

# **On-going Problems Plague the U.S. DOT Truck Size and Weight Limits Study Distorting and Doubting the Accuracy of Findings & Conclusions**

## **Summary of Issues and Objections**

### **Background and Statutory Requirement**

- Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act (2012) requires the Department of Transportation (DOT) to conduct a comprehensive study of truck size and weight limits (Study) to gather objective data on the impact of longer, heavier trucks on safety and infrastructure.
- The last comparable truck size and weight study was published in 2000, based on 1994 data.
- Congress will use Study results in determining whether to increase federal truck size and weight limits.
- Trucking and shipping interests are relentlessly pushing to repeal the 1991 “freeze” on longer combination vehicles (LCVs) - large double and triple trailer trucks - and to raise the Federal weight limit to 97,000 lbs. or more.
- Studies and real world experience show that overweight and over-sized trucks jeopardize the safety of motorists, truck drivers and our road and bridge infrastructure.
- Every year nearly 4,000 people are killed and 100,000 injured in truck crashes. Moreover, 2012 fatality figures show an increase in large truck fatalities for the third year in a row – a 16 percent increase in truck crash deaths since 2009. In fatal truck/car crashes, 98 percent of the deaths are the occupants of the passenger vehicle.
- Public opinion is convincing and clear – large majorities oppose bigger, heavier trucks sharing the road.

### **Selection of the Contractor and Peer Review Committee Show Bias, Potential Conflict of Interest**

- The lead contractor selected by the Federal Highway Administration (FHWA) to conduct the Study had previously produced state studies that consistently supported and promoted increases in truck size and weight (TSW) limits, nationally and in states.
- Although FHWA is restricting the contractors from contractual work from the trucking industry while the Study is being conducted, past and future contracts with industry present a potential conflict of interest.
- Safety groups, labor, victims/survivors and others have expressed concerns of bias and conflict of interest in the Study process from its onset, and raised these issues with DOT officials in meetings and letters.
- An external peer review was added to the Study process at the request of safety groups to ensure fairness.
- The Transportation Research Board (TRB) was charged with selecting a Peer Review Committee (TRB Committee). However, the process lacked transparency and is flawed. Six TRB Committee members, including a former vice-president of a leading trucking association, were found to have direct ties to the trucking industry or had publicly advocated for higher TSW limits. Only two of the six TRB Committee members have resigned.

### **Problems in the Study Plans Will Produce a Shoddy, Inadequate Incomplete and Inaccurate Report**

The willingness of FHWA and its contractor to accept patently false hypothesis and to adopt untried, untested approaches to data collection is indicative of the bias and errors that permeate the conduct of the Study.

#### ***False and Unfounded Assumption that Heavier/Larger Trucks = Fewer Trucks***

The Study assumes a static “snapshot” of current freight tonnage, ignoring estimated future increases in freight shipment by truck. This assumption allows the Study to conclude that heavier/larger trucks, transporting more freight, will make fewer trips and result in fewer trucks on the road. This is a false premise because the number of registered trucks in the U.S. has continually increased, including after every past increase in truck size and weight limits. Most recently, in 2010, when the Federal weight limit was increased on I-95 in Maine, the number of trucks using that highway rose dramatically. Ignoring the future expansion of truck freight is a serious and grievous flaw.

#### ***Static Picture of Freight Shipments Ignores Real-World Conditions***

FHWA has adopted a “no forecasting policy” with regard to future freight tonnage shipped by truck. This decision contradicts the FHWA’s own estimate of a significant increase in shipments – a *63 percent increase in truck freight by 2040*. The Study, however, will not account for this expected increase which is irrational and unrealistic since,

over time, freight tonnage shipped by truck has nearly always increased. The failure to consider this fact severely damages the validity of the Study, limits its use as a policy tool, and will provide Congress with misleading results.

#### ***Objectionable Reliance on Industry Provided Data***

The Study plans to accept “voluntarily” submitted fleet data through trucking associations and motor carriers that have a vested economic interest in the outcome of the Study. Voluntary industry-collected data is suspect from an objective scientific standpoint because it is not uniform in quality and may introduce bias into the collected data. Use of voluntary data from advocates with a stake in the public policy outcome is highly suspect, biased and prejudicial.

