

October 7, 2016

Mr. T.F. Scott Darling  
Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Dear Administrator Darling,

We write to you regarding the working group on post-accident report review established pursuant to section 5306 of the Fast Act, Public Law No. 114-94. We are companies and associations of companies that ship billions of dollars in products by truck and other modes. We are deeply committed to safe and productive transportation as a cornerstone of economic success for America.

Section 5306 of the FAST Act tasked USDOT to create a working group to review issues regarding data in state post-accident reports involving commercial vehicles. Issues to be considered include whether state accident reports should include data on a truck's weight, number of axles, and configuration. See section 5306(c)(2).

We ask that this working group recommend to USDOT that this important data be collected and reported to USDOT. Collecting this data would be consistent with recent statements by USDOT on safety information data gaps, and can be done in a non-burdensome manner.

We are confident that trucks can operate safely and otherwise in the public interest on the Interstate System, at a gross vehicle weight (GVW) of over 80,000 pounds, while carrying divisible loads. They already do in many states. While 80,000 pounds GVW is, as a general rule, the weight limit for the Interstate System, there are currently many exceptions under Federal law. Many states can allow trucks carrying divisible loads with GVW above 80,000 pounds to operate on the Interstate System within their respective borders, sometimes by effectively requiring an additional (sixth) axle. And many foreign countries whose companies compete with American business have long allowed the operation of trucks with GVW above 80,000 pounds. Yet, some say that there is inadequate data in this issue area.

In April 2016, USDOT completed a report on truck size and weight issues in response to a section in MAP-21. USDOT's first recommendation in this report (page 21) is to collect data on the weight of a truck at the time of a crash. Additionally, USDOT stressed the need for data at the time of a crash on vehicle configuration and the number of axles (page 21). Congress, in section 5306, has focused on these same data issues.

Given the interest by USDOT and Congress in this data, we think it is important that such data be collected. Collecting this data would not change any truck size and weight law or take a position on those issues. It would simply follow the guidance of both the recent USDOT statements asserting a data gap in these areas and the invitation to collect such data implicit in the focused wording of section 5306.

Moreover, this data can be collected in a way that is not burdensome.

The wording used by Congress in section 5306 suggests that new data in accident reports on truck weight, vehicle configuration, and axles be limited to reportable accidents (“accidents involving commercial vehicles that are reported to the Federal Government”). These are fatal and other serious accidents involving commercial vehicles, not mere fender benders. So, the reporting of this additional data would be for a very limited subset of all accidents.

Further, we do not ask that the additional data on weight and axles be collected and reported on other than combination trucks. This would exclude, for example, many trucks under 80,000 pounds GVW that provide local pickup and delivery service.

Also, in section 5306 Congress was clear that any new requirement to collect and report data on truck weight and axles would apply where that information “can be readily determined.” See section 5306(c)(2). So, we are not suggesting that unreasonable efforts be required to collect and report such data. However, in today’s world of sophisticated supply chains and motor carriers, it generally should be not challenging to collect and report truck GVW, number of axles, and even axle spacing – particularly for a limited set of vehicles.

To further assure that such data collection and reporting would not be unduly burdensome, we add that, in those cases where precise information is not readily available, reporting a weight range would be a reasonable approach -- if ranges reported were relevant. Ranges that we could support would include whether, at the time of the accident, the estimated weight was (1) 80,000 pounds GVW or less, (2) 80,001 -- 91,000 or fewer pounds GVW, or (3) over 91,000 pounds GVW.

Thank you for your consideration of this request. For further information, please contact Joseph Heaton Director, Federal Affairs at the Beer Institute ([jheaton@beerinstitute.org](mailto:jheaton@beerinstitute.org)) or Julie Landry, Director Government Affairs at the American Forest & Paper Association ([julie\\_landry@afandpa.org](mailto:julie_landry@afandpa.org)).

Respectfully submitted,

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Anheuser-Busch
Alabama Forestry Association
American Soybean Association
Appalachian Hardwood Manufacturers

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Davis-Garvin Agency, Inc.
Domtar
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