

Support for the Heavy Vehicle Speed Limiter Rule

Organizations

American Automobile Association (AAA)
Advocates for Highway and Auto Safety
American Trucking Associations (ATA)
Citizens for Reliable and Safe Highways (CRASH)
Governors Highway Safety Association (GHSA)
Insurance Institute for Highway Safety (IIHS)
Parents Against Tired Truckers (PATT)
Road Safe America
Truckload Carriers Association
Truck Manufacturers Association (TMA)
Truck Safety Coalition
U.S. Conference of Mayors

Companies that submitted a joint petition

ATS Intermodal, LLC
C R England, Inc.
Covenant Transport, Inc.
Dart Transit Company
Dupre Transport LLC
H.O. Wolding, Inc.
J.B. Hunt Transport, Inc.
Jet Express, Inc.
Schneider National Inc.
U.S. Xpress, Inc.

Speed Limiters: Overview OIRA Meeting, June 17, 2015

1) Safety Benefits

The safety benefits of speed limiter (SL) on large trucks have been reviewed numerous times in both theory and in practice. The Federal Motor Carrier Safety Administration's (FMCSA) recent research report on speed limiters found that trucks equipped with the devices had a significantly lower crash rate compared to trucks without them.¹ In the United Kingdom, between 1993, when speed-limiters were mandated, and 2005, the crash involvement rate for speed-limited heavy trucks fell by 26 percent, a reduction in which speed-limiters played a significant role.²

In response to the National Highway Traffic Safety Administration's (NHTSA) grant of the petitions for rulemaking filed by Road Safe America and nine trucking companies, and separately by the American Trucking Associations,³ Schneider National Inc. stated that non-speed limited vehicles in their fleet, while traveling only 17% of the miles, were involved in over 40% of potentially severe crashes.⁴ Claims that resulting speed differentials between trucks and other road users will adversely affect safety are overblown and dismissed by the agency in their recent report which states "the potential downside of speed deviations among vehicles that could occur due to the interaction of SL equipped vehicles and those without SLs seems to be far outweighed by the significant safety benefits associated with a reduction in absolute speed afforded by SLs."⁵ The crash "rate for [speed limiter] relevant crashes was approximately 50 percent of the rate for truck with a [speed limiter] as compared to trucks without [a speed limiter]."⁶

2) Truck Speed Information

Speeding (i.e., exceeding the speed limit or driving too fast for conditions) was a contributing factor in 8 percent of all reported large truck crashes.⁷ [T]he Large Truck Crash Causation Study (LTCCS) reported that 22.9 percent of all large truck crashes and 10.4 percent of large truck/passenger car crashes were coded as "traveling too fast for conditions".⁸ Safety in a collision is about the management of energy, and dissipating that energy before it is imparted to the vehicle occupants and results in injury. The energy of a vehicle in a collision is determined by its mass and the square of its velocity (speed). Thus, a speed increase of only 8 percent (from say 65 mph to 70 mph) would increase the energy in a collision by 17 percent. At least 32 states have speed limits for trucks of 70 mph or more on at least some of their roads (AL, AZ, AR, CO, FL, GA, ID, IL, IA, KS, LA, ME, MD, MN, MS, MO, NE, NV, NH, NM, NC, ND, OH, OK, SC, SD, TN, TX, UT, VA, WV, WY).⁹

¹ Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II Draft Final Report, FMCSA, March 2012, FMCSA-RRR-12-006.

² Final Report: Learning from others: An International Study on Heavy Truck Speed Limiters, Transport Canada, March 2008, TP 14810.

³ Grant of Petition for Rulemaking, 76 FR 78 (Jan. 3, 2011).

⁴ Donald A. Osterberg – Comments [Schneider National Inc.], NHTSA-2007-26851-3716.

⁵ Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II Draft Final Report, FMCSA, March 2012, FMCSA-RRR-12-006.

⁶ *Id.*

⁷ Traffic Safety Facts 2013 Data: Speeding, NHTSA, June 2015, DOT HS 812 162.

⁸ Report to Congress on the Large Truck Crash Causation Study, MC-R/MC-RRA. FMCSA (March 2006).

