



**The National Association of Small Trucking Companies**

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August 6, 2018

The Honorable Bill Shuster  
Chairman  
Committee on Transportation & Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

The Honorable Peter DeFazio  
Ranking Member  
Committee on Transportation & Infrastructure  
2164 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

On behalf of the members of the National Association of Small Trucking Companies (NASTC), which represents more than 9,200 small-business commercial motor carriers, we write to provide feedback on the recent Infrastructure Discussion Draft.

NASTC is a member-based organization whose member companies range from a single or two or three power units to more than 100 power units; however, our members average 16 power units. These companies for the most part operate in the long-haul, over-the-road, full-truckload, for-hire sector of interstate trucking. NASTC's members come from the largest segment of America's long-haul trucking — they are small motor carrier businesses. Thus, they are representative of the vast majority of our nation's commercial motor carriers, the roughly 440,000 having fewer than 100 power units, in contrast to the 1,441 megafleet carriers with more than 100 units.

NASTC appreciates the effort of initiating a conversation about how to break the logjam of funding infrastructure and the Highway Trust Fund. NASTC wants to play a constructive role in this discussion and to represent the best interests of our country, our members, and the commercial motor carrier sector. The discussion draft provides much to digest. As with anything, we find the discussion draft to contain some things that are attractive and other things that raise concerns. We share some general observations here and will provide more in-depth analysis in the future.

We appreciate that the draft legislation has all users of federal highways, including electric and hybrid vehicles and bicycles, help fund their construction and upkeep. That reiterates the fact that every American benefits from having sound, safe, sufficient roads and bridges, and assuring their maintenance is in the public interest. Further, we appreciate that the proposal seeks to expedite federal permitting and environmental reviews, providing a two-year deadline for a decision on a project. Faster, more certain clearance and approvals will achieve significant savings and make our roads and bridges safer. Additionally, the designation of 30 percent of infrastructure grant funds for rural America is laudable.

On the other hand, the design and parameters of the proposed Highway Trust Fund Commission and pilot program raise concerns. This commission appears limited in what it may recommend as the means of making the trust fund solvent. This could prevent its arriving at a more meritorious option. Further, the commission's prescribed procedures, coupled with the per-mile pilot program as described in the discussion draft, seem to favor one solution over all others. It would be troubling to employ an approach that precludes an honest assessment of all options and blocks the ability to recommend a better solution. Notably, vehicle-miles-traveled taxation is fraught with a serious lack of transparency

and intrusiveness, potentially encroaching on citizens' rights and enabling abuse. In order to use that method, the government would necessarily have to track everyone's movement at all times, whether moving or stationary. This type of oversight is overly intrusive and quite possibly unconstitutional if challenged.

Another concern is the preferential treatment given public-private partnership-based models, particularly with respect to highways and infrastructure. In this context, too often PPPs equate to tolling. NASTC has long opposed tolling our highways, particularly existing roadways. We are concerned because tolling is too often not cost-effective and involves outsourcing taxation to private entities that are unaccountable to those taxed. Thus, officials are insulated, taxpayers are subject to those they cannot hold to account, and private entities, including foreign-based firms, gain undue, improper powers including the ability to tax and spend.

Also, the expedited procedures under which the commission-produced legislation would be considered are extremely disturbing. We find taking away the ability to legislate from the legislative branch to be breathtaking. No amendments could be made by any committee or Member of the U.S. House of Representatives or the U.S. Senate. On its face and in detail, such fast-tracked process is objectionable for removing the wise safeguards our Constitution provides.

Another set of concerns relates to revenue levels. The discussion draft proposes a phased-in increase in the federal fuel tax, along with several other revenue measures. NASTC has generally expressed willingness to go along with an increase in the federal fuel tax. And we have always conditioned this tax increase on closing off spending gas tax funds on things other than highways and bridges, prioritizing projects involving infrastructure in the greatest need of repair, and similar conditions. The draft does not satisfactorily advance such reasonable prioritization. Some have expressed that the government should limit spending to what the fuel tax raises without any tax increase. NASTC would echo that preference because the situation facing the Highway Trust Fund and needed infrastructure at heart represents a failure of Washington to force itself to live within its means. This is merely one of the many areas in which we have a "funding crisis" because of unwillingness to set priorities.

Finally, the discussion draft would end the fuel tax in 10 years, on the assumption a VMT system is enacted under the predisposed commission and fast-tracked legislative procedures. It is likely that political pressure would intensify to enact whatever the commission proffers, regardless of any evident flaws. However, some chance exists that the legislation would not become law. In that case, the prospect of ending the fuel tax without a replacement to fund the Highway Trust Fund would leave the nation's ailing infrastructure in a precarious circumstance. Such an outcome would pose a serious threat to everyone who drives on or benefits from those who use our federal highways. This is of concern. In effect, with the 10-year end of funding, we would be highly leveraged, coerced, or some might say extorted to implement a VMT system.

In closing, NASTC appreciates the initiative represented in this discussion draft. NASTC stands ready and willing to work with you on this effort. And we appreciate your inviting our input.

Sincerely,

A handwritten signature in black ink that reads "David Owen". The signature is written in a cursive, flowing style.

David Owen  
President