BEFORE THE

UNITED STATES DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

COMMENTS OF THE OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC

IN RESPONSE TO A NOTICE OF INTENT; REQUEST FOR SCOPING COMMENTS

[Docket No. NHTSA-2010-0079]

Notice of Intent to Prepare an Environmental Impact Statement for New Medium and Heavy-Duty Fuel Efficiency Improvement Program

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JAMES JOHNSTON
President
Owner-Operator Independent
Drivers Association, Inc

July 14, 2010

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UNITED STATES DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

I. INTRODUCTION

A. Procedural Statement

These comments are submitted by the Owner-Operator Independent Drivers Association, Inc. ("OOIDA" or "Association") related to a Notice of intent; request for scoping comments published by the National Highway Traffic Safety Administration ("NHTSA" or "Agency"), Docket No. NHTSA-2010-0079, [75 FR No. 113] (June 14, 2010) related to the Agency preparing an Environmental Impact Statement ("EIS") that will analyze the potential environmental impacts of the agency's new fuel efficiency improvement program for commercial medium- and heavy-duty on-highway vehicles ("MD/HD vehicles") and work trucks. The EIS is intended to consider the potential environmental impacts of new standards starting with model year ("MY") 2016 MD/HD vehicles, and voluntary compliance standards for MY 2014 – 2015 MD/HD vehicles.

B. The Interest of the Owner-Operator Independent Drivers Association, Inc

The Owner-Operator Independent Drivers Association, Inc. is a not-for-profit corporation incorporated in 1973 under the laws of the State of Missouri, with its principal place of business in Grain Valley, Missouri. OOIDA is the largest international trade association representing the interests of independent owner-operators, small-business motor carriers and professional drivers. The more than 154,000 members of OOIDA are professional drivers and small-business men and

women located in all 50 states and Canada. One-truck motor carriers represent nearly half the total number of active motor carriers operating in the United States, and approximately 96 percent of active motor carriers operate 20 or fewer trucks. The address of the Association is:

Owner-Operator Independent Drivers Association, Inc.
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1 NW OOIDA Drive
Grain Valley, Missouri 64029
www.ooida.com

The Association actively promotes the views of small-business truckers and professional drivers through its interaction with state, provincial and federal government agencies; legislatures; the courts; other trade associations; and private businesses to advance an equitable and safe environment for commercial drivers. OOIDA is active in all aspects of highway safety and transportation policy, and represents the position of small-business truckers and professional drivers on numerous committees and in various forums on the local, state, national and international levels. This Notice of intent is made pursuant to the National Environmental Policy Act ("NEPA") and should duly consider the possible negative environmental consequences of not adequately researching and adopting meaningful fuel efficiency standards. The adoption of a fuel efficiency improvement program will affect every member of OOIDA who purchases a new MD/HD vehicle beginning with the 2016 MY.

II. SUMMARY

OOIDA is concerned that the well-intentioned initiative to improve fuel efficiency associated with MD/HD vehicles can have unintended negative consequences to the environment unless appropriately addressed by NHTSA in this EIS. OOIDA strongly supports the concept of better fuel efficiency of MD/HD vehicles and reductions in their overall emissions. However,

there are clearly those who believe achieving the goal of increased fuel efficiency can be used as a cloak for other initiatives[1] that are counterproductive to increasing fuel efficiency, the environment and highway safety. It is imperative that the EIS fully consider not only the environmental benefit from increased fuel efficiency, but the negative environmental effects from certain strategies and products allegedly intended to improve fuel efficiency. For instance, speed limiters on MD/HD vehicles may certainly increase the efficiency of that one particular vehicle but have the opposite effect on traffic operating around that one vehicle by causing them to consume more fuel as a result of needing to slow down below posted limits, the desire to pass, and the creation of "micro-congestion." In the trucking industry this is euphemistically referred to as an "elephant race." Trucking is a dynamic and diverse industry and one-size-fits-all prescriptions need to be avoided since it is unlikely every conceivable use or operational characteristic can be accounted for in determining an acceptable efficiency standard. An application that may work well for one specific operation can have negative consequences to fuel efficiency in a different application.

