



Owner-Operator Independent Drivers Association

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The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Buttigieg:

The Owner-Operator Independent Drivers Association (OOIDA) represents the interests of owner-operators, small-business motor carriers, and professional truck drivers. With more than 150,000 members located in all fifty states, we have a vested interest in ensuring American highways are safe for all users. We are writing you to reiterate our opposition against a joint NHTSA/FMCSA Notice of Proposed Rulemaking (NPRM) that would mandate speed limiting devices for heavy-duty commercial motor vehicles (NHTSA-2016-0087/FMCSA-2014-0083).

This 2016 NPRM would not only fail to improve safety and likely lead to more crashes involving CMVs, but would provide large carriers an even greater competitive advantage over small businesses. We are adamantly opposed to any proposals that would create a separate nationwide speed limit for CMVs.

By establishing a one-size-fits-all federal mandate, the 2016 NPRM would create dangerous speed differentials between CMVs and other vehicles. Decades of highway research shows greater speed differentials increase interactions between truck drivers and other road users. Studies have consistently demonstrated that increasing interactions between vehicles directly increases the likelihood of crashes.^{1,2}

As part of the proposed rulemaking on speed limiters, FMCSA and NHTSA admitted that “this joint rulemaking could put owner-operators and small fleet owners...at a disadvantage in some circumstances.”³ One remaining competitive advantage for small trucking companies over their larger competitors is the lack of a need to speed limit trucks for fleet management purposes. Instead, small trucking businesses are able to operate at the speeds determined to be safe by state officials, which in many cases is above 65 mph. Indeed, FMCSA and NHTSA concluded that as a result of losing this advantage, “some of the affected owner-operators would work for trucking companies as independent contractors. If all of the affected owner-operators worked for trucking companies as independent contractors, they would lose \$54 million in labor

¹ David Solomon, *Accidents on Main Rural Highways Related to Speed, Driver, and Vehicle*, Bureau of Public Roads (1964)

² Johnson and Pawar, *Cost-Benefit Evaluation of Large Truck-Automobile Speed Limits Differentials on rural Interstate Highways*, Mack-Blackwell Rural Transportation Center (2005)

³ FMCSA and NHTSA, *Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices*, <https://www.regulations.gov/document?D=FMCSA-2014-0083-0003>

income.” Smaller carriers working at the behest of the larger fleets is not ideal for safety, consumers, or the trucking industry.

OOIDA has also raised concerns regarding speed limiter legislation introduced during the 116th Congress. S. 3005 would require that all CMVs would be limited to 65 mph unless trucks are equipped with expensive and unproven technologies, in which case the speed limiters could be set to 70 mph. While this change is being proposed as a way to improve safety, it is nothing more than a backdoor maneuver by large carriers to gain a competitive advantage through extremely costly, burdensome, and unproven mandates.

The two technologies (automatic emergency braking (AEB) and adaptive cruise control) required for the 70 mph allowance come at a significant cost, and it will be mostly large carriers that can afford to use them. It’s not just the installation cost of these mandates: these systems can fail and require maintenance and other work leading to significant downtime and repair costs. Even worse, our members’ experience with AEB has shown that it doesn’t improve safety, but creates new challenges and dangers, such as false or unexpected system activation. These costs and challenges hit small businesses particularly hard, jeopardizing the existence of many of our members, who are often the safest drivers on the road.

Under this legislation, owner-operators and small motor carriers, who oftentimes don’t use these technologies but have decades of experience and millions of miles of accident-free driving, **would be limited to a lower speed than a brand new 21 year-old driver who has these technologies, but no experience behind the wheel.** In no way can this be said to improve safety. Instead, it will hinder small businesses’ productivity and profitability.

Additionally, speed limiters create serious operational challenges and dangers for truckers, including challenges navigating merges and running blockades (known as elephant races) that increase “road rage” among other drivers. Arbitrary speed limits make it difficult for truck drivers to switch lanes to accommodate merging traffic at entrance ramps – or to merge themselves. Other drivers often react to these situations in aggressive and unpredictable ways, creating unnecessary hazards for themselves and our members. Furthermore, speed limiting trucks increases pressure and stress on professional drivers to complete their work. Truckers required to operate below the posted speed limit are forced to drive maximum hours to cover the same distance, which increases their fatigue and places even greater stress on them to comply with burdensome hours-of-service regulations.

Any efforts to mandate speed limiters will take more control of the truck out of the driver’s hands and unnecessarily constrain small businesses. There are countless scenarios where a driver’s expertise and discretion is needed to avoid an accident or other dangerous situations, but their abilities would be arbitrarily curtailed by speed limiters. Rather than mandating speed limiters and unproven technologies, the most efficient and cost-effective means to promote safer roads is simply enforcing existing speed limits, which Congress authorized states to set based on their own unique factors. We believe DOT and Congress should consider measures that would actually improve safety rather than technologies that have been proven to cause more crashes.

Thank you,



Todd Spencer
President & CEO
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