



**Testimony of Lewie Pugh, Executive Vice President  
Owner-Operator Independent Drivers Association  
before the  
United States House of Representatives, Committee on Transportation & Infrastructure,  
Subcommittee on Highways & Transit  
“America Builds: How Trucking Supports American Communities”  
March 26, 2025**

Chairman Rouzer, Ranking Member Norton, and members of the Subcommittee, my name is Lewie Pugh and I am the Executive Vice President of the Owner-Operator Independent Drivers Association (OOIDA). Prior to working at OOIDA, I was a small-business trucker for nearly 23 years with 2.5 million miles of safe driving. Before operating my own trucking business, I drove a truck during my service in the United States Army. I still proudly hold a Commercial Driver’s License (CDL). In short, I’ve been a trucker my entire career.

**ABOUT OOIDA**

OOIDA is the largest trade association representing the views of small-business truckers and professional truck drivers. We have approximately 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA’s mission is to promote and protect the interests of our members on any issues that impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation’s highways.

Small trucking businesses, like those we represent, account for 96% of registered motor carriers in the United States, making them a key component of the nation’s supply chain. We are undoubtedly the safest and most diverse operators on our nation’s roads. Every region of our country and segment of our economy relies upon long-haul truck drivers. Our members are an integral part of the global supply chain and have a unique perspective on the many challenges our nation faces in moving freight in the safest, most efficient manner.

## INTRODUCTION

During this Congress, the Subcommittee on Highways & Transit and the Committee on Transportation & Infrastructure have the opportunity to pass the most pro-trucker highway bill in history. But you must understand that ‘pro-trucker’ and ‘pro-trucking’ are not always synonymous these days. In fact, many of the policies being touted as good for the trucking industry are primarily designed to fatten the wallets and cover the asses of trucking executives, corporate shareholders, shippers, brokers, and trial lawyers. Most of these proposals prioritize profits over safety by doubling down on many of the problems that have made careers behind the wheel of a CMV less appealing and sustainable, and our roads less safe.

For example, continued acceptance of the widely debunked driver shortage myth has unfortunately convinced many of you that diluting credentialing standards, resisting enhanced driver training, lowering CDL age requirements, and hiring more cheap foreign drivers is somehow good for trucking.

Some shippers, large carriers, and specific industries continue to claim increasing truck size and weight is good for trucking. Make no mistake, these are losing propositions for truckers and highway safety. I want to especially caution new members of the Committee about supporting these controversial proposals – one vote to increase today’s limits will have every group that wants special treatment expecting you to support their specific carve-out for the rest of your tenure.

As conversations about what to include in the next highway bill continue after this hearing, other organizations, including several comprised of advocates who have never operated a CMV, will propose a dizzying list of unproven and unworkable regulations. Some large carriers will legitimize these proposals with their support, not because of their supposed commitment to improving safety, but because excessive regulations drive up costs for their small business competitors.

Trial lawyers looking to increase their own bottom lines will even tell you today’s minimum liability insurance requirements for motor carriers are insufficient, despite federal research indicating the current level covers damages in 99% of crashes involving trucks. Without a doubt, any increase to these requirements will have dire consequences for small-business truckers. Not only will their premiums skyrocket, the lack of capacity in the truck insurance market will inevitably lead to fewer providers offering coverage, further escalating costs and limiting availability. Large carriers, including many who are self-insured, will again sit this battle out, as they know driving our members out of business is good for their market share.

In contrast to these problematic policies, OOIDA is sharing our vision for a highway bill that supports American workers, enhances supply chain efficiency, and improves highway safety from the ground up by focusing on the most important element of trucking - the millions of hard-working men and women across the country who make their living on the road. Our goal is to shape federal policies in a manner that makes trucking a more attractive, sustainable, and safe career for professional drivers. To this end, we’re working with members of this Committee on key policies that will help develop the next generation of safe drivers, while simultaneously keeping today’s experienced drivers behind the wheel.

Below are brief descriptions of some of the most critical issues facing truckers right now. We believe this is a blueprint for members of the Committee who share our goal of passing the most pro-trucker surface transportation reauthorization in history.

## TRUCK PARKING

OOIDA will not support surface transportation reauthorization that fails to dedicate federal funding exclusively for the expansion of truck parking capacity. Specifically, truckers favor solutions included in the Truck Parking Safety Improvement Act, H.R. 1659, championed by Rep. Mike Bost (R-IL). This bipartisan legislation enjoys universal industry and stakeholder support, and was reported out of the Committee in 2023 by a vote of 60-4.

