



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



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### Senate Confirms Hutchison for FMCSA

Ms. Robin Hutchison has officially been confirmed by the Senate as President Biden's new head of the Federal Motor Carrier Safety Administration (FMCSA). This is the first time in three years the FMCSA has had a permanent leader since Mr. Raymond Martinez stepped down in October 2019. Hutchison had previously served as Agency Administrator. She was promoted to that position after Ms. Meera Joshi withdrew her candidacy in December 2021.

TIA congratulate Ms. Hutchison on her successful nomination and looks forward to working with her and the FMCSA to resolve issues facing the 3PL industry.

### DOT Approves Nation-Wide EV Charging

The Department of Transportation (DOT) recently approved electric vehicle charging plans for all 50 states plus D.C. and Puerto Rico. This news enables the disbursement of over \$1.5 billion for building out charging stations described in the infrastructure law.

The \$1.5 billion will be given throughout the 2022 and 2023 fiscal years. The plan intends to plant charging stations covering 75,000 miles of highway around the United States. In all, the infrastructure law provides \$5 billion over the next five years that aims to build and maintain a nation-wide charging network.

Prior to the plan's approval, some states had already begun staffing and implementing their own EV charging blueprints into action. DOT Secretary Pete Buttigieg said these states would be reimbursed for their efforts and could start upgrading already existing infrastructure as well as start the building of new ones.

Most states received Buttigieg's approval as good news, but states like Wyoming felt otherwise. They claim such federal requirements would not be profitable to their state until 2040 and felt the funding would be more useful in other areas.

TIA will keep you updated with any further developments regarding this issue.

## **Senate Joins House Pushing for Freight Rail Accountability**

The Senate introduced a bill aiming to force railroads to improve its flagging service by strengthening the definition of "common carrier". This bill is similar to House legislation that is currently progressing its way through the lower chamber.

The bill in the Senate was introduced by Sen. Tammy Baldwin (D-WI) and intends to take into account things like service frequency, on-time performance, employment levels and other metrics when deciding if a railroad has met its regulations as a common carrier. This designation forces freight railroads not to favor one specific load over another regardless of the different load profit abilities.

Sen. Baldwin's bill is almost identical to a section in the House version (H.R. 8649) that would reauthorize the Surface Transportation Board. Both pieces of legislation seek to encourage railroads to prioritize customer service over profit margins.

Significant progress on either bill is unlikely before the midterm elections, and likely dead if Republicans retake either chamber of Congress.

## **WSJ Letter to the Editor: Truck Safety**

Dear Editor:

In response to your September 23, 2022, article entitled, "Amazon Routinely Hired Dangerous Trucking Companies, With Deadly Consequences," the Transportation Intermediaries Association (TIA) would like to share some thoughts on the broken system that brokers and motor carriers are faced with today, because of the absence of clear and concise regulations from the federal government. The Federal Motor Carrier Safety Administration (FMCSA) is tasked with determining the safety fitness of a motor carrier/trucking company. Because of covid, lack of resources, and because of the requirement that a motor carrier must receive a "physical audit" FMCSA fails to rate 90% of trucking companies at all. Last year, Secretary of Transportation Pete Buttigieg announced that the number of accidents involving commercial motor vehicles increased by 13%, an alarming amount, especially considering that FMCSA has issued other "safety" initiatives including Electronic Logging Devices (ELDs).

While truck crashes continue unabated, TIA has been advocating for a federal Motor Carrier Safety Selection Standard and a revamped Safety Fitness Determination process to rate motor carriers. These two initiatives, included in legislation led by a bipartisan group of lawmakers, would finally put due diligence requirements in place that require entities selecting trucking companies to ensure standards are met, and actionable data is used before utilizing those carriers, thereby improving the safety on the nation's highways. The example used in the article where the brakes were not appropriately repaired could have been flagged in such a system.

So why hasn't this common-sense bipartisan legislative solution been sent to President Biden's desk yet? Well, the answer is that there are members of the trial bar who are invested in the status quo to provide windfall litigation and verdicts against brokers and motor carriers. The current system is untenable for motor carriers, brokers, drivers, and the traveling public. TIA is advocating for a clear, comprehensive, data-based system for the betterment of safety. Without a clear safety rating process and a motor carrier selection standard, unsafe motor carriers will continue to operate and truck crashes and fatalities will persist.