⁹ Speed Limit laws, GHSA, June 2015, available at http://www.ghsa.org/html/stateinfo/laws/speedlimit_laws.html.

In comments to the earlier notice requesting public comment on the petitions for rulemaking,¹⁰ the Insurance Institute for Highway Safety (IIHS) cited research which showed that in the three states they studies, as many as 14% of large trucks exceeded the speed limit, despite the speed limit being as high as 75 mph.¹¹ Moreover, in 2014 alone, speeding violations accounted for 32.2% of the over 400,000 traffic enforcement violations issued large truck and buses. Nearly 30 percent of those speeding violations were for speeding 11 miles per hour (mph) or more over the posted speed limit.¹²

Limiting a large truck's speed is also in line with present limitations on truck tire design. A recent investigation by the NHTSA revealed that a series of truck tire failures stemmed from the fact that the tires were operated beyond their speed rating. According to NHTSA "[c]urrently, no truck tire is rated in excess of 81 mph (speed rating M) with the vast majority rated at 75 mph (speed rating L), yet 16 states have maximum truck speeds equal to or greater than 75 mph. Of these 16, four allow truck speeds of 80 mph or more."¹³ At last check, according to Governors Highway Safety Association (GHSA), presently 14 states have truck speed limits of 75 mph or more, with 5 of those states having speed limits of 80 mph or more.¹⁴ In fact, the NHTSA noted that Volvo recalled some its vehicles equipped with tires with a 65 mph maximum speed rating for the sole purpose of lowering the setting of the speed limiters on the recalled vehicles to prevent exceeding the tire speed rating.¹⁵

3) Additional Benefits

Speed limiters had additional benefits beyond safety. First and foremost, due to the non-linear relationship between fuel consumption and vehicle speed, speed limiters provide costs benefits in terms of reduced fuel use, tire wear, and vehicle maintenance. Some research estimates that speed limiters could produce a 15% cost reduction as a result.¹⁶

4) Cost Information

The recent FMCSA study concluded that "the cost of the technology is negligible and would not be expected to be cost-prohibitive for fleets/owners."¹⁷ "[Speed limiters] are standard equipment on new trucks and motorcoaches and have been used for some time, with the core technology built into the Engine Control Module (ECM). Historical problems related to driver tampering have been alleviated by the current electronic systems.

Because the speed limiter capability already exists and is standard in every new large truck, the cost of a regulation requiring the use of speed limiters is negligible. The only cost would accrue

¹⁰ Motor Vehicle and Carrier Safety Standard, 72 FR (Jan. 26, 2007) (joint NHTSA and FMCSA notice).

¹¹ Robert Tabor – Comments [IIHS], March 2007, FMCSA-2007-26851-3009, available at <http://www.regulations.gov/#!documentDetail;D=NHTSA-2007-26851-3009>.

¹² Traffic Enforcement Violation Summary (2014 – Calendar), FMCSA, available at <https://ai.fmcsa.dot.gov/SafetyProgram/spRptTraffic.aspx?rpt=TEBC>.

¹³ ODI Resume, Investigation PE 14-031, NHTSA 2014.

¹⁴ See http://www.ghsa.org/html/stateinfo/laws/speedlimit_laws.html.

¹⁵ ODI Resume, Investigation PE 14-031, p. 2, NHTSA 2014.

¹⁶ CTBSSP Synthesis 16: Safety Impacts of Speed Limiter Device Installations on Commercial Trucks and Buses, TRB, 2008.

¹⁷ Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II Draft Final Report, FMCSA, March 2012, FMCSA-RRR-12-006.

for fleets that use external maintenance centers to change speed limiter settings.¹⁸ While use of the existing speed limiting capability on current vehicles ranges from quite low for independent drivers to implementations of as high as 80 percent for large fleets,¹⁹ nevertheless, the capability is already available and would not require significant additional cost.

5) Organizations that filed Comments In Support of Speed Limiters

Advocates for Highway and Auto Safety

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3361>

American Automobile Association (AAA)

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3738>

American Trucking Associations (ATA)

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-0005>

Governors Highway Safety Association (GHSA)

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-1655>

Insurance Institute for Highway Safety (IIHS)

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3009>

Road Safe America

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3879>

Schneider National Inc.