Alleviating the truck parking shortage has been the top safety concern for American truckers for more than a decade. Members of Congress from every corner of the country and across the political spectrum have supported this legislation over the years because they understand the truck parking crisis is negatively affecting their constituents who make a living behind the wheel. A lack of available parking spaces forces truckers to choose between parking in a potentially unsafe location, such as a highway shoulder, or continuing to drive while they feel fatigued or are out of available driving hours under **federally-mandated** hours-of-service (HOS) regulations. Increasingly, these factors are also negatively affecting the safety of the driving public.

The current highway bill, enacted as part of Infrastructure Investment & Jobs Act (IIJA), increased spending on things like commercial motor vehicle law enforcement, created new uses of funds from the Highway Trust Fund (HTF) for water infrastructure projects, vegetation management, and other non-road projects, and authorized \$800 million for a new bike lane program, as well as a new program to promote “pollinator management” along highways. At the same time, Congress – specifically the Senate - failed to prioritize or dedicate funding for truck parking.

For the majority of members returning to this Committee, we know you understand the importance of this issue. You’ve shown a bipartisan commitment to addressing it already, for which we are extremely grateful. But somehow, after nearly a decade of unified advocacy, the trucking industry still finds itself pleading for help and feeling anxious that Congress may again fail to act. Frankly, truckers are sick and tired of some lawmakers ignoring their pressing safety needs while funding other pet projects, and rest assured, they will be watching closely to see if Washington finally delivers.

If the next surface transportation reauthorization fails to provide dedicated funding for truck parking, but authorizes even a single penny of funding for new initiatives, OOIDA will use every tool it has to ensure the legislation is defeated. Based on this Committee’s history of strong bipartisan support for the Truck Parking Safety Improvement Act, we are confident you will again demonstrate you agree this crisis requires federal leadership to solve. Together, we can deliver a key victory for hundreds-of-thousands of truckers across the country.

## RESTROOM ACCESS

Having access to a restroom is one of the most basic needs for truckers. Most Americans take this need for granted and never worry about being denied restroom access where they work. For truckers, who make their living on the road, they often depend on restrooms at facilities where they pick-up or deliver freight. Unbelievably, professional drivers are frequently denied restroom access at these locations. While this problem affects all truckers, it is particularly burdensome for female drivers.

Although this problem has been going on for years, the COVID-19 pandemic made it worse. Throughout the pandemic, truckers literally put their lives on the line to keep the nation safe. Yet at the same time, shippers and receivers started restricting access to their facilities, including restrooms. Suddenly, finding a place to use the bathroom became more difficult, even impossible at times for our members. While the

pandemic has subsided and life has largely returned to normal, too many businesses have kept these crude restrictions in place.

The Trucker Bathroom Access Act, championed by Rep. Troy Nehls (R-TX) is straightforward, bipartisan legislation that would provide truckers the dignity and respect they deserve. It is supported by both trucking and retail organizations. The bill simply requires that if a business has a restroom available for employees or customers, then it must also be available to truckers when they are picking up or delivering freight. Importantly, the legislation **does not** require that a business build any new restrooms and includes guardrails for safety and security considerations at shippers and receivers.

### **SIZE & WEIGHT INCREASES**

OOIDA opposes controversial proposals to increase the size and weight of CMVs, which would reduce safety and adversely impact small trucking businesses. In fact, allowing bigger and heavier trucks on our roads would only benefit shippers and a handful of large corporate motor carriers.

These proposals would pressure small trucking businesses to increase their hauling capacity to stay competitive. Unlike large carriers, who could transition their fleets over time while maintaining business, smaller trucking companies and owner-operators would be forced to immediately modify their equipment at great cost just to remain viable. Unfortunately, previous weight increases have demonstrated heavier trucks don't lead to better compensation for professional drivers, as some proponents have mistakenly claimed. We remind lawmakers that earlier this year, one of the nation's largest retail businesses admitted before this Committee that they would not pay truckers a penny more for hauling additional freight. Considering these factors, increasing size and weight is all cost and no benefit for truckers. Additionally, there is currently an excess of trucking capacity, and motor carriers remain more than capable of meeting the nation's ongoing transportation needs.

Congress must also reject efforts to allow commodity-specific exemptions, especially for the movement of electric vehicles (EV). Providing preferential treatment to EV manufacturers would create a scenario in which heavier auto transporters inflict greater damage to our roads, while the owners of the EVs being hauled will pay NO fees to maintain our infrastructure. Truckers see these proposals for the scams they are and implore the Committee to reject policies that benefit EV manufacturers and owners at a cost to small trucking businesses. Rather than providing favors to select entities in our industry, Congress should instead focus on policies that improve conditions for trucking operations of all sizes.

