



American Short Line and Regional Railroad Association

May 18, 2023

Dear Member of the Transportation & Infrastructure Committee:

Next week, the Transportation & Infrastructure Committee plans to mark up a large group of bills as part of a supply chain package. While most of the bills are either non-controversial or beneficial from our point of view, **we are strongly opposed to H.R. 3372, which is modeled on Section 8 of H.R. 471, the SHIP IT Act.** It would establish a 10-year “pilot program” in which states could increase the weight of a commercial motor vehicle operating on the Interstate Highway System from the current max of 80,000 pounds to 91,000 pounds.

We strongly urge you to oppose this unwise bill, H.R. 3372. Advancing it would be an abdication of the committee’s responsibility to promote safety, protect the integrity of our public roadways, bolster the supply chain, protect the taxpayer dollar, and mitigate environmental harm.

The idea of a 10-year “pilot program” is a farce. The legislation claims to create a ten-year pilot program for heavier trucks, but it is really a wholesale evisceration of federal law governing the weight of vehicles on America’s roadways. There is no short-term or “pilot program” nature to the bill – ten years spans the average lifecycle of *two* full surface transportation reauthorization bills. There are no constraints on the program; for the next decade, under a vague and hazy new framework, USDOT would be forced to let any state that so desires increase its permissible commercial truck weight by almost 14%. And then, at the end of those ten years, the “pilot program” could be extended an *additional* ten years based on similarly scant, ill-defined criteria. And while the so-called “pilot program” requires some data collection efforts, any information gathered is useless – there is no obligation whatsoever that any action be taken regarding any data on the many new problems that will be presented by the new law.

There are already relevant studies under way. In the last major surface transportation reauthorization bill, two separate studies were created that ought to be completed before Congress even considers changing truck size and weight laws:

- 1) Section 11530: Highway Cost Allocation Study – This study will look at the cost of highway use by various types of users, including *“the Federal costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by the use of vehicles of different dimensions, weights, number of axles, and other specifications”*¹
- 2) Section 23006: Study of Commercial Motor Vehicle Crash Causation – This study is meant to determine the *“causes of, and contributing factors to, crashes that involve a commercial motor vehicle; and identify data requirements, data collection procedures, reports, and any*

¹ <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>

other measures that can be used to improve the ability of States and the Secretary to evaluate future crashes involving commercial motor vehicles, monitor crash trends and identify causes and contributing factors; and to develop effective safety improvement policies and programs.”

With these two clearly relevant studies just underway, it would be an irresponsible move to drastically change national truck size and weight policy, which has been steady for north of 40 years now, under the guise of a new 10-year “pilot program.”

Similarly, at the request of the Federal Highway Administration, the Transportation Research Board in 2018 identified 27 research projects focused on pavement, bridges, safety, enforcement, and shipper decisions that are needed to more fully evaluate the impacts of heavier or longer trucks. Congress has since directed USDOT to publish plans for conducting the research, including timelines for completion. Congress should not act to dramatically change truck size and weight laws before these research projects are completed.

The bill would shift a significant amount of freight traffic from privately owned railroads operating on isolated right of way onto publicly owned highways, right next to millions of regular citizens driving on public roads every day. While proponents of larger trucks would argue that larger trucks would mean fewer trucks, that would only be true in a sealed vacuum. In the real world, trucks and freight rail compete fiercely for traffic every single day – dramatically increasing the size and weight of trucks shifts the economics of freight transportation and would shift more freight onto public highways. Literally millions of rail carloads of freight would be shifted onto the highway – and each rail carload of freight equals 3 to 4 trucks. There would in fact be not only bigger trucks, but many more trucks too.²

The bill would wreak havoc on the supply chain and spark new inflation on consumers. The nation’s freight rail system is a key contributor to the economic vitality of America and is partly responsible for the long-term success of America’s industrial and agricultural sectors. It allows shippers to move massive quantities of goods long distances at relatively inexpensive rates. Within that system, the country’s 600 short line railroads often act as supply chain “shock absorbers,” helping to keep thousands of shippers in small towns and rural America connected to the freight rail system. They have proven themselves to be a success story over the past 40 years. But short line railroads operate on very thin financial margins and are maintaining lines that are at risk of vanishing. As noted above, if truck size and weights increase dramatically as Congress picks winners and losers, short lines will lose a significant amount of freight traffic. Countless communities would then see their local small railroads go out of business and those shippers would only have trucks left as an option for shipping freight. In turn, prices will skyrocket and more inflation will be inflicted on millions of farmers, producers, suppliers and consumers -- expediting the demise of communities in rural and urban America.

