

March 23, 2009

**Analysis of The “Safe Highways and Infrastructure Preservation Act” (SHIPA)
The American Trucking Associations**

SUMMARY: American Trucking Associations (ATA) opposes the imposition of new restrictions on truck size and weight, including the “Safe Highways and Infrastructure Preservation Act” (SHIPA) (H.R. 1618), which was introduced on March 19, 2009.

SHIPA would extend federal truck weight limits and non-divisible load regulations from the Interstate System to the entire National Highway System (NHS). The NHS consists of approximately 160,000 miles of federal-aid highways and includes the Interstates, which has 47,000 miles of highway. The legislation also would establish a *maximum* trailer length limit of 53 feet on the Interstates and other NHS highways, and freeze permissible weight variances in excess of the federal limits to those in effect on June 1, 2008. Trucks legally operating as of June 1, 2008 which exceed the new limits would be allowed to continue to operate if they are able to prove legal and actual operation of the vehicles on each route intended to be grandfathered.

RESPONSE TO PROPONENTS’ ALLEGATIONS: The following are statements which have been made by bill proponents in support of SHIPA, followed by ATA’s response:

Allegation: Congress set 80,000 pounds as the maximum weight at which a truck can operate on Interstate highways. Yet, because of loopholes in the law, trucks routinely operate on Interstates and other highways above federal weight limits. This bill would extend the truck weight freeze beyond the 46,000-mile Interstate system to the entire 161,000 miles of National Highway System (NHS).

Response: The implication is that trucks off the Interstate System are operating today without any government regulation. This is false. Every state, through its legislative and regulatory processes, has adopted, and is enforcing, weight limits on non-Interstate highways. SHIPA simply shifts regulatory authority from state governments to the federal government. This takes away states’ ability to adopt appropriate regulations that take into account variations in local conditions. In fact, federal weight limits on Interstate Highways force heavier trucks on to secondary roads, which have thinner pavements, weaker bridges and may not be as safe as Interstates. SHIPA would only exacerbate this problem.

The bill would grandfather in heavier trucks, but only if legal and actual operations on affected routes can be proven. In many cases, states either do not require issuance of a permit or do not require the permit to specify the route. Therefore, it is unclear how states are to prove actual operation on the affected routes, putting in doubt the states’ ability to secure a grandfather right for existing operations.

Allegation: In 1991, Congress “froze” the operation of longer combination vehicles (LCVs) – long double and triple trailer trucks – on Interstates and stopped LCVs from spreading onto a larger share of the Interstate system. These bills extend this freeze to the entire NHS.

Response: The 1991 bill actually froze LCV operations on the federally designated National Network, a system that encompasses more than 200,000 miles of highway - longer than the NHS. This provision would have little to no practical effect.

Allegation: Today, there is no federal limit on the length of semi-trailers. Over the years, trailer length has grown such that eleven states allow trailers over 53 feet (the industry standard) and Wyoming even allows 60-foot-long trailers to operate. These bills will cap the length of truck trailers at 53 feet, but allow existing legal operations of trailers that exceed 53 feet to continue.

Response: There is no research or data which suggests that the growth in trailer length has had a negative impact. In fact, the adoption of higher capacity trailers has limited the growth of trucks, resulting in fewer accidents, less fuel and emissions and lower infrastructure costs. In addition, longer trailers have increased trucking industry productivity, lowering delivery costs.

The bill would grandfather in longer trailers, but only if legal and actual operations on affected routes can be proven. Because states have not generally required permits to be issued for the use of longer trailers affected by this provision, it is unclear how states are to prove actual operation on the affected routes, putting in doubt the states' ability to secure a grandfather right for existing operations.

Allegation: Trucks often run illegally overweight because the profits from hauling the extra weight often exceed the fines levied by the states for overweight operations. This bill calls for a model fine schedule designed to recover as fully as possible all infrastructure, enforcement, and administrative costs of overweight operations and to act as an effective deterrent.