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3716>

Truck Manufacturers Association (TMA)

<http://www.regulations.gov#!documentDetail;D=NHTSA-2007-26851-3637>

6) International Adoption of Speed Limiter Technology

India – 2008

Zambia – 2005

Japan – 2001

Sweden – 1994

European Union – 1992²⁰

United Kingdom – 1992

Australia – 1990

¹⁸ Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II Draft Final Report, FMCSA, March 2012, FMCSA-RRR-12-006.

¹⁹ Survey of Motor Carriers on Issues Surrounding the Use of Speed Limiting Devices on Large Commercial Vehicles, ATRI, 2007.

²⁰ European Parliament and the Council of the European Union, Directive 1992/6/EEC as amended by Directive 2002/85/EC (Nov. 5, 2002).

Before the
U.S DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
and
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

**PETITION FOR RULEMAKING BEFORE NHTSA
TO AMEND 49 CFR PART 571:**

*TO REQUIRE VEHICLE MANUFACTURERS TO INSTALL SPEED LIMITING
DEVICES SET AT NO MORE THAN 68 MPH ON NEW TRUCKS WITH A GVWR
OF GREATER THAN 26,000 POUNDS*

**PETITION FOR RULEMAKING BEFORE FMCSA
TO AMEND 49 CFR PARTS 393 & 396:**

*TO PROHIBIT THE ADJUSTMENT OF MAXIMUM SPEED ON AN INSTALLED
SPEED LIMITING DEVICE ON NEW TRUCKS OR
TRUCK TRACTORS WITH A GVWR OF GREATER THAN 26,000 POUNDS TO
A LIMIT GREATER THAN 68 MPH*

Submitted by:

The American Trucking Associations
2200 Mill Road
Alexandria, VA 22314

October 2006

I. PETITION TO NHTSA

The American Trucking Associations¹ (ATA), on behalf of its members, petitions the National Highway Traffic Safety Administration (NHTSA), pursuant to 49 CFR §552.3, to initiate a rulemaking to amend the Federal Motor Vehicle Safety Standards (FMVSS), at 49 CFR §571, to require vehicle manufacturers to install a device limiting the speed of trucks with a Gross Vehicle Weight Rating (GVWR) of greater than 26,000 pounds to no more than 68 miles per hour (mph). This new requirement is necessary in order to reduce the number and severity of crashes involving large trucks.

The substance of the NHTSA rule should include the following elements:

- All newly manufactured trucks with a GVWR greater than 26,000 pounds shall be equipped with an electronic control module (ECM) that is capable of limiting the maximum speed of the vehicle.
- The ECM should be set at no more than 68 mph by the manufacturer.
- The ECM should be tamper-resistant, and should be designed in a way that does not allow the speed limiter setting on the ECM to be adjusted to let the vehicle exceed 68 mph.
- Immediately upon the rule taking effect, manufacturers should be prohibited from setting the ECM speed limiter to a maximum speed of greater than 68 mph. However, this requirement should not take effect earlier than the effective date of a Federal Motor Carrier Safety Administration (FMCSA) rule prohibiting vehicle owners or operators from setting the ECM speed limiter at a level greater than 68 mph for newly manufactured trucks.
- The effective date for installation of a tamper-resistant ECM should be established with a period of time that will allow manufacturers to undergo a systems integration process. The change to the engine ECM may affect other devices on the vehicle; therefore, manufacturers need some time to ensure that the vehicle functions properly. ATA encourages NHTSA to seek information from manufacturers to determine the length of time necessary to come into compliance with the rule.
- An appropriate tolerance to accommodate variations in manufacturing, wear, and maintenance throughout the lifecycle of the vehicle. For example, the same diameter heavy truck tire but with a different width and sidewall ratio may have a 15-20 revolutions per mile difference which will affect the actual top speed of the truck with a governed speed of 68 mph. ATA recommends that any rulemaking pertaining to this petition reference SAE J678, J862, and J1226 Recommended Practices.