The bill would create significant new dangers on American roads. It is simple physics: heavier trucks take longer to stop and do more damage when they crash into passenger cars and other vehicles. And this new hazard could not come at a worse time: just as American roadways are grappling with a dramatic spike in speeding, injuries and fatalities, this bill gives a green light to yet another hazard. While the bill promotes a financial incentive for new braking equipment, there is no mandate whatsoever that a single one of the heavier trucks that will take to American roadways must have any new safety device that mitigates the dangers to come.

² <http://www.cabt.org/wp-content/uploads/2020/07/DIVERSION-STUDY-FINAL.pdf>

The state of safety, or the lack thereof, on our nation's roads is already terrifying – making the problem worse ought to be unthinkable. In 2021, **5,700** large trucks were involved in a fatal crash, an 18% increase from 2020 and a 49% increase in the last 10 years. Large trucks accounted for only 5% of all registered vehicles but 9% of all vehicles involved in fatal crashes.³ Making these large trucks even larger is the last thing Congress ought to consider.

And the danger falls right on the general public: In 2020, on average, there were 1.12 fatalities in fatal crashes involving large trucks. The majority, 83%, of fatalities were not occupants of the large truck.⁴

The bill would cause more disrepair on our roads and impose new costs on American taxpayers.

Again, more physics: heavier trucks do more damage to our roads. Whether they are on 6 axles or 60 – gravity will ensure these vehicles cause more potholes and lead to more highway damage – and of course the invoice for repairing the problems will be sent to America's taxpayers, who for decades have had to shell out billions of dollars to cover the trucking industry's underpayment of costs for roadway wear and tear.⁵ We are not alone in our grave concern over the dangers of this bill – law enforcement, counties, cities, mayors and labor all oppose advancing a measure that will impose such new costs on society. Yet, the only mention of costs and fees in the legislation concerns a possible 67% reduction in certain costs for trucking.

The bill would unleash more pollution and greenhouse gases. With so much freight being diverted from railroads to America's highways, congestion will increase – as will greenhouse gas emissions. Freight railroads account for only 0.6% of total U.S. greenhouse gas emissions and only 2.0% of transportation-related sources (trucking, shipping, air, etc.). Each ton of freight that moves by truck increases greenhouse gas emissions by up to 75%, on average, according to U.S. Environmental Protection Agency (EPA) data.

There is a broad swath of opposition to this dramatic proposal to upend the status quo. As noted above, a variety of groups are weighing in against increasing truck size and weights, including public officials, law enforcement, independent truckers, labor, safety groups, and of course the rail industry⁶:

- American Public Works Association
- National Association of Counties
- National Association of County Engineers
- National Association of Towns and Townships
- National League of Cities
- The United States Conference of Mayors
- International Brotherhood of Teamsters
- Owner-Operator Independent Drivers Association
- Towing and Recovery Association of America Inc.
- Institute for Safer Trucking
- Association of American Railroads
- American Short Line and Regional Railroad Association
- GoRail

³ <https://injuryfacts.nsc.org/motor-vehicle/road-users/large-trucks/>

⁴ <https://www.fmcsa.dot.gov/safety/data-and-statistics/large-truck-and-bus-crash-facts-2020>

⁵ <https://www.gao.gov/products/gao-08-287>

⁶ <https://landline.media/coalition-tells-lawmakers-to-oppose-bills-for-heavier-trucks/>

- National Railroad Construction and Maintenance Association
- Railway Engineering-Maintenance Suppliers Association
- Railway Supply Institute
- SMART-TD

We understand that the Advocates for Highway and Auto Safety and other safety groups will also be weighing in strongly against the bill.⁷

One other concern we'd note: in addition to H.R. 3372, the committee plans to mark up H.R. 2948, the CARS Act. The bill would increase the permissible weight of an auto transporter from a max of 80,000 pounds by 10% to 88,000 pounds. ASLRRA opposes this measure as well, which – like H.R. 3372 – leads to more dangers on roadways, harms infrastructure and leads to greater greenhouse gas emissions. And changing truck size and weight limits in a piecemeal fashion is a slippery slope that never ends.

We stand ready to answer questions or discuss these items further. We appreciate your leadership on transportation issues and look forward to working with you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Chuck Baker', written in a cursive style.

Chuck Baker
President, ASLRRA

⁷ <https://saferoads.org/wp-content/uploads/2021/01/Large-Truck-Size-and-Weight-Fact-Sheet-January-2021-FINAL.pdf>