#### ***Safety Data on the Truck Configurations Being Studied Does Not Exist***

Safety data on the specific truck configurations in the FHWA Study is limited and there is currently no crash data to quantitatively measure safety. Lacking safety data that is directly applicable to the configurations being evaluated, the agency contractor is planning to use indirect, surrogate metrics which will result in an inaccurate measure of large truck safety for analysis. This is objectionable and unacceptable.

#### ***State Data Will Not Provide a Representative Sample of National Conditions***

The Study will include only limited data from a few states to evaluate the truck configurations in the Study. These states are not representative of the topography, road conditions and urban traffic in most of the U.S. The data from these states is inadequate to make generalizations to operations that are national in scope. Reliance on such limited data will not provide reliable results.

#### ***Truck Configurations Selected Are Not Representative of Actual Conditions***

Turnpike Doubles and Rocky Mountain Doubles are the heaviest and longest double-trailer truck configurations currently in operation in 21 states. Studies have found that these trucks would have the greatest impact on infrastructure and safety. But these trucks are not being evaluated in the current Study. By not including this configuration in its analysis, the Study will understate the impacts of proposed TSW changes.

#### ***Simulations Do Not Provide Real-World Data***

The Study will rely on computer simulations in lieu of real-world data on operational safety. Two-dimensional simulations are limited in applicability to real-world performance and cannot, for example, directly link on-road crash rates with a dynamic performance measure like off-tracking.

#### ***Bridge and Pavement Data Will be Artificially Limited***

The Study will use data on only 400 bridges, approximately 0.1 percent of the more than 600,000 bridges in the National Bridge Inventory. This small sample size does not take into account structurally deficient and load-posted bridges, and will not produce accurate results. Additionally, the Study will not look at specific pavement thickness or strength, but only two modes, i.e., whether pavement is flexible and rigid. This will render a suboptimal analysis.

#### ***Lack of Emphasis on Urban and Local Conditions***

The Study analysis is largely limited to major routes on the national truck network. Consideration of the effects on local roads and bridges which connect to the network and will also bear the ramification of size/weight increases is too small and insubstantial to provide an accurate assessment of these negative impacts. The omission of local roadway and bridge data will critically affect the Study’s pavement analysis, as well as its safety and cost analyses.

#### ***Modal Shift Will Not Cover Intra-Industry Shift Analysis***

Although the Study will consider the effects of TSW regulation on modal shifts between industries, i.e., from rail to truck, it will not take into account intra-industry shifts that make it more difficult for small businesses that only operate truck semi-trailers to compete with carriers operating longer/heavier trucks. The Study fails to take into account the pressure on smaller operators to illegally overload their vehicles in order to remain competitive.

#### ***Secondary Costs are Not Included***

The Study fails to measure “secondary costs” related to safety, which include, among others, construction costs, and crash-related costs. These costs are numerous and significant and should be included in the Study because they are essential to assessing infrastructure and safety impacts of overweight trucks.

### ***Lack of Environmental Impact Analysis***

The environmental analysis has been relegated to a subtask of the modal shift analysis. As a result, it will underestimate and downplay the overall environmental impact on air quality and fuel consumption of truck size and weight increases.

### ***Compliance and Enforcement Measures Underrated***

The Study makes the unrealistic assumption that all vehicles will comply with increased TSW limits. This is yet another false assumption that contradicts real-world experience. It will distort the analysis of law enforcement costs for inspections of larger/heavier vehicles, infrastructure costs (e.g., installing larger truck scale facilities), as well as the added costs of increased infrastructure damage due to illegally overloaded trucks and for those overloaded trucks that are involved in crashes because they are not properly maintained.

### **Insufficient Time to Perform a Comprehensive and Credible Study**

A common theme among all the Study plan reviews is the lack of sufficient time to complete critical portions of the Study. This time constraint caused many of the analyses to be limited or curtailed in scope or not performed at all. The cost allocation analysis will not use the traditional FHWA approach but an alternative analysis that has not been used in any state. Due to arbitrary time limitations, the Study will not have all the appropriate data, or include the evaluations and analyses necessary to produce a comprehensive, credible and complete Study of the relevant issues.

The FHWA and its contractor are attempting to cobble together weak, insufficient and heavily biased data sources, and are prepared to cut corners in the Study analyses in order to meet an unreasonably accelerated timeline. Too many lives and jobs are at stake, as well as taxpayer burdens, to produce an inadequate and inaccurate study of the critical safety and infrastructure issues that may determine national freight policy for decades to come.