II. PETITION TO FMCSA

ATA also petitions the FMCSA, pursuant to 49 CFR §389.31, to initiate a concurrent rulemaking with NHTSA to prohibit owners and operators from adjusting the ECM in affected vehicles in a way that enables the vehicles to exceed 68 mph. The substance of the rule should include the following elements:

¹ The American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of other trucking groups, the industry-related conferences and its 50 affiliated state trucking associations, ATA represents more than 37,000 members covering every type of motor carrier in the United States.

- A requirement that all trucks and truck tractors with a GVWR greater than 26,000 pounds, which are manufactured on or after the date that the NHTSA ECM rule takes effect, are to be equipped and maintained with an ECM that limits the vehicle's speed to no more than 68 mph.
- A requirement prohibiting vehicle owners and operators from installing and using a device that is designed to defeat the function of the ECM's speed limiter and which allows the vehicle to operate at greater than 68 mph.

ATA proposes that trucks with a GVWR of 26,000 pounds or less not be subject to these rules because, according to FMCSA (at 70 Fed.Reg. 50032), "Relative to their share of registered trucks and annual truck miles traveled, trucks weighing 26,000 pounds or less are underrepresented in fatal and non-fatal truck-involved crashes."

III. JUSTIFICATION FOR RULEMAKING

ATA believes that reducing speed-related crashes involving trucks is critical to NHTSA's and FMCSA's safety missions. A lack of focus on speed as a causal or significant contributing factor in crashes involving large trucks represents a significant gap in the federal government's truck safety strategy. While much of the federal truck safety budget has focused on ensuring the safe condition of equipment, on driver fatigue, and on prevention of impaired driving, it is clear from the research that speeding is a more significant factor in crashes involving trucks than any of the factors that currently receive the largest proportion of agency attention and resources.

According to FMCSA's *Large Truck Crash Facts 2004*, driving too fast for conditions or in excess of posted speed limits by the truck driver were factors in 14 percent of single-vehicle crashes and seven percent of multiple-vehicle crashes that resulted in a fatality. By comparison, just 3.2 percent of truck drivers were found to have consumed alcohol and 1.4 percent were drowsy or fatigued.

The joint FMCSA-NHTSA *Large Truck Crash Causation Study*, released in 2006, found that in crashes where trucks were assigned the critical reason for the crash, "Traveling too fast for conditions" was cited as the critical pre-crash event 18 percent of the time (weighted estimate). **This was the single most frequently cited factor in crashes where trucks were assigned a critical reason.**

Kostyniuk (2002) documented the frequency of unsafe truck driver actions in fatal automobile-truck accidents. The top three factors were: (1) failure to yield the right of way (14%), (2) failure to keep within the lane or running off the road (12%), and (3) driving too fast for the road conditions or exceeding the speed limit (11%).²

ATA acknowledges that many truck-involved crashes in which speed was cited as a factor do not involve speeds in excess of 68 mph. However, there are a significant number of fatal crashes and many non-fatal crashes where a higher truck speed is a factor. Based on five years of fatal crash data, speeding on the part of the truck driver was cited as the number one driver-related factor in

² Kostyniuk, L.P., Streff, F.M. and Zakrajsek, J. (2002). *Identifying Unsafe driver Actions that Lead to Fatal Car-Truck Crashes*, AAA Foundation for Traffic Safety.

fatal accidents involving a large truck (7.7%).³ Looking only at higher-speed roads (those with a speed limit of 50 mph or more), speeding remains the most frequently cited driver-related factor at 8.1%.⁴ In both cases, this factor topped the second most cited driver-related factor (i.e., run off the road/lane) by a fairly wide margin.