Products touted to improve fuel efficiency are often lacking any independent and standardized testing to assess the veracity of claims. Hence, claims of increased fuel efficiency are often marginal at best and fail any rudimentary cost-benefit analysis. When the product life-cycle is factored into the equation, it is conceivable that the product does more harm than good to the environment. Certain products may very well improve fuel efficiency in one type of operational setting while they are not the optimum product or technology for use in an entirely different operation. This is precisely the problem with the adoption of the Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation ("GHG") approved by the California Air Resources Board

[1] Heavier weight limits and Long Combination Vehicles ("LCVs").

("CARB"), which mandates compliance with certain aspects of the United States Environmental Protection Agency ("US EPA") SmartWay program and primarily focuses on long-haul trucking operations. Low-rolling resistance ("LLR") tires are a key technology advocated under SmartWay yet their use on "spread-axle" trailers is counterintuitive to long casing or tire life. These particular trailers are favored in refrigerated and flat-bed operations because considerably more weight can be placed on each axle as opposed to the normal "closed tandem" configuration. A "closed tandem" is typically limited to 34,000 pounds while a "spread-axle" can legally operate at 40,000 pounds. Because of both the weight and increased tire friction and "scuffing" associated with "spread-axles," tires with deep tread depth are required because the operational characteristics will quickly eliminate tread. Tire life on a properly aligned "closed tandem" trailer can easily approach 250,000 miles while tire life on a "spread-axle" trailer may approach 100,000 miles. Requiring LLR tires with significantly reduced tread depth in certain applications can significantly decrease a tires life cycle, resulting in greater manufacturing of tires and disposal. Both the manufacturing and disposal have significant negative environmental consequences.

Attempting to construct a uniform fuel efficiency standard for any particular MD/HD vehicle poses challenges that must contemplate the myriad of multiple uses, operating environments, and nearly innumerable other factors that could render any fuel efficiency standard set by the government impossible to attain outside a perfect laboratory setting. Without properly identifying those numerous factors and how the end user intends to utilize any given MD/HD vehicle, it's not just possible, but highly probable this government initiative could result in not appreciably increasing fuel efficiency for many operations – just those operations vehicle acquisition costs.

III. COMMENTS OF THE ASSOCIATION

A. Size and Weight, Vehicle Weight, and Speed Limiters

As NHTSA considers the environmental effect of any number of strategies to increase the fuel efficiency of MD/HD vehicles it should fully consider the environmental effect in a holistic manner. It should consider not just single-vehicle fuel efficiency but, whether the perceived efficiency is an illusion when other factors are taken into account. For instance, there are those who postulate that increasing the federally permissible size and weight of MD/HD vehicles would actually reduce overall vehicle fuel consumption when adopting the concept of gallons per ton mile hauled as the key metric instead of the usual miles per gallon ("MPG"). Proponents acknowledge that fuel efficiency based on MPG will significantly be reduced if higher gross weights are permissible, but attempting to redefine the measurement standard ignores other ancillary environmental costs associated with increased size and weight. For example, building and maintaining the highway infrastructure for these vehicles to operate – especially if they were to become the industry norm would be significantly different than currently exists.

It is widely recognized that our nation's highways and bridges are already in dire need of significant maintenance and rebuilding. Increasing vehicle weights will lead to accelerated deterioration of highways and bridges, thus reducing their life cycle and requiring significant maintenance and rebuilding. This much-hyped strategy to decrease overall MD/HD vehicle emissions needs to be balanced by the true negative environmental cost associated with maintaining the necessary infrastructure. While outside the purview of this particular request for comments, certain strategies to increase fuel efficiency should be judged as unworthy of further consideration when viewed through the prism of highway safety. Increasing the size and weight

of MD/HD vehicles does pose significant safety risks to the motoring public besides the hidden environmental costs.

NHTSA mentions within this Federal Register notice of "decreasing vehicle mass" (weight) as a potential non-engine improvement. This is an example of a strategy to improve MD/HD vehicle fuel efficiency that should be rejected for any further consideration for two primary reasons:

1- Crash worthiness standards currently do not exist for commercial motor vehicles. Annually, approximately 700 truck drivers die in vehicle accidents. Instead of focusing on reducing vehicle weight to marginally improve fuel efficiency, NHTSA should be considering how to make truck cabs safer to increase occupant survivability in crashes – which very likely means increasing the vehicle's unladen weight.