### **MINIMUM LIABILITY INSURANCE**

OOIDA has long fought efforts to increase minimum liability insurance requirements for motor carriers and will vehemently oppose legislation that includes an increase of any amount. Not only is such an increase wholly unnecessary, it would do nothing to improve highway safety, needlessly jeopardize countless blue-collar jobs, and destroy many small trucking businesses.

Federal research has demonstrated such an increase is entirely unnecessary. A Congressionally-required study determined the vast majority of truck-involved crashes have relatively small cost consequences, and the existing minimum of \$750,000 covers costs in over 99% of crashes involving a CMV.

It's important to understand the impact any increase would have on our economy. Increasing motor carriers' minimum liability requirements would affect all businesses transporting property, not just long-haul trucking operations. The impact would be felt in many sectors of the economy, including the agriculture, construction, manufacturing, towing, and materials industries. This policy clearly does not belong in legislation that is designed to rebuild our infrastructure and encourage economic growth.

Rejecting calls for higher insurance requirements will help protect American jobs and businesses, including countless small, family-owned businesses, from an unnecessary and excessive policy designed to further line the pockets of trial lawyers at the expense of truckers, farmers, ranchers, towers, construction firms, manufacturers and any other industries reliant upon trucking. We strongly encourage members of the Committee to prevent any such provision from being included in the next surface transportation reauthorization.

## **UNDER-21 DRIVERS**

Large motor carriers have long peddled the thoroughly debunked myth of a driver shortage to promote policies allowing them to hire the cheapest labor possible in order to maximize their profits. This includes recent efforts to lower the minimum age for driving interstate to 18 years old.

Over the objections of OOIDA, organized labor, and safety advocacy groups, Congress authorized the failed Safe Driver Apprenticeship Pilot Program in IIJA. Since the pilot program's launch in January 2022, large carriers have struggled mightily to find 18, 19, and 20-year-olds interested in participating. In two years, the program has only registered 68 applicants. The American Trucking Associations, who clamored for the inclusion of this initiative in IIJA and called it the "gold standard" for driver training, claimed the required use of inward facing cameras was preventing greater registration among driver candidates. This is despite the fact that one of their largest members recently announced that they will equip all of their tractors with driver-facing cameras. Large carriers will continue to struggle to find participants in the Safe Driver Apprenticeship Pilot Program as long as it is authorized, but it's not because of the scapegoats they have identified.

While we believe the complete failure of the pilot program has inadvertently shed light on some of the fundamental problems in trucking that have stunted recruitment and retention of drivers, we understand Congress is unlikely to repeal the program. However, rather than expanding the pilot or decreasing the minimum age requirements for CDL holders, the Committee should consider alternative solutions that address some of the problems that drive support for permitting younger drivers to haul interstate.

OOIDA agrees preventing younger drivers from crossing state lines doesn't make sense in all circumstances. For example, it makes little sense for a young trucker in Kansas City, KS, to be allowed to drive to the state's border with Colorado, but not deliver freight in neighboring Kansas City, MO. But the solution to this problem is not suddenly permitting that inexperienced driver to cross the country without limitations, navigating terrain they find unfamiliar and have not been trained to handle safely.

Instead, the Committee should consider implementing an air-mile radius for younger drivers to operate within that would allow them to cross state lines. Not only would this help businesses shipping across state borders to improve their efficiency, it would give inexperienced drivers better opportunity to improve their skills in familiar conditions while receiving more advanced training. Upon reaching 21 years of age, they can then enter the long-haul segment of our industry fully prepared for safe, productive careers behind the wheel. OOIDA believes a 150-mile radius, which is currently used for relief from other USDOT regulations, would be appropriate.

While OOIDA has long opposed large carriers' efforts to expand their driver pool to teenagers, we view this proposal as a safer alternative that provides benefits to shippers, carriers, and new drivers.

## **DRIVER TRAINING**

The 2022 implementation of new Entry-Level Driver Training (ELDT) requirements represented an important first step to ensuring drivers entering our industry are better prepared. Unfortunately, far too many new drivers still lack the basic skills necessary to safely operate a CMV. The Committee must take steps to further enhance safety by implementing measured and widely-supported improvements to ELDT regulations.

OOIDA favors the introduction of mandatory behind-the-wheel (BTW) hours for new drivers. In 2015, we participated in FMCSA's Entry-Level Driver Training Advisory Committee (ELDTAC), which was composed of 26 industry representatives. ELDTAC was established to conduct a negotiated rulemaking on training regulations and requirements. The panel overwhelmingly supported establishing a minimum number of BTW hours through the rulemaking. As a result, the Notice of Proposed of Rulemaking (NPRM) originally contained a 30-hour BTW benchmark. Regrettably, this critical element was omitted in the final ELDT rule.