ATA analyzed five years of fatal truck-involved crash data.⁵ We found that in 20 percent of truck-involved fatal crashes where speeding on the part of the truck driver was cited as a factor in the crash, and the truck's speed was recorded, the speed of the truck exceeded 68 mph. However, because the truck's speed is reported by investigating officers in only about half of truck-involved fatal crashes, it is impossible to determine the actual number of potential crashes that might be avoided by limiting top truck speed to 68 mph. However, reasonable assumptions can be made and ATA believes the number of fatal crashes that could be avoided is significant. ATA also believes that the costs involved in implementing and enforcing the proposed regulation are small relative to the potential benefits associated with fewer highway fatalities, fewer injuries, less property damage and many other crash-related costs. These factors, as well as the potential operating cost savings and associated emissions reductions and other societal benefits that will likely result from implementation of the proposed regulation, should be accounted for in a cost-benefit analysis.

The relationship between vehicle speed and crash severity is also well-documented. According to the Federal Highway Administration's *Synthesis of Safety Research Related to Speed and Speed Limits* (1998), the more kinetic energy to be dissipated in a collision, the greater the potential for injury to vehicle occupants. The kinetic energy of a moving vehicle is a function of its mass and velocity squared. Because kinetic energy is determined by the square of the vehicle's speed, rather than by speed alone, the probability of injury, and the severity of injuries that occur in a crash, increase exponentially with vehicle speed. For example, according to the synthesis, a 30 percent increase in speed results in a 69 percent increase in the kinetic energy of a vehicle. And, since mass is a key element of the equation, ATA's recommended approach is to focus this speed-limiting requirement on the larger trucks with a GVWR greater than 26,000 pounds.

Although it's older research, Solomon (1964) analyzed 10,000 crashes and observed that crash severity increased rapidly at speeds in excess of 60 mph, and that the probability of fatal injuries increased sharply above 70 mph.⁶ These conclusions are supported by subsequent research. A Transportation Research Board report summarized the research on crash severity as follows:

*In summary, all of the studies that have investigated the link between vehicle speed and injury severity have found a consistent relationship. As driving speed increases, so does the impact speed of a vehicle in a collision. Increased impact speed, in turn, results in a sharp increase in injury severity because of the power relationship between impact speed and the energy released in a crash.*⁷

³ Univ. of Michigan. *Truck-Involved Fatal Accidents (TIFA)*, 1999-2003.

⁴ Ibid.

⁵ NHTSA Fatality Analysis Reporting System, 2001-2005.

⁶ Solomon D. (1964). *Accidents on Main Rural Highways Related to Speed, Driver and Vehicle*. Washington, DC: US Department of Commerce & Bureau of Public Roads.

⁷ Transportation Research Board Special Report 254 (1998). *Managing Speed: Review of Current Practice for Setting and Enforcing Speed Limits*, p. 66.

Higher crash speeds also reduce the ability of the vehicle, restraint system, and roadway hardware such as guardrails, barriers, and impact attenuators to protect vehicle occupants. This is especially true in crashes involving large trucks.

It is also noteworthy that after years of trending downward in the 1980s, the proportion of speeding as a truck driver factor in crashes, as well as the number of fatalities in truck-involved crashes where speeding is a factor, seems to have leveled off since 1992.⁸ ATA believes that without a major change in truck speed policy at the national level, this trend is likely to continue.

IV. COSTS AND BENEFITS

ATA also believes that a cost-benefit analysis of the proposed regulation will show a clear justification for this truck speed limiting proposal. We urge the agencies to consider the following factors:

Costs

- *Cost to manufacturers to install ECMs with a speed limiting capability.* Since, to the best of our knowledge, all manufacturers of the vehicles affected by this petition already install the device as a standard feature, there is likely to be little or no additional cost associated with this requirement.
- *Initial cost to manufacturers to set the ECM at a speed no higher than 68 mph.* Because manufacturers already set the ECM at a speed specified by the customer prior to vehicle delivery in many cases, there should be little or no additional costs associated with this requirement.
- *Cost to manufacturers to develop and install a tamper-resistant ECM.* Additional input from manufacturers is needed to determine these costs. However, our initial discussions with engine manufacturers suggest that the development costs may be minimal.
- *Cost to carriers due to productivity loss.* Because average truck speeds for some fleets might be reduced by the proposed regulation, there is the potential for a loss of revenue-miles and therefore a loss of income. However, these costs are likely to be partially or fully offset by reduced fuel consumption, fewer accidents, and less equipment wear.⁹ These offsets are more fully explained in the Benefits discussion below.
- *Cost to truck drivers due to loss of income.* Since a practice in some sectors of the trucking industry is to pay drivers according to the number of miles they drive, limiting a vehicle's speed may, in a small way, negatively impact some drivers' wages. ATA believes that due to a current and projected long-term shortage of qualified drivers in the sector most likely to be impacted by the proposed regulation (i.e. the long-haul truckload sector),¹⁰ employers will likely compensate drivers for some small loss of income.
- *Cost to law enforcement agencies due to additional enforcement requirements.* In order to minimize enforcement costs while ensuring adequate compliance, ATA recommends that FMCSA, along with its state partners, should adopt an enforcement regime similar to the following:

⁸ NHTSA. Fatality Analysis Reporting System 1992-2004.

⁹ Johnson, Steven L. and Naveen Pawar. *Cost-Benefit Evaluation of Large Truck-Automobile Speed Limit Differentials on Rural Interstate Highways*, Nov. 2005.

¹⁰ Global Insight, Inc. *The U.S. Truck Driver Shortage: Analysis and Forecasts*, May 2005.

1) Use the SAFESTAT system, along with other data received from state licensing agencies, to create red flags in the SAFESTAT system to identify potential violators. This could be done by setting up a system that would red flag companies that receive two or more speeding tickets for exceeding the 68 mph limit, either in the same truck or in multiple trucks. If a driver and/or company has multiple violations it would be a good indicator of tampering with the device(s).

Based on our current knowledge, under the new approach that FMCSA is considering as part of its Comprehensive Safety Analysis (CSA) 2010, a red flag would target a company for a visit from FMCSA or a MCSAP partner agency for a focused compliance review (CR) of their fleet and the settings on the ECMs. This could also be used as a flag in the roadside system to have the company's vehicles inspected at inspection locations for properly functioning ECMs.

2) During a CR and the New Entrant Safety Audit, ensure that a maintenance system is set up and the company understands the penalties for tampering with the ECM device.

3) Require that a functioning device set at no more than the legal speed should be a part of the vehicle's annual inspection under 49 CFR 396.

4) Set the penalties high for tampering with the device (changing the mandatory speed or disabling the device), or for the company failing to take corrective action when notified by a driver of a malfunctioning device.

5) Require drivers to report to the company any problems with the ECM in their post-trip vehicle inspection report. This might include any information a driver has which would indicate the vehicle was exceeding 68 mph (not just a citation). This puts the company on notice of the problem and requires the company to take immediate corrective action. This also helps create red flags during the CR process for investigators.

Benefits

- *Reduced crash costs.* It is apparent from the available research that, in general, slower speeds are likely to reduce both the number and severity of crashes involving large trucks, particularly high speed fatal and serious injury crashes. The vast majority of vehicles likely to be affected by this rule are tractor-semitrailers. According to one study, total costs per crash involving these trucks, was \$72,459 (in 2000 dollars).¹¹
- *Reduced fuel consumption.* According to research conducted by ATA's Maintenance Council, and which has been confirmed by vehicle manufacturers, each increase in vehicle speed of 1 mph reduced the fuel efficiency of a heavy truck by 0.1 miles per gallon.¹²
- *Reduced congestion costs.* Fewer crashes as a result of lower truck speeds will also have an effect on congestion costs. According to a study conducted for FMCSA and the Federal Highway Administration, costs due to lost productivity from delays as a result of large truck-

¹¹ Zaloshnja, Eduard and Ted Miller, Pacific Institute. Revised Costs of Large Truck- and Bus-Involved Crashes, Nov. 18, 2002, p. 24.

