



TIA ON THE HILL

The Latest News and Updates from TIA's Government Affairs Department



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2022 Policy Forum: We Need You!

The 2022 TIA Policy Forum is just a few short months away and TIA is looking to bring record numbers of TIA members to Washington, D.C. for this extremely important event. This event will take place just a couple of months before the midterm elections in November. **This could arguably be the most important Policy Forum to date, as the FMCSA is set to release a “compromise” on the rate transparency issue in October 2022.**

As a reminder, this is the issue raised by small owner-operators who made allegations that brokers were price fixing and gouging them during the COVID-19 pandemic. **Let’s not forget what Congressman Hank Johnson (D-GA) said about brokers, “we need to get to the bottom of this racket.”**

There are two petitions currently sitting at FMCSA regarding rate transparency, one filed by OOIDA and the SBTC that would require brokers to electronically send their internal margins to the carriers after delivery and bar brokers from contracting out of the requirements under CFR 371.3. The other petition from TIA would eliminate 371.3, as it is an unnecessary and outdated regulation that was put in place in the 1980s when the marketplace operated quite differently.

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FMCSA has signaled that they are set to release a “compromise” between the two petitions, but we need to be crystal clear with the Administration and Congress that there is no compromising with the OOIDA and SBTC petition that seeks to remove brokers from the supply chain and re-regulate freight rates.

We currently have 35 TIA Members registered for the event, with many States unrepresented. The TIA Board of Directors set a goal of having 200 Members in attendance. Join us in Washington, D.C. to advocate for our industry and defeated the “rate transparency” issue.

REGISTER TODAY

Senate Commerce Nomination Hearing on FMCSA Acting Administrator

On Wednesday, June 8, 2022, the Senate Commerce, Science and Transportation Committee held a hearing on the nomination of Ms. Robin Hutcheson to be the Administrator for the Federal Motor Carrier Safety Administration (FMCSA). Ms. Hutcheson previously served as Deputy Assistant Secretary for Safety Policy at the Department where she led the development of the National Roadway Safety Strategy. Previously, Hutcheson was the Director of Public Works for the City of Minneapolis, overseeing a team of 1,100 people across nine divisions including drinking water, surface waters and sewers, solid waste and recycling, fleet management, and all transportation functions. She also served as the Transportation Director for Salt Lake City, UT, working to improve all modes of transportation. Hutcheson spent seven years on the Board of Directors for the National Association of City Transportation Officials (NACTO), most recently as its President.

In her opening statement, Ms. Hutcheson noted, “Currently, there is a spotlight on the trucking and motorcoach industry, and, if confirmed, I intend to keep the light shining, as we work to carry out the primary safety mission of FMCSA. Fatalities are increasing dramatically on our Nation’s roadways, with recent data showing that over 40,000 people lost their lives in 2021. Of those lost, 800 were commercial motor vehicle drivers. Roadway safety affects not only those whose lives were lost, but the family members and loved ones who suffer the grief of loss. We must do better, and I am committed to working with FMCSA, our stakeholders, and Member offices to reverse this unacceptable trend.”

At the hearing, Senator Deb Fischer (R-NE) asked Ms. Hutcheson about the current state of play as it relates to the carrier selection process and the confusion that exists for shippers and brokers in this process. Additionally, Senator Fischer noted that she would be re-introducing her version of the Motor Carrier Safety Selection Standard. Ms. Hutcheson noted that the agency was very close to releasing a rulemaking on the definition of a “broker,” which should help the industry and improve overall safety. Ms. Hutcheson skirted the question but did give some insight that the TIA supported “dispatch service” clarification was set to be released soon.

Ms. Hutcheson was asked about the FMCSA’s Compliance, Safety and Accountability initiative and the status of it. Ms. Hutcheson noted that the recommendations from the National Academy of Sciences are still being implemented and several of the requirements that need to be implemented prior to rollout have not been met yet and the agency is still working on the initiative.

TIA is meeting this week with Ms. Hutcheson about our priorities and building a strong relationship with her.

FMCSA Set to Examine Autonomous Vehicles

Recently, at a commercial vehicle safety conference, a top Federal Motor Carrier Safety Administration (FMCSA) executive announced that the Agency was planning to release a proposed rulemaking centered on fully automated heavy trucks later this year. The Agency began looking at addressing autonomous trucks in 2017 with several public listening sessions and recommendations developed by an industry advisory committee. In 2019, it issued an Advance Notice of Proposed Rulemaking seeking comment on how to safely regulate automated truck activity, including driver standards and maintenance programs.

The FMCSA official noted that automated truck testing is ramping up fast, advancing to 28 states. Much of the testing is taking place in the Texas Triangle of Dallas, Houston and San Antonio, along Interstate 10 going from Los Angeles to Jacksonville, Fla, or in Arizona. Across these tests, more than 100 trucks have been retrofitted with self-driving technology, and all use safety drivers.

He noted, however that there has been some driver-out testing. For example, autonomous developer TuSimple in late 2021 made seven 80-mile trips along open interstate between Tucson and Phoenix during overnight hours with no driver. There were, however, state patrol officers traveling nearby. This was also spoken about by Former Acting FMCSA Administrator and now General Counsel for TuSimple Jim Mullen at the TIA Annual Conference in San Diego back in April 2022.

TIA's Highway Logistics Conference, Technology Committee and Policy Committee have all talked about autonomous vehicles and the potential impacts to 3PLs, but an official policy position has not been established.

