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| OOIDA Logo 4C.jpg | **Owner-Operator Independent Drivers Association****National Headquarters: 1 NW OOIDA Drive, Grain Valley, MO 64029****Tel: (816) 229-5791 Fax: (816) 427-4468****Washington Office: 1100 New Jersey Ave, SE, Washington, DC 20003****Tel: (202) 347-2007 Fax: (202) 347-2008** |

August 8, 2014

Docket Management Facility, M-30

U.S. Department of Transportation

West Building, Ground Floor, Room W12-140

1200 New Jersey Avenue, SE

Washington, DC 20590

Re: Docket No: NHTSA-2014-0074, Notice of Intent to Prepare an Environmental Impact

Statement for New Medium- and Heavy-Duty Vehicle Fuel Efficiency Improvement Program

Standards

These comments are submitted on behalf of Owner-Operator Independent Drivers Association, Inc. (“OOIDA” or “Association”) in response to a Notice of Intent to Prepare and Environmental Impact Statement (“Notice” or “NPRM”) entitled “New Medium- and Heavy-Duty Vehicle Fuel Efficiency Improvement Program Standards” published by the National Highway Traffic Safety Administration, (“NHTSA” or “Agency”), Docket No. NHTSA-2014-0074, 79 Fed. Reg. 38842 (July 9, 2014, 2014).

OOIDA 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 approximately 150,000 members of OOIDA are professional drivers and small-business men and women located in all 50 states and Canada who collectively own and operate more than 200,000 individual heavy-duty trucks. Single-truck motor carriers represent nearly half of the total of active motor carriers operated in the United States.

The primary area of concern of comments deals with the class 8 over-the-road segment of the trucking industry, but applies to many other segments of the industry as well. OOIDA is particularly concerned with the interests of owner operators, who compose the majority of over the road trucks. As NHTSA prepares its Environmental Impact Statement (EIS) for this rulemaking, it must take steps to consider the full scope of potential consequences of actions and the potential negative environmental impacts related to those actions. Any cost-benefit evaluations must be made based upon this perspective.

**A Driver-Dependent, Diverse Industry**

NHTSA is correct to note that the heavy-duty (HD) trucking industry is a very diverse industry with many niches and specialty operations in addition to what many view as the typical trucking operation. OOIDA members are a perfect example of this norm across the industry. Our more than 150,000 members work in every aspect of a trucking industry that is structured to meet the needs of our nation’s economy. Small business truckers move a significant amount of the total truck freight in the United States, especially in the areas of refrigerated cargo, steel, heavy machinery, and other cargo moving on a flatbed trailer, as well as specialized cargo, such as oversize/overweight loads.

Behind the wheel of every one of these trucks is an individual professional driver. They are the most important component regarding safety and efficiency. The driver of the truck must be able to operate in an environment which is conducive to rest and good mental wellbeing. Increased stress and poor sleep reduce the driver’s ability to fully control their vehicle. According to research performed by USDOT’s Volpe Center for the Federal Motor Carrier Safety Administration, accidents involving HD trucks have environmental costs related to delay, fuel use, emissions, and other factors.[[1]](#footnote-1)

How can a seemingly positive environmental requirement turn into a negative one for safety? The optional use of automatic engine shutdown switches under Phase 1 is a good example. While reducing wasteful idling time is a very laudable goal and one that drivers who pay for their own fuel are extremely aware of, the requirement in Phase 1 that the driver have a limited ability to manually override the switch has the opportunity to result in unintended negative safety consequences. Driver comfort during rest periods is critical to ensuring that the sleep a driver receives results in the greatest benefit. Too cold or too hot a temperature in the sleeper cab, even though it may not meet the rule’s “extreme ambient temperature” requirement for use of an override still has an impact on a driver’s ability to obtain quality rest.

While the Phase 1 rule states that the shutoff is encouraged to drive adoption of “operational strategies such as electrified parking spaces, team drivers, and overnights spent in hotels to achieve real-world reductions of idling emissions and fuel consumption, while being assured through a tie-back to a verifiable technology - engine shutdown,”these strategies are not always available to drivers. [[2]](#footnote-2) Electrified parking is almost non-existent across the country, team operations still encounter delays at shippers and receivers and need to maintain a comfortable climate for restorative rest, hotels with parking are available in some areas- but they can only meet the demand of a miniscule percentage of the driving population and frequently are cost prohibitive. As such, while the driver may not be experiencing “extreme temperatures,” they may experience temperatures that prevent them from obtaining quality rest. This can have true impacts on safety, with resulting negative environmental impacts that will reduce potential positive impacts from a Phase 2 rule.

The shutdown switch is provided as an example of real-world impacts to professional drivers from mandatory environmental technology. The professional driver is, at the end of the day, the group that will have to work with these technologies and see their impacts first-hand. From this perspective, the impacts on the person operating the truck cannot be left out of consideration. The viewpoint of the vehicle operator must be part of all areas of discussion.

