

**STATEMENT OF RODNEY E. SLATER, ADMINISTRATOR**  
**FEDERAL HIGHWAY ADMINISTRATION**  
**BEFORE THE**  
**SUBCOMMITTEE ON SURFACE TRANSPORTATION**  
**COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION**  
**U.S. HOUSE OF REPRESENTATIVES**  
**JUNE 14, 1994**

**MOTOR CARRIER AND HIGHWAY SAFETY ISSUES**

Thank you, Mr. Chairman. I am pleased to be here this morning to discuss a number of issues involving the safe operation of our Nation's highways. Joining me this morning is Mr. George Reagle, the Federal Highway Administration's Associate Administrator for Motor Carriers. The issues we will discuss are of particular concern to the Federal Highway Administration (FHWA) especially in light of Congress' current consideration of legislation to designate the National Highway System (NHS). Approval of the NHS is the FHWA's highest surface transportation priority this year. I applaud your efforts, Mr. Chairman, and the efforts of all on this Committee to make the NHS a reality.

**THE NATIONAL HIGHWAY SYSTEM**

While the NHS, as currently proposed, includes only 4 percent of this country's public roads, it carries 40 percent of the Nation's highway traffic, 70 percent of the commercial truck traffic, and **80 percent** of the tourist traffic. To come back to Washington for this hearing, I flew from Nevada where over the weekend I attended the dedication of a new scenic byway. The importance of access to local tourist facilities, which add so much to the Nation's economy and quality of life, cannot be overstated. We could talk all day about the benefits of the NHS for tourism, the economy, etc., but that is not our reason for being here -- the reason is truck safety.

I recently traveled through 14 States in 14 days on a 3,500-mile road tour. We started in Buffalo, New York, and wound our way South to the Mexican border at Laredo, Texas. I saw firsthand, as I traveled on mostly non-interstate roads and mainly on the NHS, the condition of our Nation's highways. I met with officials and I talked with highway users. I saw the critical importance of a highway network focused on moving people and goods. One thing I spent considerable time on was the area of motor carriers; for instance, on the first day of the trip we examined the problems relating to securement of heavy steel coils, an area that this Committee examined last year. The ability of all vehicles, including trucks, to move efficiently, safely, and, therefore, reliably is a critical component of the success of our transportation system and the economy as a whole. We believe that approval of the NHS, which focuses Federal resources on an integrated network of highways linked to key intermodal points, is essential to America's productivity in the 21st century. While freight moves by all modes -- rail, water, and air -- trucks represent a vital component of almost every delivery of cargo to its ultimate destination. Consider these facts: trucking represents 77% of the nation's freight bill and 42% of the total tonnage hauled by all modes. We assure you that we will continue to work with this Committee on the NHS and again we appreciate the expeditious handling of the approval legislation.

#### **THE NHS AND SAFETY**

Because one of the principal reasons for this hearing today is revision of the Federal laws governing the size and weight of commercial motor vehicles, I would like to address generally the relationship of the NHS and motor vehicle safety and then the pending size and weight proposals.

Recent years have seen a remarkable improvement in motor vehicle safety. In 1992, the number of fatalities on our Nation's highways fell below 40,000 for the first time in 30

years. Though still too high, this number is remarkable when one considers that road traffic has tripled in that time. Although the number of miles traveled on American roads has skyrocketed, the fatality rate -- that is, fatalities per 100 million vehicle miles traveled -- has dropped to a record low. If the rate were the same today as in 1956 we would be losing 134,000 people a year. During this same period, heavy truck safety has improved dramatically. Nevertheless, heavy trucks constitute one of our most serious safety problems. Fatality rates for heavy truck traffic remains more than 50 percent higher than rates for automobiles.

Highway safety is health care reform that's already happening. Many agencies and groups as well as individuals contributed to this remarkable achievement. This progress is a product of safety belts and airbags, crackdowns on drunk and drugged driving, enhanced motor carrier safety, the use of state-of-the-art technology to improve roadway design and vehicle safety standards -- and more.