Compared to the brief evaluation an examiner is currently required to conduct, mandatory BTW training provides greater opportunity to evaluate the skills of the entry-level driver and offer corrective actions. These hours expose the entry-level driver to multiple road signs and various traffic/roadway situations, giving the instructor more options to identify and correct deficiencies. We are also aware FMCSA is currently evaluating the ELDT program in search of anomalies in the data reported by training providers registered with the agency. We have urged the agency to expedite this review to better understand what immediate changes should be made to improve safety. However, it's clear Congress and FMCSA should still be finding ways to bolster training requirements. At a minimum, the Committee should improve standards by embracing the ELDTAC's recommendation that drivers complete a minimum of 30 hours BTW training.

## **BROKER TRANSPARENCY & FREIGHT FRAUD**

Existing regulations (49 CFR 371.3) require brokers to keep records of transactions with motor carriers. Under 371.3, each party to a brokered haul also has the right to review the record of the transaction. This allows our members to know precisely how much a shipper paid the broker and how much the broker then paid the motor carrier. These regulations also enable carriers to verify claims charged against them after they finished hauling a load. As motor carriers are increasingly victimized by freight fraud, unpaid claims, dubious charges, unpaid loads, and double brokered loads, the current lack of transparency has left them little to no means to defend themselves from these schemes.

Unfortunately, brokers have a long history of deliberately and blatantly circumventing existing transparency requirements. In order to protect against fraud and scams, we tell our members that they should closely examine documentation and verify that all information is legitimate. If brokers are allowed to continue evading federal transparency regulations, it makes it difficult for carriers to determine who is adhering to the rules or who may be trying to scam them. In short, practices that undermine trust and transparency make it harder to determine who is a bad actor.

In May 2020, OOIDA submitted a Petition for Rulemaking with FMCSA to ensure compliance with 371.3. The petition requested that brokers automatically provide an electronic copy of each transaction record within 48 hours after the contractual service has been completed and asked that brokers be prohibited from including any provision in their contracts that requires a carrier to waive their rights to access transaction records – a shady practice that is rampant among brokers. FMCSA initiated a rulemaking pursuant to our petition during the first Trump Administration.

Since the launch of the rulemaking in August 2020, OOIDA and its membership submitted thousands of comments to FMCSA, conducted meetings with regulators and lawmakers, and participated in public listening sessions supporting the push for transparency. These efforts culminated in the Biden Administration publishing a NPRM in November 2024, demonstrating that ensuring transparency has bipartisan appeal. The public comment period closed on March 20, 2025.

This proposal will help ensure carriers finally have access to transaction documentation, but unfortunately, the NPRM did not include the two significant reforms we recommended. We have submitted separate comments detailing what FMCSA must do to strengthen the rulemaking, such as clarifying how they will enforce the rules and closing all loopholes that let brokers waive transparency rights. If supplemented properly, this rulemaking will contribute to a more ethical, fair, and efficient freight brokerage marketplace.

If FMCSA is unable to finalize a rule that fully prevents brokers from evading federal transparency regulations, it is imperative Congress compel the agency to do so.

Additionally, estimates indicate that freight fraud costs our industry roughly \$1 billion annually. OOIDA, along with numerous other trucking industry stakeholders, strongly supports bipartisan legislation introduced by Del. Eleanor Holmes Norton (D-DC) and Rep. Mike Ezell (R-MS) to combat freight fraud. H.R. 880, the Household Goods Shipping Consumer Protection Act, would restore FMCSA's authority to impose civil penalties on unauthorized brokers, require physical addresses for brokers, compel the agency to analyze trends and commonalities among companies applying for shipping authority to identify potentially bad actors before they commit fraud, and allow states to use federal funds to enforce consumer protection laws relating to freight movement. We encourage all members of this Committee to support this important legislation and make certain it is included in surface transportation reauthorization.

## **HOURS OF SERVICE**

For years, our members have told lawmakers and FMCSA that existing HOS rules are not sensible for today's trucking industry. HOS regulations that dictate a truck driver's work schedule are overly complex, provide little flexibility, and in no way reflect the physical capabilities or limitations of individual drivers. They effectively force truckers to be on the road when they are tired, during busy travel times, during hazardous weather and road conditions, or when they simply are not feeling well. In 2020, we supported reforms that alleviated HOS rigidity, including modifications to the 30-minute rest break requirement and split-sleeper berth times, as well as expanded windows to avoid adverse driving conditions. While these changes have proven helpful, they do not fully solve all the safety and efficiency challenges associated with current HOS rules.