The diversity of the HD trucking industry does present a challenge that should be closely examined. Vehicles are built to the specifications of the purchaser. The purchaser of the vehicle will know the primary use for the vehicle. Note that for this discussion we are not referring to different vocational trucks, but rather the class 8 “over the road” truck. This is an expanded and far more nuanced view than NHTSA and its partner agencies had during Phase 1, where the medium- and heavy-duty sector was divided into only four categories.

When the truck’s full planned and potential usage is considered, there is a large list of crucial component choices:

* What tires will be appropriate?
	+ Will the truck be operated in a prolonged winter climate?
	+ Will a significant amount of miles be off-road?
* Will oversized/overweight cargo be hauled (necessitating additional horsepower and engine cooling demand)?
* Will the typical route or region frequently include mountains (increasing the benefit for lower gearing)?
* Will the typical route or region be very flat (increasing the benefit for higher gearing)?
* Will the truck be used for more than one type of trailer/hauling operation (many owner operators will haul for farms seasonally, and then operate over the road for other parts of the year)?

These are some very typical examples, but there are even more considerations that each individual purchaser makes. Customizing and buying a truck is significantly more complex than when a family purchases a car, and the diversity available to truck purchasers today is a critical component in the ability of these individual businesses to gain the maximum utility out of a handful or even one truck. On the other hand, it also ensures that specialized operations are able to continue to haul freight as efficiently and as safely as possible. Both factors have long-term environmental benefits that should be considered as part of NHTSA’s EIS evaluation.

Environmental technology mandates that reduce the capabilities or flexibilities of how a truck can be utilized can have detrimental effects on emissions. A truck which was set up specifically to run efficiently in one operation will not be as efficient in other operations and will produce more emissions. A one-size-fits-all truck set up to maximize flexibility would, very likely, see the same negative impacts.

When considering how regulations affect the trucking industry and the resulting environmental impacts, it is important to note that a pattern has developed inside the broader goods movement community. When new standards are set, frequently shippers and receivers which want to have a certification of being “environmentally friendly,” such as under the EPA’s SMARTWAY program, will require that all their suppliers, including motor carriers, meet certain standards ahead of any regulatory schedule. The effect of this can be that companies will be faced with the choice of meeting this new de facto standard or risk losing business.

If new equipment must be purchased ahead of its standard replacement schedule to meet the demands of the new de facto standard, the environmental impact of increased new truck production to meet this need must not be overlooked. Many raw materials and a great deal of energy go into the production of a large truck. While manufacturing processes have become more efficient, there are still waste materials created in the production process. The balance of known energy consumption to produce new vehicles compared to the potential gains in fuel economy must be considered. As NHTSA considers the environmental impacts of a Phase 2 standard, especially if that standard includes technology forcing requirements, a similar calculation should be made to fully understand the potential positive and negative benefits of potential elements of the standard.

As the rulemaking proceeds there will undoubtedly be much consideration of new technologies and new equipment. These new technologies and new equipment must be evaluated and tested in real-world conditions. Moreover they must be evaluated and tested alongside existing components in the truck to ensure that they do not interfere with them, cause premature wear or cause an overall unacceptable engine environment. In the past new engine standards that were designed to help increase efficiency have led to the engine compartment heating to such a degree that plastic components melted as a result. Unfortunately, these issues were not recognized until after the trucks were purchased and already on the road.

**To Better Understand Impacts, Engage with Professional Truck Drivers**

Just as the Agency must consider the operator of the vehicle when considering additional environmental requirements, the people who drive these vehicles can be an invaluable asset to offer guidance when considering changes. To ignore professional drivers with one million plus miles of operating a vehicle safely would be to ignore the person best suited to evaluate the effect of changes to the vehicle and the possible consequences to those changes.

As NHTSA evaluates the developmental timeframe, the agency must give appropriate time to allow proven, reliable, and affordable technology to be developed. An affordable and reliable truck is crucial in order to have any beneficial environmental impact. According to a recent study conducted by the OOIDA Foundation, most owner-operators would rather purchase a used truck as opposed to newer models because of their associated cost and reliability issues. Rushing the process to promulgate new HD vehicle standards will not only significantly diminish the environmental impacts, but will have a negative effect on many small business operators. In general, the trucking industry, and especially the owner-operator segment, continues to operate and maintain older trucks. The average model year for owner-operators is 2003. Therefore, it is imperative that the proper balance of time is allowed for truck manufacturers to develop real-world technology that is both affordable and reliable.

The EIS should carefully consider the track record from previous EPA heavy-duty truck engine regulations. The resulting unproven technology is still having tremendous negative impacts today. This impact includes the environment. Engines designed to meet the emissions requirements frequently fail. They break down so frequently that 75% of owner operators surveyed by OOIDA would not purchase a new truck, but rather one with a rebuilt, pre-mandate engine. The environmental impact of this is significant: When the EGR valves break and the tractor trailer needs to be towed to a repair shop this is an extremely fuel intensive operation. A tow truck must travel to the broken down vehicle, it must idle at high speed to operate the hydraulic functions to hook up to the broken down vehicle, it must haul up to 80,000 lbs. of truck, trailer and cargo to a repair facility then reverse the process of hooking up. Once the broken down vehicle is in the shop energy is required to “repair” the engine. The word “repair” is in quotation marks because there is not a true fix. They are basically replaced and in a great deal of instances this process is repeated on a frequent basis. Depending on the repair various chemicals may be necessary which require their own consideration for environmental impact. All of these are factors that should be considered in the EIS as the Agency evaluates any technologies that are currently not common in the marketplace.