But let's not forget the tremendous safety impact of the Interstate System. The fatality rate on Interstate highways is less than half the rate for other highway systems, despite the fact that it carries 22 percent of all highway travel in this country and 49 percent of our heavy truck traffic. It's not that people are extra cautious on the Interstates, as I'm sure you've seen for yourselves. Rather, modern design standards and access control have made the difference and they can be applied to any road, on or off the Interstate System. Constructing or reconstructing non-Interstate highways to standards appropriate for their function and type and volume of traffic they serve will make a difference. You don't have to go all the way up to full Interstate standards to really improve highway safety. Designation of the NHS will allow us to take the next step forward in highway safety.

## MOTOR CARRIER SAFETY

Mr. Chairman, I'd like to discuss with you and members of this subcommittee our pro-active agenda for truck safety. This is a direct outgrowth of the Secretary's Strategic Plan -- safety being our highest priority. During my confirmation process, I was asked by Senator John Warner, a member of the Senate Environment and Public Works Committee, if I was to be confirmed, would our roads be safer? I replied "Yes" to that question, and I hold fast to that conviction still. We recently were fortunate to appoint George Reagle, who is with me here today, as our Associate Administrator for Motor Carriers. Mr. Reagle brings to us a wealth of experience in the transportation safety field, having served as an Associate Administrator with the National Highway Traffic Safety Administration, and then as a member of the National Transportation Safety Board.

Although the safety of commercial vehicles has improved, we will not be satisfied until we have a crash-free environment. One might laugh at this notion, but our vision for truck safety is to put programs in place to make this a reality in the long term.

Let me discuss the areas of emphasis Mr. Reagle and I believe will help us get there:

First, human factors. We believe strongly that more emphasis must be given to this part of the equation. The National Transportation Safety Board statistics show that across all modes of transportation 80-85% of the causative and contributing factors in crashes is human failure. We need to recognize this fact in our existing programs by widening them to include speed management, impaired driving, safety belt and motorcycle helmet usage, increased emphasis on fatigue research, and the motor carrier's safety policies and procedures. We are currently doing in-depth research on fatigue to determine its magnitude as well as appropriate countermeasures. There is also some promising "in-cab" technology that may help in the

long term. We are also working with our sister agency, the National Highway Traffic Safety Administration, on some of these issues.

Next, we accumulate considerable data on motor carriers and drivers. This includes accident and fatality data as well as the results of vehicle and driver inspections conducted at the roadside. In the past, we have not placed as high a priority on analyzing this as we should have. We have begun this process. We need to know causes, as well as relationships. For example, what is the relationship between out-of-service rates and accident causation? What are the characteristics of good and bad drivers? These are just a few of the critical questions we are pursuing.

The questions that we *can* answer should be driving our program. They should be the underpinning for our efforts. I have spoken of one of those already - human factors. The critical questions we cannot answer should be resolved through research and evaluation.

That is our next area of emphasis - a very focused research program that seeks to answer questions on human factors as well as technology.

Finally, we must pursue technology that utilizes Intelligent Vehicle-Highway System (IVHS) concepts so we are effective and efficient in our work and allow safe drivers, vehicles and motor carriers to be more efficient. There are other state of the art technologies outside of IVHS. For example, we know that disc brakes, which dissipate heat, are in much wider use in Europe than in the United States. What steps can be taken to evaluate this technology? We also need to explore the appropriate role of the Federal Government in encouraging the use of new technology. For example, we know commercial vehicle component manufacturers are working on an electronic braking system for commercial vehicles. What can we do to evaluate these new technologies? When you discuss these issues with the component manufacturers and the carriers, you find generally that

incorporating new technologies into daily use is often inhibited by economic disincentives. Again, what role can and should the Federal Government play to create incentives that reward exploring the use of new types of equipment?

This is the thrust of our new motor carrier initiatives. Let me discuss some important issues we have on-going or completed in the last six months.

