



Owner-Operator Independent Drivers Association

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## **FMCSA's Speed Limiter Proposed Rulemaking**

**Docket ID No. FMCSA-2022-0004**

**Comments Due by July 18th**

FMCSA is once again considering a rule to mandate speed limiters on commercial trucks. The proposal seeks additional information about whether CMVs over 26,000 pounds should be restricted to certain speeds. Previous proposals have suggested 60, 65, or 68 MPH. OOIDA is opposed to mandatory speed limiters because they are dangerous for all highway users. The proposal is based on unfounded data that will likely detract from highway safety. In actuality, highways are safest when all vehicles travel at the same relative speed.

OOIDA encourages its members to submit comments via [FightingForTruckers.com](https://www.fightingfortruckers.com) or at [Docket ID No. FMCSA-2022-0004](https://www.docketid.com/FMCSA-2022-0004). The public comment period will be open through Monday, July 18<sup>th</sup>. You can use the following information as well as your professional expertise to submit comments:

- Proponents of speed limiters have claimed that speed limiting trucks will make highways safer, but this is not supported by related research. A speed limiter mandate would create speed differentials between trucks and other vehicles which would increase the number of interactions between vehicles. A vehicle traveling 10 mph below the posted speed limit interacts with other vehicles 227% more frequently than a vehicle moving at traffic speed. More vehicle interactions will lead to a greater chance of crashes.
- The vast majority of all accidents occur on roads or in certain areas of highways, such as in cities or construction zones, where the posted speed limit is below previously discussed speed limiter settings (60, 65, or 68 MPH). The majority of speed-related truck crashes occur while driving too fast for conditions, not exceeding the posted speed limit.

- Speed limiters take control out of the driver's hands. There are countless scenarios where drivers must speed up to avoid crashes, but this would not be possible with mandatory speed limiters.
- Rather than mandating speed limiters, the most efficient and cost-effective means to promote safer roads is simply to enforce existing speed limits, which Congress authorized individual states to set based on their own unique factors.
- Do you "spec" the rear-end and rear axle ratios for both fuel economy and torque? Artificially placing a speed limiter on many of these vehicles will make them less fuel efficient while generating more emissions. FMCSA should understand these inefficiencies and their impacts on small-businesses when considering the speed limiter mandate.
- Higher speed variations between cars and heavy trucks increases both fuel consumption and emissions. Though the slowest vehicle will save fuel, it can cause significantly higher fuel costs for all other vehicles due to the need to decelerate and accelerate when encountering the slower vehicle.
- Speed limiters incentivize vehicles of all sizes to apply the clutch or put the transmission into neutral when going downhill in order to pick up speed or to be more efficient when approaching the next elevation change. A mandate will make going up and down mountains and hills more dangerous and create more emissions as lower gears require more torque and greater fuel use.
- If you drive or have ever driven a speed limited truck, express your personal experiences about the real-world problems they create. We are hearing from a host of drivers who have driven speed limited trucks or have driven in areas with different speed limits for cars and trucks. These situations create more interactions between all vehicles resulting in unsafe and stressful environments.

FMCSA's latest proposal focuses on a separate motor carrier-based speed limiter rulemaking and requests public comments and data regarding the adjustment or reprogramming of Electronic Engine Control Units (ECUs). The agency has posted the following questions for response.

- 1. What percentage of the CMV fleet currently uses speed limiting devices?**
- 2. If in use, at what maximum speed are the devices generally set?**

- 3. What skill sets or training are needed for motor carriers' maintenance personnel to adjust or program ECUs to set speed limits?**
- 4. What tools or equipment are needed to adjust or program ECUs?**
- 5. How long would adjustment or reprogramming of an ECU take?**
- 6. Where can the adjustment or reprogramming of an ECU be completed?**
  - 6.a. Can the adjustment or reprogramming of an ECU be made on-site where the vehicle is ordinarily housed or garaged, or would it have to be completed at a dealership?**
- 7. Do responses to questions 3 through 6 change based on the model year of the power unit?**
- 8. Since publication of the 2016 Notice of Proposed Rulemaking, how has standard practice or technology changed as it relates to the ability to set speed limits using ECUs?**
- 9. Are there any challenges or burdens associated with FMCSA publishing a rule without NHTSA updating the Federal Motor Vehicle Safety Standards?**
- 10. Should FMCSA revisit using the 2003 model year as the baseline requirement for the rule?**
- 11. Should FMCSA consider a retrofit requirement in the rule and, if so, should it be based on model year or other criteria, and what would the cost of such a requirement be?**
- 12. Should FMCSA include Classes 3-6 (i.e., 10,001-26,001 lbs. GVWR) in the Supplemental Notice of Proposed Rulemaking?**