¹² The Maintenance Council. 55 vs. 65+, *An Equipment Operating Costs Comparison*, 1996.

involved crashes averaged \$4,800 (in 2000 dollars).¹³ Another study by NHTSA found that a fatal heavy vehicle crash caused an average 7,835 hours of delay on a rural Interstate Highway and 21,749 hours of delay on an urban Interstate Highway.¹⁴

- *Reduced vehicle emissions.* The research in this area is somewhat dated, and the effect of reducing the speed of large trucks on emissions is somewhat unclear. In addition, the Environmental Protection Agency's models do not predict changes in emissions for large trucks above 65 mph. However, based on the upward curve in emissions – particularly oxides of nitrogen (NOx) – that occurs as speed increases, it is likely that reducing the average speed of trucks will also reduce overall emissions.¹⁵ ATA encourages NHTSA and FMCSA to work with EPA to improve and update EPA's MOBILE emissions model in order to determine the potential effects of the proposed rule on air quality.
- *Reduced tire costs.* According to at least one tire manufacturer, for every 1 mph increase in operating speed over 55 mph, there is a reduction of 1% in tread mileage. Another manufacturer states that higher speeds reduce tire life by 10-30%.¹⁶
- *Reduced vehicle maintenance costs.* According to a 1996 report by ATA's Maintenance Council, an increase in operating speed from 55 mph to 65 mph produced a 10-15% decrease in miles-to-engine overhaul; increased oil consumption by 15%; shortened mileage between preventive maintenance intervals; decreased tire life; and reduced brake lining life by up to 15%.¹⁷
- *Reduced highway patrol traffic and speed enforcement costs.* As time progresses following implementation of these proposed rules, there will be fewer and fewer trucks operating at speeds in excess of posted speed limits. The regulatory regime proposed allows law enforcement to specifically target the excessive speeders, and focus on company wide practices rather than on many individual vehicles. Additionally, through a proper educational and awareness campaign, citizen involvement could be solicited to help identify large trucks that may be violating the 68 mph limit through use of the FMCSA safety hotline.

V. CONCLUSION

ATA urges NHTSA to accept and act expeditiously on this industry petition to require that manufacturers set the ECM on new trucks to no more than 68 mph, for trucks with a GVWR in excess of 26,000 pounds, and to require the installation of tamper-resistant devices after a period of time to be determined by the agency.

ATA also urges FMCSA to accept and act expeditiously on this petition, in coordination with NHTSA, to prohibit owners and operators of the affected trucks from adjusting the ECM on these vehicles in a way that allows the vehicle to exceed 68 mph.

Thank you in advance for considering this petition and we look forward to your favorable reply and action.

¹³ Zaloshnja, Eduard and Ted Miller, Pacific Institute. Revised Costs of Large Truck- and Bus-Involved Crashes, Nov. 18, 2002, p. 24.

¹⁴ NHTSA. *The Economic Impact of Motor Vehicle Crashes 2000*. p. 79.

¹⁵ U.S. Environmental Protection Agency. *Final Facility Speed Correction Factors*, Nov. 2001.

¹⁶ The Maintenance Council. *55 vs. 65+, An Equipment Operating Costs Comparison*, 1996.

¹⁷ Ibid.

BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

RULES DOCKET NO. _____

**PETITION FOR RULEMAKING
TO COMPEL ELECTRONIC GOVERNED SPEED NOT TO EXCEED SIXTY-EIGHT
MILES PER HOUR ON CLASS SEVEN AND EIGHT COMMERCIAL MOTOR
VEHICLES**

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Attorneys for Petitioners

BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SCHNEIDER NATIONAL, INC.,)	
ROAD SAFE AMERICA,)	
C.R. ENGLAND, INC.,)	
H.O. WOLDING, INC.,)	
ATS INTERMODAL, LLC,)	RULES DOCKET NO. _____
DART TRANSIT COMPANY,)	
J. B. HUNT TRANSPORT, INC.,)	
U.S. XPRESS, INC.,)	
COVENANT TRANSPORT, INC.)	
and)	
JET EXPRESS, INC.)	
Petitioners.)	

PETITION FOR RULEMAKING
TO COMPEL ELECTRONIC GOVERNED SPEED NOT TO EXCEED SIXTY-EIGHT
MILES PER HOUR ON CLASS SEVEN AND EIGHT COMMERCIAL MOTOR
VEHICLES

I. Interests of the Petitioners

Petitioners consist of motor carriers and a highway safety public interest organization. All petitioners share a common interest in promoting highway safety for transportation subject to the jurisdiction of the Federal Motor Carrier Safety Administration.