- First, let me say that in all of our safety initiatives, we work hand-in-hand with our modal partners at the Department who are involved in related surface transportation safety matters. Our cross-modal safety efforts were highlighted at this Committee's recent Investigations and Oversight Subcommittee hearings.
- In December, the Secretary took a strong safety position by banning the use of radar detectors for interstate commercial vehicles.
- We completed the rulemaking on private motor carriers of passengers, which extended the Federal Motor Carrier Safety Regulations to a class of operators not previously subject to Federal regulation. Now, buses operated by churches, civic associations, Scouts, and other charitable institutions will be subject to the safety standards. This was a contentious issue (since at least 1982), but we did the right thing for safety.
- We initiated a Washington, D.C., Beltway Task Force designed to make this road safer. Through our facilitated efforts we have the appropriate people from the contiguous jurisdictions, not only talking with each other, but formulating substantive recommendations that will make a difference. The States have already approved elimination of trucks from the left lane of the Beltway. We will have a follow-up meeting of this group in August to review

accomplishments and plan future actions. We hope this effort in our own backyard will serve as a model for other cities.

- Within our own national motor carrier safety programs, we are raising the priority of both bus safety and hazardous materials carriers. These classes of carriers will enjoy our heightened attention.
- The Administration has requested full authorized funding of the Motor Carrier Safety Assistance Program, or MCSAP, as a component of the Administration's desire to fully fund the core programs of the Intermodal Surface Transportation Efficiency Act in FY 1995.
- We have finished the first phase of our "zero-based review" of our motor carrier regulations, which seeks to take a fresh look at our rulemaking process, to find out what the major problems are, and to create a new set of regulations primarily based on analysis, research, and uniformity.
- We have issued alcohol and drug testing regulations, which cover over 550,000 motor carriers and over 6 million drivers, both inter- and intrastate.
- In cooperation with officials of the Maryland Department of Transportation, a few weeks ago we unveiled the "Sharing the Road" campaign with the distribution of over 500 TV public service announcements, 1,000 radio announcements, and nearly 2,000 press kits containing campaign information and print announcements.
- Lastly, we have issued important regulations on: State compliance with the 22 provisions of the Commercial Motor Vehicle Act of 1986 and with regard to sanctions for drivers who violate an out-of-service order -- that is, move their vehicle before the needed repairs have been made.

Mr. Chairman, our changes create a program that is preventive in nature, elevates the human part of the equation to a higher level and uses technology as our partner in achieving a more effective and efficient program.

Finally, Mr. Chairman, on an issue related to highway safety, yesterday Secretary Peña announced and delivered to the Hill proposed legislation and a comprehensive, multi-modal Action Plan to reduce rail-highway grade crossing and trespasser accidents and fatalities.

The proposed Rail-Highway Grade Crossing Safety Act of 1994 would give States additional options in dealing with grade crossing hazards. Key provisions include (1) providing cash incentives to local governments that close dangerous crossings or that examine grade crossing hazards on a corridor basis, (2) permitting States to use 100 percent Federal funding to close crossings, and (3) increasing funding for public education programs dedicated to reducing fatalities resulting from crossing collisions and trespassing.

The Action Plan's recommendations are designed to make government work better, provide flexibility to the States to address this problem, and improve public awareness of crossing safety through public/private partnerships. The following six goals are the guiding principles:

- Enhance enforcement of traffic laws at crossings;
- Enhance rail corridor crossing reviews and improvements;
- Expand public education activities;
- Increase safety at private crossings;
- Improve data and research efforts; and
- Prevent rail trespass tragedies.

The plan includes 55 recommendations and initiatives designed to address and implement these principles. We have already implemented several dealing with commercial vehicles, including sending notices to all 280,000 interstate motor carriers regarding grade crossing safety; also we will work with the States on sanctioning drivers who violate grade crossing laws.

## **TRUCK SIZE AND WEIGHT**

Now let me discuss turn to the issue of the size and weight of trucks. We have heard various proposals recently, some of which are incorporated in legislation before you which would freeze or roll back weight limits, length limits, State authority, or grandfather rights.