OOIDA has advocated for giving drivers the option to pause their 14-hour on-duty period with one off-duty period of no less than 30 minutes and no more than 3 hours. This "Split-Duty Period" would provide truckers greater flexibility to rest when they're tired and avoid factors that make driving unsafe. A Split Duty Period would not increase maximum driving time, maximum on-duty time, or decrease minimum off-duty rest periods between shifts. Additionally, drivers would have more chances to get sufficient rest and would not be as pressured to "beat the 14-hour clock." This would result in positive outcomes for driver health and highway safety. In September 2020, FMCSA proposed a Split Duty Period Pilot Program to evaluate whether this option would optimize productivity while maintaining safety. OOIDA enthusiastically supported the Pilot Program, but the agency has not advanced the proposal since the public comment period closed in November 2020. If FMCSA does not reopen the pilot program, the Committee must specifically authorize this initiative, so drivers may choose how to use their on-duty time more efficiently.

OOIDA also supports further expanding split sleeper-berth standards to include 6/4 and 5/5 splits. This flexibility would improve drivers' rest and alertness. It makes far more sense to allow alert drivers to leave the sleeper-berth and begin driving with the option to obtain additional rest later in the day, rather than forcing drivers to idly wait for their driving clock to restart. More restrictive sleeper-berth splits can force a trucker to drive when tired and rest when alert. The truth is that not all drivers are able to sleep 7, 8, or 10 hours at a time. Thus, allowing them to split their sleeper time more efficiently will help them to gain more adequate rest, resulting in increased alertness and better driver performance. In January 2021, FMCSA drafted a Split Sleeper Pilot Program to examine 6/4 and 5/5 splits, but the proposal was never published in the Federal Register. Again, if FMCSA does not reopen this pilot program, the Committee must compel the agency to do so.

## **ELECTRONIC LOGGING DEVICES**

Since its implementation in 2017, the federal Electronic Logging Device (ELD) mandate has been beleaguered by FMCSA's decision to allow manufacturers to self-certify devices. Over the last several years, nearly 300 ELDs have been deemed non-compliant by the agency, leaving truckers with little confidence their devices will be compliant in the long-term.

Since Congress forced truckers to comply with this mandate, you must now compel FMCSA to implement a long overdue certification process that prevents non-compliant devices from entering the market in the first place.

A robust certification process would also address long-standing concerns involving cybersecurity threats related to ELDs. In 2020, the Federal Bureau of Investigation (FBI) issued a bulletin indicating self-certified devices did not follow cybersecurity best practices and were vulnerable to compromise. Specifically, the bulletin stated, "Although the mandate seeks to provide safety and efficiency benefits, it does not contain cybersecurity requirements for manufacturers or suppliers of ELDs, and there is no requirement for third-party validation or testing prior to the ELD self-certification process. This poses a risk to businesses because ELDs create a bridge between previously unconnected systems critical to trucking operations." These conditions have not changed in five years.

Furthermore, Congress must impose a ban on technology from hostile nations like Russia and China from being utilized in ELDs that track American truckers. ELDs generate copious amounts of supply chain data, including the movement of specific vehicles. Allowing our enemies and competitors unimpeded access to this data should concern lawmakers as much as it does the truckers who are forced to use the devices. This kind of ban could also be achieved by enacting a rigorous certification process at FMCSA.

## **DATAQ**

The current Requests for Data Review (RDRs) process, or DataQ, is broken. This system is supposed to provide carriers and drivers a fair way to challenge potentially incorrect citations or FMCSA data. Unfortunately, determinations are not made in a timely or consistent manner, and too often a determination is made by the same person who issued the initial violation, which creates an inherent conflict of interest. This is problematic because unmerited violations and inaccurate information on an owner-operator or professional driver's safety record can negatively affect their employment or increase their insurance costs, among other consequences.

To address these deficiencies, OOIDA supports DataQ provisions included in H.R. 3356, the Motor Carrier Safety Screening Modernization Act, from the 118<sup>th</sup> Congress. These provisions would improve due process for truckers by providing an impartial review process when an incorrectly issued citation or violation is challenged. This legislation would require states to establish a DataQ system whereby the



review is adjudicated by someone other than the officer that issued the violation. This will help promote transparency and fairness, and ultimately help ensure the accuracy of information in the system.

Currently, FMCSA is considering DataQ improvements similar to those included in H.R. 3356. But if the agency fails to address this issue before the next highway bill is drafted, then the Committee must include the improvements outlined in H.R. 3356.

### **NATIONAL CONSUMER COMPLAINT DATABASE**

FMCSA's National Consumer Complaint Database (NCCDB) has proven to be an ineffective tool for motor carriers and drivers to report coercion and unsafe practices committed by motor carriers, unscrupulous activities conducted by brokers, and cases of freight fraud. Typically, truckers do not receive a satisfactory response when they call the NCCDB hotline or submit their problem via the online portal – if they receive one at all. The lack of response from FMCSA discourages truckers from using the NCCDB to submit cases, which also contributes to a lack of understanding of the scope of the problems our members face with motor carries and brokers.