All of the motor carrier Petitioners are registered with the Federal Motor Carrier Safety Administration¹ as for-hire interstate carriers and are currently operating as such in the United States of America. The contact information for each motor carrier is as follows:

Don Osterberg, Vice President of Safety and Training
Schneider National, Inc.
Executive Leadership
3101 South Packerland Drive
Green Bay, WI 54313
(800) 846-3067

Andrew Anthony Gianoukos
ATS Intermodal, LLC
2465 Air Park Road
Charleston, SC 29406
(843) 308-6555

Nelson Hayes, Esq.
C. R. England, Inc.
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Salt Lake City, UT 84127-0728
(801) 974-3349

Cathy Kirsling
H.O. Wolding, Inc.
Post Office Box 217
Amherst, WI 54406-0217
(800) 945-9090

Gary Volkman, Vice President of Safety and Compliance
Dart Transit Company
Post Office Box 64110
St. Paul, MN 55164-0110
(651) 683-1467

Greer Woodruff
J.B. Hunt Transport, Inc.
Post Office Box 598
Lowell, AR 72745
(479) 419-3250

¹ Petitioner Schneider National, Inc. is not a motor carrier, but is the parent corporation to registered motor carriers Schneider National Carriers, Inc. and Schneider National Bulk Carriers, Inc.

Jim Golden
Covenant Transport, Inc.
400 Birmingham Highway
Chattanooga, TN 37419
(423) 821-1212

Pat Quinn
U.S. Xpress, Inc.
4080 Jenkins Road
Chattanooga, TN 37419
(423) 510-3308

Jeffrey F. Davis, Vice President of Safety and Human Resources
Jet Express, Inc.
4518 Webster Street
Dayton, OH 45414
(937) 274-7033

Petitioner Road Safe America is a public interest, non-profit organization created for the express purpose of improving road safety by reducing collisions between tractor-trailers and passenger vehicles. Road Safe America's contact information is as follows:

Stephen C. Owings, Sr.
P. O. Box 191502
Atlanta, GA 31119-1502
(404) 846-3067

Although not a petitioner, the American Trucking Association supports the safety goals associated with the petition, subject to certain limitations identified in the attached letter dated August 30, 2006 from Bill Graves, President and Chief Executive Officer. (See Exhibit "A").

II. Specific Rulemaking Sought

Petitioners urge the Federal Motor Carrier Safety Administration to amend the following sections of the Federal Motor Carrier Safety Regulations:

Add the following provision to Subpart B of 49 C.F.R. § 393:

393.54 Electronic Engine Speed Governors

(a) Every class 7 and 8 commercial motor vehicle manufactured after the year 1990 shall be equipped with electronic engine speed governor,

(b) The electronic speed governor referred to in this Section shall be set at not more than 68 miles per hour,

(c) No modifications or adjustments shall be made to the electronic speed governor, or any parameters influencing the governed speed settings for the purpose of circumventing its effective operation in accordance with this Section, and

(d) No class 7 or 8 commercial motor vehicle shall be operated in violation of this Section.

Add the following item to the parts and accessories subject to daily driver inspection reports listed in 49 C.F.R. 396.11:

-68 mph electronic engine speed governor setting for class 7 and 8 trucks (only if truck was driven up to the governed speed),

Add the following item to the inspection, repair and maintenance section under 49 C.F.R. § 396.3:

(a)(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in Part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, electronic speed governors, frame and frame assemblies, suspension systems, axels and attaching parts, wheels and rims, and steering systems.

(b)(5) A record showing speed governor setting on all commercial motor vehicles required to be equipped with electronic speed governors as specified in Part 393 of this subchapter.

Add to Appendix G to Subchapter B – Minimum Periodic Inspection Standards:

14. Electronic Engine Speed Governors

Every class 7 and 8 tractor manufactured after the year 1990 shall be equipped with an electronic engine speed governor that shall be set at not more than 68 miles per hour.

Petitioners respectfully request that this petition be considered and duly enacted.

DENNIS, CORRY, PORTER & SMITH, L.L.P.

By: 

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