With Phase 2 great care should be exercised to avoid this negative impact which was widely caused by EPA diesel engine regulations. When OOIDA surveyed its membership about yearly maintenance cost related to emissions the mean was $4,000. Phase 1 clearly had a component of negative impact on the environment which did not exist previously and caused a dramatic increase in operating cost to the owner of the truck at the same time.

As NHTSA considers the “preferred alternative,” the agency must engage all stakeholders, which includes the developing engineers that test the vehicle, the original engine manufacturer, and the professional truck driver that ultimately purchases the HD vehicle. Previous rules, such as EPA 2007 and 2010, added a significant cost to small business truckers, resulting in a pre-buy of older vehicles and owner-operators maintaining their current truck. New trucks on the market today can cost approximately $130,000, with additional regulation, this price could easily eclipse over $200,000 for a basic tractor-trailer combination.

When considering how NHTSA should assess cumulative impacts from foreseeable future actions of other agencies or persons, and how they might interact with the HD vehicle fuel efficiency improvement program's incremental impacts OOIDA suggests the following:

* The FMCSA has stated that they are preparing to initiate a rulemaking on new entrant training standards. This training program could, and should, include training on driving a truck in an efficient manner.
* RITA conducted and published a study in 2011, entitled “Eco-driving can improve truck fuel economy by up to 22 percent.” This study was conducted in real-world driving conditions. Among the findings was that 80% of fuel waste can be improved by softer driving.[[3]](#footnote-3)
* NHTSA should consider that implementing a training program in partnership with FMCSA and EPA could realize almost instant reduction in GHG emissions. This is a stark contrast to the very long range and slow moving process associated with mandating new and unproven technology.

During Phase 1, EPA and NHTSA stated that a Complete Vehicle Standard (CVS) had great potential, stating: “We agree that such an approach [CVS] has the potential for better control, and we fully intend to investigate such a solution in the next phase of regulation.” OOIDA would recommend that during this process the CVS be used. CVS has the most promise for the greatest reduction in vehicle emissions because it examines the totality of the vehicle to find areas of improvement. When owners of HD trucks look for ways to improve efficiency in real world conditions, they evaluate the vehicle from the ground up. This approach will ensure that NHTSA achieves the best result during this rulemaking. It is also the approach which would naturally lead to the most thorough testing of a complete vehicle in real world conditions and not just separate components in a laboratory.

**Summary**

In order to achieve the desired result of lessening emissions the new generation of HD trucks has to first be purchased and placed on the road to have any environmental impact. NHTSA and any partnering agencies must evaluate proposals based upon a full accounting of any environmental and societal costs and benefits, including those that will fall directly on the professional drivers and small business truckers who will pay to own, operate, and maintain these vehicles. These rules will have real-world impacts, and any evaluation must be made with a view towards estimating these impacts. In the view of OOIDA, this goal can be achieved by:

* Ensuring that testing is rigorous and reflects real world conditions;
* Recognizing the needs of the people who will be driving and living in these vehicles every day, and listen to their input on new technologies;
* Partnering with FMCSA on new entrant training standards to include “Eco-driving” techniques as part of the fuel economy gains that can be achieved;
* Addressing the diverse operations within the HD trucking industry and accept that a one-size-fits-all rulemaking could lead to undesirable results; and
* The most crucial consideration is that a more affordable and reliable truck is more likely to be purchased at an earlier date by someone who is considering a new truck , therefore the more efficient new truck will be in service at an earlier date. That will lead to a desired environmental impact.

Thank you for the opportunity to submit these comments. OOIDA and our members stand ready to be of assistance to the Agency as it continues to develop this regulation to ensure that the focus is on achieving the most cost-effective and least burdensome emissions reductions.

1. Federal Motor Carrier Safety Administration, *Delay and Environmental Costs of Truck Crashes*, March 2013, AVAILABLE: <http://ntl.bts.gov/lib/48000/48200/48200/Crash-Costs-Final-Report.pdf>. [↑](#footnote-ref-1)
2. Environmental Protection Agency & National Highway Traffic Safety Administration, *Final Rule to Establish Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles; Regulatory Impact Analysis,* at 2-67, AVAILABLE: http://www.epa.gov/otaq/climate/documents/420r11901.pdf [↑](#footnote-ref-2)
3. <http://www.itsbenefits.its.dot.gov/ITS/benecost.nsf/SummID/B2013-00875?OpenDocument&Query=Home>

 [↑](#footnote-ref-3)