2- Decreasing the weight of either a MD/HD vehicle or trailer will not lead to significant increases in fuel efficiency since the industry would undoubtedly utilize any weight savings to haul more cargo.

For years, certain special interest groups associated with the trucking industry have recklessly promoted engaging governors or "speed limiters" on truck engines, under the guise of safety and more recently improved fuel consumption and emission reduction. A speed limiter is a device that restricts a vehicle's top speed regardless of the design capabilities of the engine. Speed-limited engines are found almost exclusively on trucks operated by large motor carriers in order to increase their fleet fuel efficiency by micromanaging their employee drivers. Smaller companies and owner operators, which compose the majority of the trucking industry, typically choose not to employ speed limiters because of the safety implications.

Speed limiters act as safety hazards on highways because they create speed differentials between slower moving trucks and the more rapidly moving traffic, which increases "cluster congestion,[2]" the number of interactions between trucks and other vehicles. For example, the frequency of interactions

[2] "Cost-Benefit Evaluation of Large Truck Automobile Speed Limit Differentials on Rural Interstate Highways." Steven L. Johnson and Naveen Pawar. Mack-Blackwell Transportation Center, University of Arkansas. 2005

with other vehicles by a vehicle traveling 10 mph below the posted speed limit is 227% higher than when moving with the flow of traffic. The simple irrefutable fact is that, the more interaction between vehicles, the greater chance of both an accident and also reduced fuel efficiency for all highway users. When slowed from the rest of the flow of traffic, trucks essentially become rolling roadblocks and a situation is created that can lead to the following: road rage, erratic lane changes, or tailgating all of which can contribute to accidents. Another ancillary effect from the mandated use of speed limiters is the increased acceleration and deceleration, which has a tendency to occur when slower moving trucks impede traffic flow and contribute to congestion. This effect was acknowledged by Dr. Barry Prentice, Director of the Transport Institute at the University of Manitoba in a recent article where he noted that any net reduction in GHG emissions attributable to speed limiters assumes that the remainder of the traffic flow is not affected. If speed governors on trucks cause increased traffic congestion or force more speed adjustments by cars and light trucks, GHG emissions could increase. Accelerating and decelerating creates more emissions than traveling at a constant speed[3]. In other words, the supposed benefit of increased fuel efficiency on one vehicle can negatively impact the fuel efficiency of other vehicles operating around speed limited MD/HD vehicles.

In addition to speed differentials, drivers raise a number of concerns about driving speed-limited trucks all of which are related to safety. When surveyed, truck drivers cited the top three concerns associated with driving a speed limited truck as being: (i) lack of passing speed, (ii) increased congestion, and (iii) fear of being rear-ended. When engine speed is restricted, the driver may not have the maneuverability necessary to accelerate and avoid danger. In addition, truck drivers face a continuous threat of being rear-ended by faster moving vehicles, as 19% of all fatal accidents between cars and trucks involve a vehicle rear-ending a truck[4]. When the ability to make decisions about a truck's operation is taken away from the driver, our nation's highways become increasingly hazardous. That is not the kind of trade-off that justifies certain strategies to increase fuel efficiency in MD/HD vehicles. Finally,

[3] Todaystrucking.com, "Argument for Speed Limiters is Weak." November 9, 2007
[4] Report, National Highway Traffic Safety Administration: National Center for Statistics (2007).

NHTSA should be aware that MD/HD vehicles are already effectively speed limited in many states that have split-speed limits in place for those vehicles. Any initiative that might consider mandating speed-limiters on MD/HD vehicles must balance hypothesized fuel efficiency gains against the simple fact that those vehicles are already "speed limited" under state law thus eliminating any perceived benefit.

B. Key Factors Affecting Fuel Efficiency of MD/HD Vehicles

NHTSA has listed five "Alternatives" for consideration in the upcoming Notice of Proposed Rulemaking ("NPRM"). An alternative conspicuously absent which should be considered and would potentially offer the least ancillary environmental impact of any option, as well as offer the greatest opportunity to increase MD/HD vehicle fuel efficiency: is driver education and training. The National Academy of Sciences study titled "*Technologies and Approaches to Reducing the Fuel Consumption of Medium-and-Heavy-Duty Vehicles*" postulates that driver training offers potential savings for the trucking industry rivaling the savings available from technology. The opportunities for fuel savings are significant and indicators are that this could be one of the most cost-effective and best ways to reduce fuel consumption.