FMCSA must improve its response to complaints filed through NCCDB, but we recognize the agency likely lacks the resources and proper authority to do so. NCCDB improvements are especially important in light of our recommended improvements to HOS regulations. HOS flexibility must be used at the discretion of drivers; in instances where carriers are forcing, or coercing, drivers to use flexibility in an unsafe way, drivers must have a reliable way to report these abuses of the system.

One of the simplest improvements we have suggested is changing the name of the program to better reflect its purpose in trucking. Something as simple as calling the program the Truck Safety & Compliance Hotline would undoubtedly improve its utilization.

Section 23016 of the IIJA required the Government Accountability Office (GAO) to examine the NCCDB and evaluate the consideration of cases, the types of complaints, and awareness of the database. The GAO published their findings in September 2023 stating that, “FMCSA has not designed sufficient controls to help ensure its policy for reviewing complaints related to motor carriers is followed.” The report made 14 separate recommendations. FMCSA agreed with 13 of GAO's recommendations and estimates full implantation by Fiscal Year 2026. However, we are concerned a lack of prioritization and resources will continue to render NCCDB ineffective and underutilized.

Each year, FMCSA receives hundreds-of-millions of dollars for enforcement purposes, a large portion of which is devoted to ensuring compliance with regulations that have little to do with highway safety. While OOIDA is not in favor of increasing overall enforcement funding for FMCSA, we encourage the Committee to repurpose many of these dollars – derived largely from user fees imposed on motor carriers – to make NCCDB an effective and reliable tool for truckers to report concerns.

### **PREDATORY LEASE-TO-OWN SCHEMES**

Predatory truck leasing schemes are another longstanding problem within in our industry. While traditional lease agreements can allow truckers to operate as independent small-businesses, there is a subset of leasing arrangements that almost always exploits drivers. Under these “lease-purchase” or “lease-to-own” agreements, a motor carrier (or related entity) owns a truck and leases it to a driver. In turn, the driver makes payments in the hopes of one day owning the truck and agrees to operate it exclusively for the motor carrier. In these schemes, the lessor and motor carrier are effectively the same entity.

Companies peddling these supposed “opportunities” typically offer the false promise of fair compensation, future ownership of the truck, and independence from employer-employee requirements. While the purported goal of these agreements is for the driver to become a full-fledged owner-operator at the end of the lease, these schemes rarely work out that way. Instead, drivers are paid pennies on the dollar and have their work limited by the motor carrier to prevent them from ever securing ownership of the truck. They are also provided no independence to seek better compensation or more steady work with other motor carriers.

This system pushes individuals who genuinely desire a career in trucking out of the industry and further contributes to driver churn. The financial and personal pressures resulting from escalating debt can also create highway safety risks.

OOIDA supported the establishment of the Truck Leasing Task Force (TLTF) in IIJA, which was tasked with examining the terms, conditions, and equitability of common truck leasing arrangements. Following a series of productive meetings and discussions, TLTF submitted their findings to the U.S. Department of Transportation (USDOT), Department of Labor, and Congress in January 2025. OOIDA strongly supported TLTF’s final report, which found that the negative impacts of inequitable lease-purchase programs negatively affect individual drivers (especially new drivers), the trucking workforce, the health of the industry, and roadway safety. We encourage the Committee to implement TLTF’s comprehensive recommendations, including enacting a statutory prohibition on CMV lease-purchase agreements as irredeemable tools of fraud and driver oppression.

### **SPEED LIMITERS**

In 2022, FMCSA launched a controversial speed limiter rulemaking that would restrict all heavy CMVs to a single top speed across the country, as low as 60 miles per hour. This mandate would have a negative effect on road safety, crash rates, driver retention, and supply chain performance, which is precisely why it is incredibly unpopular among professional drivers.

While truckers have used their voices to stymie the rulemaking’s progress at FMCSA, there are lawmakers who want to use surface transportation reauthorization to impose a mandate over our members’ and other industry stakeholders’ objections. These efforts must be rejected by the Committee.

Congress has delegated the authority to set limits to the states. To protect states’ authority in this matter, Congress should consider taking steps to prevent the federal government, through agencies like FMCSA, from advancing any policies that create dangerous speed differentials among vehicles, which lead to higher crash rates.

### **SIDE UNDERRIDE GUARDS**

Truckers hold a litany of concerns about mandating side underride equipment. These include operational challenges navigating rail-crossings, loading docks, and low ground clearances, as well as equipment damage resulting from curbs, roundabouts, speed bumps, and other highway features. Additionally, there are no commercially-available side underride guards that have demonstrated a capability to fully prevent passenger compartment intrusion among passenger vehicles in highway driving conditions, raising serious concerns about their purported efficacy and benefits.

