



Owner-Operator Independent Drivers Association

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September 19, 2016

To: The Honorable Thad Cochran
The Honorable Susan Collins
The Honorable Barbara Mikulski
The Honorable Jack Reed

Dear Chairmen Cochran and Collins, Vice Chairman Mikulski and Ranking Member Reed;

As the Senate Committee on Appropriations finalizes provisions for a short-term Continuing Resolution (CR), and looks toward longer-term federal spending options, small business truck drivers across the country implore you not to include language from the Senate-passed Fiscal Year 2017 Department of Transportation, Housing & Urban Development (THUD) Appropriations Act that requires the Secretary of Transportation to issue a final rule mandating the use of speed limiting devices on trucks weighing 26,000 pounds or more.

As you know, the Federal Motor Carrier Safety Administration (FMCSA) and National Highway Transportation Safety Administration (NHTSA) have already begun a rulemaking on speed limiters for heavy vehicles. Unfortunately, the language included in Section 142 of the Senate THUD bill would force the Agencies hand in issuing a final rule that mandates the use of this technology, ignoring the sacrosanct ability of industry stakeholders to help shape the regulations affecting them through the traditional federal rulemaking process.

Additionally, mandating the installation of speed limiting devices, as Section 142 clearly does, ignores important regulatory reform provisions in the FAST Act that require a thorough rulemaking process in which less costly and burdensome alternatives are considered, and the best available science is used to craft a final rule. In their Notice of Proposed Rulemaking (NPRM), FMCSA and NHTSA have failed to specify how the installation of speed limiting devices will decrease crashes and are instead focusing on how the rule may improve safety by reducing crash severity. This notion discounts decades of research indicating speed limiters actually contribute to higher crash rates.

With selected data failing to support the preconceived safety benefits of speed limiters, the Agencies have solicited industry stakeholders to contribute a significant amount of information to help them better understand the potential impacts of the proposal. Due to the time needed to fulfill the Agencies' request and the lack of clearly defined objectives within the proposal, industry has already requested an extension in the comment period. In light of these conditions, including the language of Section 142 in a Continuing Resolution or future federal spending

measure would reverse the critical steps Congress recently took to promote a more informed and accountable rulemaking process.

Furthermore, Congress has never analyzed the effect of mandating speed limiters on heavy vehicles through any public hearing or forum. We believe the Senate's first significant action on the issue should not be in the form of a mandate that will force every small business truck driver to install technology that decades of research have proven increases the likelihood of crashes on American highways.

Rather than moving forward with a federal mandate in a Continuing Resolution or other federal spending measure, Congress should take time to understand the true impact speed limiters will have on highway safety and allow the rulemaking process to continue.

Sincerely,

A handwritten signature in cursive script that reads "Todd Spencer".

Todd Spencer
Executive Vice President

cc: Senate Majority Leader Mitch McConnell
Senate Minority Leader Harry Reid
Members of the Senate Committee on Appropriations