The question of appropriate size and weight limits for trucks has always been a difficult one. It conjures up images of "grandfather rights" from the Interstate era, conflicting views of proper State-Federal relationships, rival economic interests, and uncertainty as to the operational safety of various types of trucks. The subject is at least as challenging as the task of approving the NHS. Extended fact-finding and debate are necessary to do justice to truck size and weight issues.

Federal vehicle weight limits (both gross vehicle weight and axle weights) currently apply only on Interstate highways. Considering its size, extending these limits to the entire NHS, as has been suggested by some, would represent a major extension of Federal activity into an area of traditional State authority. Truck size and weight issues are extremely complex; they relate not only to questions of highway safety and stewardship but to local, State, and national economic performance. The Department recognizes its overall responsibility for highway safety, as emphasized in Secretary Peña's Strategic Plan. At the same time, as transportation is becoming a larger part of the goods *production*, as well as

distribution systems, the effects of additional regulation on productivity take on renewed significance.

It is our view that any decision to establish national weight standards for the entire NHS should only be taken after thorough study and analysis of all the benefits and costs of such an action to all highway users as well as to the economy.

H.R. 4496, which you are considering today, would freeze the weight limits in effect on non-Interstate NHS highways at the start of this year (including weights authorized only by permit). It would also limit semitrailer lengths to 53 feet. Further, the bill would repeal the provision allowing States to determine their own grandfather rights (the so-called 1982 Symms amendment). Instead, the Department of Transportation would be required to codify and freeze all such rights claimed by the States or recognized by the Department before the start of this year. Finally, the bill would require rulemaking to define the term "nondivisible load." This and other similar bills have the laudatory goal of increasing highway safety and addressing highway maintenance concerns by limiting the operations of larger trucks. We support these goals but believe that solutions may be more complex.

The Surface Transportation Assistance Act (STAA) of 1982 grandfathered all trailer lengths longer than 48 feet in lawful operation in that year, i.e., both the current and prospective fleet. The FHWA later determined, through rulemaking, that 10 States allowed trailers more than 53 feet long. H.R. 4496 would repeal that provision, while allowing only those trailers more than 53 feet long that are now in operation, or built in the year following passage of the bill, to remain in use.

The largest widely available trailers have grown from 45 feet to 53 feet in length since the early 1980s (and width has increased from 96 inches to 102 inches). This increase has produced significant operational efficiencies for motor carriers and shippers. Longer

trailers are used when the commodities they are carrying "cube out" before they "weigh out." That is, relatively low-density cargos can fill a vehicle to capacity before it reaches the 80,000 pound Interstate weight limit.

The current statutory scheme for truck size and weight limits is far from perfect. Vehicle size and weight issues are so difficult and contentious that many Administrations have abandoned the field entirely. The result has been a fragmented and increasingly incoherent set of laws determined by the needs of the moment and the path of least resistance. I was recently astonished to discover that the Federal Highway Administration has not made a concerted and comprehensive effort to analyze size and weight issues in the last 30 years -- not since the Bureau of Public Roads, which was then part of the Department of Commerce, submitted House Document No. 354 to the House Committee on Public Works in August of 1964, when Lyndon Johnson was President.

I believe that a national, and indeed a global, vision is needed to guide us into the 21st century. All of our recent initiatives have this goal in mind; that is how we approached NAFTA; it is how we are approaching the NHS. I believe a fundamental reexamination of all vehicle size and weight issues is necessary. We as a Nation simply cannot afford to continue muddling along with no vision for the future. We are concerned about the safety of our highway systems. We are concerned with the integrity of the physical infrastructure. We will prioritize this vision and we will begin the thorough reexamination I mentioned above; first internally and then through a dialogue with all affected parties, much in the manner of our ongoing zero-base review of motor carrier regulations.

Again, thank you for the opportunity to be with you this morning. I am glad to be able to discuss with you issues so important to the prosperity and well-being of our country. I will be pleased to respond to any questions you may have.