The National Highway Traffic Safety Administration (NHTSA) has considered numerous options involving side underride guards for decades, but has consistently concluded federal mandates would be impractical and cost-prohibitive. After examining the issue, the Biden Administration determined a side underride guard mandate would be the costliest mandate ever for the trucking industry, and these costs

would outweigh the benefits by a magnitude of nearly ten to one. The Committee must reject calls for this unworkable and costly mandate to be included in surface transportation reauthorization.

### **UNIFIED CARRIER REGISTRATION**

Administered by the federal and state governments through a partnership with the motor carrier industry, the Unified Carrier Registration (UCR) system imposes various taxes on motor carriers and distributes the revenue to 41 participating states. The system was established in the 2005 for the purpose of maintaining a single national register of motor carriers conducting interstate travel. However, the system no longer meets its original objectives and currently does nothing more than generate slush fund revenue for states. As a result, this obsolete program should be repealed.

Truckers have many concerns with the system, starting with the inequity in the assessment of fees on motor carriers. The current tax structure is particularly burdensome and costly for single truck operators or small fleet carriers, who are assessed disproportionately higher fees than their larger competitors. In addition to concerns about fairness, the system lacks the transparency and accountability to merit the trust and support of motor carriers and Congress.

Often, it is difficult to determine precisely what programs UCR taxes are supporting within participating states. Many states use UCR revenue as a non-federal match for federal Motor Carrier Safety Assistance Program (MCSAP) funding, which is devoted primarily to enforcement. Essentially, these states are utilizing a federally-authorized tax on motor carriers to leverage additional federal funding for the policing of them. Rather than returning surplus funds to the depository, several ‘donor states’ are currently flouting the UCR agreement and keeping revenues that exceed their entitlement. As Congress and the Administration review wasteful spending programs, UCR is a prime candidate for repeal.

### **TOLLING AUTHORITY EXPANSION & CONGESTION PRICING**

OOIDA opposes the use of tolling and congestion pricing, especially discriminatory truck-only tolls or fees. Truckers often have limited control over their schedules, and are subject to the demands of shippers and rigid HOS regulations. They have little choice but to use a tolled road (if a non-tolled alternative isn’t available) or drive through metropolitan areas during times of high congestion. Unlike other highway users, truckers may lack the ability to choose alternate routes to avoid congestion due to size and weight restrictions and other limitations on ancillary roads. For these reasons, tolling and congestion fees disproportionately and unfairly impact truckers.

Let us be clear – truckers are willing to pay more for improved infrastructure, so long as it is done in a fair, equitable, and efficient way. OOIDA has long advocated for increases to existing fuel taxes as a way to pay for increased infrastructure spending. If Congress is considering raising revenue, it should have the political courage to do this through proven, cost-effective methods like fuel taxes, instead of methods like tolling that may limit political consequences, but disproportionately harm truckers. The Committee must take steps to not only limit the tolling of currently non-tolled highways, but ensure revenue is being used exclusively for the maintenance of the tolled asset.

### **VEHICLE MILES TRAVELED FEES**

The authorization of programs to administer Vehicle Miles Traveled (VMT) fees would be premature for the next highway bill. Existing user fees are already incredibly efficient and easily administered. These are thoroughly proven mechanisms that provide a transparent and effective way to fund highway construction and maintenance. The costs of administering these user fees are extremely low – estimated to

be less than 1% of all revenues collected. If Congress is serious about raising revenue in the near term, it must acknowledge increasing existing user fees is the most practical and effective solution.

As Congress looks ahead and studies potential VMT solutions, it must reject any proposal that would only target truckers. Truck-only VMT proposals have proven to be highly problematic and largely unsuccessful. Whereas gasoline and diesel taxes have low administration costs because they are collected from a small number of entities (the taxes are assessed at roughly 1,300 fuel distribution terminals nationwide, and the number of distinct entities is even smaller), a VMT tax imposed on truckers would increase the number of payers into the millions. Such a tax structure would be incredibly difficult to enforce and would require a major expansion of federal bureaucracy.

It is a common misconception that increased costs associated with truck-only VMTs could simply be passed on to shippers. While its true most motor carriers are now capable of passing fuel surcharges along, it took truckers decades to defer the rising cost of fuel to their customers. Shippers will similarly be unlikely to immediately accept higher fees to cover the cost of truck-only VMT. Instead, they will simply hire carriers willing to absorb the most cost. For small-business truckers, who operate on the slimmest of margins, this would be particularly harmful. While shippers may one day be willing to accept charges for VMT, the initial years or decades of implementation could be devastating to small businesses.