It is widely known that driving behavior is one of the single most significant contributors to fuel efficiency. In fact a study done by *Dierlein* (2002) stated, "[the] most important fuel economy variable was the driver, who controls the idle time, vehicle speed, brake use, etc. The difference between a 'good' and 'bad' driver can be up to 35% in fuel efficiency.[5]" Ignoring this most significant factor and instead relying on manufactured "add-ons" for MD/HD vehicles to increase fuel efficiency can substantially increase vehicle acquisition costs for little or no appreciable benefit – either from a fuel efficiency (or environmental) standpoint or a cost benefit standpoint. The following partial list of non-driver related factors offers a glimpse into the

[5] Dierlein, B. (2000) Managing fuel consumption, Fleet Equipment Palatine: 26 (11), 42-47.

complexity of attempting to define a fuel efficiency standard for any one MD/HD vehicle, each has its own subset of factors that can contribute to variable fuel efficiency and increased emissions:

- Gross weight (Unladen vehicle weight plus weight of cargo. For most of the trucking industry this is not a static number).
- Operational characteristics (Low - or high-profile vehicle - i.e., pull a tanker versus van trailer).
- Fuel type or quality (Use of #1 diesel versus #2. Use of LNG).
- Weather conditions (Temperature, humidity, wind speed and direction, precipitation)
- Idling time (Not all idle time is controlled by a driver. Long waits in lines queued up for entry onto or off property are not controllable by drivers).
- Road condition (Traffic congestion, road surface, terrain/elevations).
- Engine horsepower, transmission and gearing ratio.

Clearly, the varied characteristics in operational models are a significant challenge to any initiative designed to improve MD/HD vehicle fuel efficiency. Considering the dominance of small-businesses in the trucking industry, NHTSA should be aware that small-business motor carriers utilize their MD/HD vehicles much more interchangeably than do large motor carriers thus complicating devising a metric to accurately measure the effectiveness of any fixed standards. For example, a large motor carrier will usually own and operate a single brand of tractor and pull one type of trailer (53' van styled is normal). However, a small-business motor carrier can easily find themselves pulling a van styled trailer one day and a flatbed trailer on another. This is based on freight availability and/or customer demands. While having a SmartWay certified tractor can be beneficial pulling a van style trailer that is not necessarily true when pulling a flatbed with a low profile load on-board. Having a tractor equipped with aerodynamic devices appropriate to pulling a van style trailer can work against and decrease fuel efficiency when operational demands require pulling a different trailer.

Unnecessary vehicle idling has been estimated to cost the trucking industry as much as one billion gallons of fuel annually. This represents an enticing target to improve fuel efficiency industry-wide. OOIDA encourages its members to purchase anti-idle technology by directly assisting them secure grants and financing and promoting legislation that incentivizes purchasing decisions. However, not all in the industry are so enlightened. Drivers are required under federal regulations to rest for ten hours between duty cycles. This is directly related to highway safety considerations. It would be pure folly to insist on automatic engine shut-down technology in-lieu of ensuring drivers are able to get truly restorative rest in a climate controlled environment. The consequences to highway safety could be dire.

Most operators of MD/HD vehicles are employee drivers and have nothing to say about how the MD/HD vehicle they drive is equipped and NHTSA should resist any effort that insists on automatic engine shut-down technology that would prevent drivers from getting the restorative rest they require to operate on our highways safely.

IV. CONCLUSION

As NHSTA performs its EIS it should maintain its primary focus on highway safety implications when devising or choosing options to improve fuel efficiency in MD/HD vehicles.

Fuel cost is the number one expense for most operators of MD/HD vehicles. The private sector is well aware that to be both profitable and survive we must use fuel efficiently. Over the preceding decades the industry has made great strides itself without government mandates to improve fuel efficiency with the exception of US EPA emissions standards on 2007 MY engines which caused a regression in that trend and actually increased fuel consumption for many.

If fuel efficiency standards are not viewed as being cost-effective when purchasing new vehicles and drive up the cost of procurement where a return on investment is negligible or non-existent, a reverse incentive occurs to avoid purchasing that newer equipment and continue operating older, less efficient, and higher emitting MD/HD vehicles.

Respectfully submitted,

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