonomous vehicles?

Answer. Congress must create and mandate a national framework for autonomous vehicles that encompasses manufacturing and equipment standards at the National Highway Traffic Safety Administration, operational requirements overseen by the Federal Motor Carrier Safety Administration and addresses workforce impacts of the adoption of these technologies. We encourage Congress to adopt proposals outlined in the *"Teamsters Autonomous Vehicle Federal Policy Principles"*.

Speed-limiters

Earlier this month, the Trump administration withdrew a proposed rule that would have required speed-limiting devices on commercial vehicles. Excessive speed is a leading cause of fatal accidents on our roads.

Question 1. Do you believe speed-limiting devices improve safety for commercial vehicle drivers and others on the roads?

Answer. We have long supported the requirement for speed-limiters on commercial vehicles. Teamster members across multiple fleets currently operate vehicles with these technologies installed, and we believe that they play a role in improving safety and reducing speed related accidents.

Driver Training

You both represent truck drivers who also want the roads they are driving on to be safe. There are those who claim we need to make it easier for truck drivers to get a license by allowing them to get tested in any state, not just the state where they received their training.

It may surprise some people that there are no Federal requirements for truck drivers to spend a certain amount of time training behind the wheel of a truck. However, in the state of Washington, drivers must have at least 30 hours of behind-the-wheel training.

Question 1. What can we do to improve training for truck drivers so that our roads are safer?

Answer. Congress should:

- 1) Ensure that the Federal Motor Carrier Safety (FMCSA) is properly auditing the Training Provider Registry, and removing bad actors who are providing substandard and/or predatory training programs.
- 2) Create new opportunities through a competitive grant program for high-quality entry level training programs. These grants should be constructed to give specific consideration to programs operated by labor organizations which provide pathways to employment.
- 3) FMCSA and Congress should examine current Federal Entry Level Driver Training requirements and consider mandating reasonable behind-the-wheel hours requirements.

Question 2. Should we make it easier for prospective drivers to circumvent strong state requirements?

Answer. In considering flexibilities relating to training and licensure, Congress should not create an environment where prospective drivers are able to “forum shop” the licensing process. Creating incentives to receive licensure in a certain state because of the presence of less stringent requirements or more lax testing standards will ultimately decrease road safety.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO
SEAN M. O'BRIEN

Question Topic: Truck Parking

Question. In 2023 a Greyhound bus traveling westbound on I-70 from Indianapolis, Indiana to St. Louis, Missouri experienced a deadly crash in Highland, Illinois while exiting at a rest area. The bus crashed into three trucks which were parked on the shoulder of the exit ramp. Three bus passengers were killed. The driver and 11 of the other passengers were injured.

NTSB found that a contributing factor was the three trucks parked on the shoulder of the exit ramp. The lack of available truck parking remains a major problem, not just for the trucking industry, but for the traveling public, as this horrible incident so tragically illustrates.

Last Congress, Senators Lummis and Kelly introduced the Truck Parking Safety Improvement Act to provide Federal grants to expand parking for commercial trucks. I joined several of my colleagues on both sides of the aisle in cosponsoring this bill, but unfortunately it didn't pass.

A. As Congress works on the next Surface Transportation Reauthorization bill, what would you recommend we do to increase truck parking across the country, and how would you recommend we pay for it?

Answer. The Teamsters have endorsed the Truck Parking Safety Improvement Act, have included it among our union's priorities for reauthorization and look forward to its inclusion in the final legislation. We support the creation of a new au-

thorization under Part 180 as provided in the bill, and if enacted will support full funding for the program in the appropriations process.