IIJA required USDOT to create the Federal System Funding Alternative Advisory Board, a panel directed to analyze VMT. OOIDA has a seat on this advisory panel, but is disappointed the board has yet to convene. It would be premature for Congress to take any additional steps to advance VMT until the panel has finished its work, which includes providing recommendations related to the structure, scope, and methodology for developing and implementing a nationwide pilot program.

### **HAIR TESTING**

No one better understands the critical role that drug and alcohol testing fulfills in keeping America's highways safe than OOIDA members. However, there are still significant debates and unanswered questions concerning the use of hair testing. We do know hair testing can lead to false positives because of contamination from the environment and the interference of cosmetic treatment on the analysis of hair. Variances in hair types have also posed difficulties in standardizing drug testing. Hair shape, size, color, texture, formation, and other qualities varies by race, sex, age, and position on the scalp. Not surprisingly, all these limitations have led to discriminatory employment practices. There is no shortage of research illustrating these concerns and that is why the Department of Health and Human Services (HHS) refrained from mandating hair testing in their 2020 proposed guidelines. OOIDA remains opposed to any sort of hair testing mandate that would be initiated by Congress or HHS.

### **ELECTRIC VEHICLES & CHARGING INFRASTRUCTURE**

Congress has provided more than enough financial support for the deployment of EVs and EV charging infrastructure.

Not another penny should be devoted to expanding EV infrastructure or providing EV truck incentives, especially while Congress has failed to prioritize existing safety hazards, like the shortage of truck parking or crumbling infrastructure. At a time when multiple states have recognized the infeasibility of EV truck deployment and are delaying the implementation of their own EV truck mandates, Congress must focus on pressing needs, not wishful thinking.

## **NON-DOMICILED CDL HOLDERS, ENGLISH PROFICIENCY & CABOTAGE**

FMCSA issued regulatory guidance in 2019 that created a loophole for states to issue more “non-domiciled CDLs”. We are hearing growing concerns from our members and from truckers at-large about the prevalence of drivers using these licenses. Non-domiciled CDLs allow individuals to operate a CMV for work, regardless of whether they are an American citizen or came to the U.S. with a work visa. Despite our best efforts to obtain more information, it seems that no federal or state agency has a clear understanding of how many truckers are utilizing non-domiciled CDLs. Without this information, we have no way of knowing whether these drivers are operating as safely as CDL drivers or how they may be affecting the compensation of drivers domiciled in the U.S.

Whatever the exact number of non-domiciled CDLs, it seems clear to us that their apparent growth is a result of large carriers recruiting foreign truck drivers to satisfy their insatiable appetite for cheap labor and to avoid addressing their embarrassingly high driver turnover rates. These carriers have demonstrated they will use every loophole available and peddle false narratives, such as the myth of a driver shortage, to continue bringing the cheapest labor into the industry regardless of possible implications to safety.

We urge the committee to gather more information on the number of non-domiciled CDLs currently operating on our roads, how these drivers are being recruited, compensated, treated, and the safety records of carriers utilizing these CDL holders. Furthermore, we question the need for this program entirely, as trucking is currently experiencing over-capacity that limits job opportunities for domestic drivers.

OOIDA has long advocated for improved entry-level driver training requirements and adherence to other standards that clearly improve roadway safety. At a minimum, motor carriers and drivers should be expected to comply with existing regulations that promote safety. One such requirement is that drivers are able to understand and communicate in English. 49 CFR 391.11(b)(2) states that a person is qualified to drive a truck only if they, "Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records."

The ability to understand and react to road signs, especially in emergency situations, is critical for public and operational safety. Drivers must also be able to communicate with law enforcement and, in the case of an emergency, first responders.

Unfortunately, in 2016, FMCSA issued guidance that diminished safety by removing this violation from the out-of-service (OOS) criteria. Although law enforcement can still issue a citation to a driver that fails to demonstrate English proficiency, data shows that there has been a notable drop-off on the number of violations written for this requirement during roadside enforcement. Therefore, we urge the Committee to reverse FMCSA's 2016 guidance and return these violations to the OOS criteria.

Furthermore, drivers from Mexico with B-1 Visas are being enticed by fleets to remain in the U.S. after hauling freight across our southern border for the purpose of illegally transporting domestic loads. Fleets utilizing these drivers can pay them a fraction of the compensation of an American trucker, providing a financial incentive to continue this illegal practice. In addition to suppressing domestic wages, this practice allows drivers who have completed lower safety standards to operate on American roads. Law enforcement must do a better job identifying violations and enforcing existing cabotage rules, and FMCSA must take aggressive action against fleets found to be violating these laws.