Response: According to the Federal Highway Administration, 99.33% of trucks weighed in 2006 were in compliance with legal weight limits. Therefore, the suggestion that trucks "often run illegally overweight" is false. This also suggests that state enforcement procedures and fine schedules are effectively deterring illegally overweight operations. Furthermore, there is already a federal requirement that states must have an effective enforcement program in place to ensure compliance with federal size and weight limits. The Federal Highway Administration has been charged with enforcing this requirement and has designated staff in both headquarters and state field offices who monitor state enforcement activities on a regular basis.

Allegation: The American Trucking Associations is pushing to allow states to authorize single-trailer trucks up to 97,000 pounds. They also want to lift the LCV freeze and give states the power to authorize longer combination vehicles, which would allow the truckers to lobby for double and triple-trailer trucks across the country. Another group, Americans for Safe and Efficient Transportation, which represents big shippers, is lobbying Congress to approve "pilot projects" that allow 97,000 pound singles in six states. Additionally, bills have been introduced in the U.S. Senate that would authorize 97,000 pound singles on the Interstate system.

Response: The American Trucking Associations is supporting a number of federal reforms which will give states, at their option, the opportunity to authorize the use of vehicles which

have the potential to reduce infrastructure costs, improve safety, lower emissions and cut shipping costs. The 97,000 pounds truck adds an axle which improves braking capacity and reduces pavement impacts. ATA supports limited exemptions for western states that currently allow the use of LCVs which will let these states make these operations more uniform across state lines. Currently, LCV rules in these states are a patchwork of regulations that unnecessarily limit the efficiency of the western freight transportation system.

Allegation: 23,309 of the 116,145 bridges on the National Highway System (over 20%) are rated as structurally deficient or functionally obsolete. To make matters worse, a shortfall in the Highway Trust Fund (the national fund of fuel tax revenue that is set aside for transportation projects) is predicted for 2009.

Proponents say that allowing bigger trucks on the roads will lead to fewer trucks on the road. They say it will not only reduce shipping costs, but also reduce highway congestion and so be better for the environment.

History shows that this is false, however. The number of trucks registered in the U.S. and the mileage traveled by trucks has gone up nearly every single year since Congress increased the federal weight limit in 1982. Bigger trucks end up diverting freight from other modes of transportation like railroads and causing even more highway congestion and pollution.

To add insult to injury, trucks over 80,000 pounds only pay for 50% of the damage they cause. Nationwide operation of LCVs would add \$53 billion in new bridge reconstruction costs, according to USDOT. In addition, there would be \$266 billion in lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work. Total bridge costs would be \$319 billion.

Response: Both population and gross domestic product have increased since 1982, generating greater demand for freight. Without the increases in truck cargo capacity, there would be even more trucks on the road.

There is no evidence to suggest that more productive trucks draw significant amounts of freight from the railroads. Studies show that the amount of truck traffic generated by the small amount of freight that is diverted from rail is eclipsed by the reduction in truck volumes that result from increased trucking productivity. For example, a U.S. Department of Transportation study which explored the potential impacts of expanded LCV use in 13 western states found that just 0.24% of rail carload miles and 0.10% of rail intermodal miles in those states would divert to trucks. After taking the rail diversion into account, the study predicted that truck miles in these states would be reduced by 25.5% as a result of the expanded use of LCVs.

The USDOT study cited by SHIPA proponents has been widely criticized for its overly conservative bridge cost analysis. A Transportation Research Board study (Special Report 267) reached the following conclusions:

...bridge cost projections in the DOT 2000 study are almost certainly overestimates of the amount of spending that would be prudent for maintaining bridge safety if truck weights were increased. The DOT study itself acknowledges this limitation. Very high estimates of bridge costs from liberalized regulations are inconsistent with the experience of jurisdictions—in particular Michigan and Ontario—that have opened their roads to use by trucks much heavier than the federal weight limits without experiencing costs of the magnitude estimated. Most important, the DOT estimates ignore the great potential for lower-cost methods of maintaining bridge safety that the states are increasingly capable of applying because of the widespread adoption of bridge management systems.

In effect, the DOT study ignores the positive, real-world experience of the dozens of states which have allowed the operation of more productive trucks for decades. These states have benefited greatly from operation of these vehicles, and should be given more, not less, flexibility to determine the appropriate size and weight limits for their highways. SHIPA would benefit nobody and, by taking these tools away, would further erode states' ability to deal with serious safety, environmental and economic challenges.