

July 18, 2022

The Honorable Robin Hutcheson  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
West Building, Ground Floor  
Room W12-140  
Washington, DC 20590-0001

**RE: Parts and Accessories Necessary for Safe Operations: Speed Limiting Devices;  
Docket # FMCSA-2022-0004**

Dear Deputy Administrator Hutcheson,

On behalf of the Agricultural Retailers Association (ARA), I am submitting comments in response to the agency's follow up on the National Highway Traffic Safety Administration's and FMCSA's joint rulemaking issued September 7, 2016. Specifically, our comments are related to the FMCSA's intent to proceed with speed limiter rulemaking where motor carriers operating commercial motor vehicles (CMV) in interstate commerce with a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater, that are equipped with an electronic engine control unit (ECU) capable of governing the maximum speed be required to limit the CMV to a speed to be determined by the rulemaking and to maintain that ECU setting for the service life of the vehicle. ARA strongly opposes this rulemaking due to the detrimental impacts this would impose on commercial motor carriers as well as other drivers on the road.

### **Statement of Interest**

ARA represents agricultural retailers who supply farmers and ranchers with products and services. These products include seed, nutrients, crop protection products, feed, equipment, and technology. Retailers also provide consultative services such as crop scouting, soil testing, field mapping, custom planting and application and development of nutrient management and conservation plans.

Agricultural retailers' range in size from small, family-held businesses to large companies and farmer-owned cooperatives with many outlet stores. Large and small retail facilities are scattered throughout all 50 states and provide critical goods and services, as well as jobs and economic opportunities in rural and suburban communities.

### **Comments**

ARA member companies and their farmer customers depend on "just in time" delivery of essential crop input supplies, which is typically transported by commercial motor vehicles (CMV). Currently,

the United States is suffering a shortage of CMV drivers. Trucks move 72% of American freight, and in 2021, the United States had a record deficit of 80,000 truckers.<sup>1</sup> Given the necessity of the trucking industry in the United States and the severe shortage of drivers, imposing harsh limitations on drivers such as limiting their driving speed can deter potential truck drivers and negatively affect those already working in this vital industry. ARA believes that a federal speed limiter mandate will take more control out of the drivers' hands and penalize small businesses. It is likely to cause harm to the U.S. economy and potentially provide unfair advantages to larger commercial trucking operations. Speed limiters will cause an increase the amount of daily stress and pressure professional drivers faced to complete their work.

ARA supports transportation safety. Motor vehicle crashes often happen when vehicles are driving slower or faster than other vehicles on the road, and the safest option is to drive with the flow of traffic. Enacting a single maximum speed limit for CMVs would put those drivers at a higher risk of a crash as they are unable to keep up with the flow of traffic depending on the current area where they are operating.

Speed limiters also create more road rage and dangerous road conditions when two trucks driving similar speeds try to pass, creating running blockades. Canada has had speed limiters enforced since 2005, and a 2013 study conducted by the Government of Canada found the following: "As compliance is increased, there is a small corresponding increase in safety for the mandatory speed limiter case. It should also be noted that as volume and percent of trucks increase, the safety gains associated with the full compliance are offset by the additional traffic turbulence caused by higher volume and percentage trucks."<sup>2</sup> Therefore, speed limiters will overall not increase vehicle safety on the roads.

As a result of speed limiters, it is also very likely to lead to even more interactions between CMV drivers and other drivers on the road creating additional safety concerns. The same study from Canada stated "As traffic volume and percentage trucks in the traffic stream are increased, the safety gains associated with mandatory limiters set at 105 kph become less pronounced. As the volume is set close to capacity (2000 vehicles per hour per lane), more vehicle interactions are expected to take place which can lead to reductions in safety especially for those segments with increased merging and lane-change activity (such as, on and off ramps). In these instances the introduction of truck speed limiters can actually reduce the level of safety when compared to the non-speed limiter base case."<sup>2</sup> In addition, the possibility for increased unsafe passing poses additional safety challenges where CMVs are subject to maximum speed set by limiters for two lane undivided rural highways.

The fuel efficiency of speed limiters is also poor. Trucks are said to save fuel by traveling at lower speeds, but the net fuel efficiency is lost by other vehicles accelerating to pass the trucks. Additionally, speed limiters would increase congestion and cause longer driving periods. This would lead to an increase in GHG and NOx emissions.

In many countries that have had speed limiters in place, tampering has also been a prevalent issue in enforcing these limiters. The study from the Government of Canada found that "Tampering was identified as a significant problem in all countries. Australian officials estimated a 10-30% speed

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<sup>1</sup> <https://www.nytimes.com/2022/02/09/business/truck-driver-shortage.html>

<sup>2</sup> <https://tc.canada.ca/en/summary-report-assessment-heavy-truck-speed-limiter-requirement-canada>

limiter tampering rate and data from Sweden suggested that 40% of heavy trucks were exceeding their maximum allowable speed. Tampering methods included unauthorized changes to the electronic control module (ECM) settings. Operators would also adjust the tire size or transmission gear ratios to allow the true vehicle speed to exceed the speed limiter setting.”<sup>3</sup> Enforcement of the speed limiters would prove to be a challenge and would require expensive enforcement measures.

### **Conclusion**

The FMCSA’s speed limiter rulemaking would be detrimental to the United States’s trucking industry that is already incredibly strained trying to keep up with existing supply chain needs. ARA believes that enforcing speed limiters would negatively affect America’s trucking industry, penalize small business operations, increase stress on the CMV drivers, decrease safety on the road, and would make vehicles less fuel efficient. ARA strongly urges the FMCSA to reconsider this rulemaking.

Thank you for your review and consideration of our comments!

Sincerely,

A handwritten signature in black ink that reads "Richard D. Gupton". The signature is written in a cursive, flowing style.

Richard D. Gupton  
Senior Vice President, Public Policy & Counsel