

The Honorable Tom Carper
Chair, Senate Committee on Environment and Public Works

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment and Public Works

The Honorable Peter A. DeFazio
Chair, House Committee on Transportation and Infrastructure

The Honorable Sam Graves
Ranking Member, House Committee on Transportation and Infrastructure

July 27, 2022

Dear Senator Carper, Senator Capito, Congressman DeFazio, and Congressman Graves,

We write to address a critical matter regarding our national infrastructure: the lack of parking spaces available for commercial trucks. As the country has become ever more reliant on timely and reliable delivery of consumer products in the wake of Covid-19, it has simultaneously failed to provide the infrastructure needed to make that possible and support the millions of Americans who do the work to make that happen. We request that Congress immediately work to pass legislation to nationally expand commercial truck parking capacity, in light of its impact on current supply-chain bottlenecks contributing to inflation, the detrimental impact that the lack of parking has on the safety and well-being of the millions of American workers in the trucking industry today, as well as the safety of the millions of Americans who share the road with them.

The domestic trucking industry ships an overwhelming majority of the country's domestic freight, and employs over 2 million truck drivers. These workers are the core of America's domestic supply chains, working independently for long hours to keep our economy moving. The global effects of Covid-19 disruptions on manufacturing, shipping, and logistics have revealed that not just our national infrastructure, long known to be in a state of disrepair, but that our commercial supply chains are also fragile. Attention has often turned to trucking, with the backup of containers at ports used to suggest that the trucking industry is not able to keep pace, highlighting in particular the much-discussed, ostensible shortage of truck drivers. However, the core problems in the industry, and those of most concern for drivers themselves, are often more practical in nature. For decades now, the lack of available parking has been among the top concerns for the industry and the Americans working in it.¹

¹ American Transportation Research Institute, "Critical Issues in the Trucking Industry - 2021," October 2021, <https://truckingresearch.org/wp-content/uploads/2021/10/ATRI-Top-Industry-Issues-2021.pdf>

The Trucking Industry and the Shortage of Parking

The issue of parking spaces is not a niche, minor issue, primarily about having nowhere convenient to rest, desiring high-quality facilities, or drivers needing to plan their routes better. The lack of parking, combined with several layers of regulatory requirements for drivers, creates an impossible professional situation, leading to lower pay, unreliable delivery times and thus more supply chain bottlenecks, and risks to their own safety or that of others. None of this is within the control of drivers.

Despite deregulation of the trucking industry 40 years ago, trucker drivers still operate under several strict regulations that have both perverse effects on their lives and pay, but also greatly exacerbate the harms caused by the lack of available parking. The Federal Motor Carrier Safety Administration maintains Hours-of Service (HOS) regulations regarding how long commercial vehicle operators are allowed to drive uninterrupted, how long they need to rest, and maximum driving hours per week. In short, with some exceptions, commercial freight drivers may only drive 11 hours after 10 consecutive hours off duty, are required to take breaks, and may only drive 60 hours per week.²

Commercial vehicle operators, however, are not generally paid according to the time they work, but rather by the the distance they are travelling. This means that any delays to their schedules—as a result of weather, traffic, the lack of warehouse staff to unload or load cargo—will substantially cut into take-home pay. So if a driver arrives at a destination with freight that cannot be unloaded, they might be forced to wait, uncompensated, until that can be done. Combined with insufficient pay for drivers, this means that drivers work under pressure to maximize the amount of time they are driving under the HOS rules, often having already lost many hours in a day waiting uncompensated.

The shortage of legal parking spaces for commercial trucks is a needless but incessant cause of additional delays for drivers. Unable to continue driving past 11 hours, but unsure where or whether parking might be available, drivers might spend the last hour of their HOS driving time looking for parking spaces, or end a drive early if they do not know they will be able to later secure a parking space. Across the country, truck parking spaces fill up rather quickly in the evening, so drivers might cut their days short by an hour or more simply to assure that they will be able to get a legal parking space. Parking might not be readily available on their route, or the only available parking option might be much further, or less far, than HOS rules allow them to travel, forcing truckers to cut their hours short for a day. Their cargo might not reach its destination in a timely fashion, and the driver might not be paid for the time spent searching for parking or for the time during which they would otherwise continue driving if they had not stopped early.

² Federal Motor Carrier Safety Administration, “Summary of Hours of Service Regulations,” March 28, 2022, <https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>

The financial losses for drivers alone are substantial. In 2019, the American Transportation Research Institute estimated that drivers on average spend 56 minutes per day looking for available parking,³ for which, again, they are often not compensated. This amounts to an average loss of \$4,600 per year in take home pay for drivers.⁴ This is time wasted for the driver, and time wasted for the purposes of timely delivery. In a line of work where pay and conditions should already be improved—both to improve the livelihoods of those already in the profession and to attract others to meet the logistical and supply chain needs of the country—it is a notable failure of national infrastructure that a problem as simple as the shortage of available parking spaces so directly reduces the work quality and take-home pay for drivers.

The shortage of parking also puts drivers in an impossible bind between safety, following industry regulations, and their own income. Unable to find parking, drivers are trapped in the requirement of violating one of two sets of regulations: either they violate the HOS rules and continue driving until they can find parking, or they park illegally, whether on road shoulders, freeway off-ramps, or abandoned properties. They risk the safety of themselves and other drivers if continuing to drive fatigued. The same goes for parking illegally should there be no spaces available, as they either park somewhere that is unsafe for themselves, or they might need to park where it is unsafe for other drivers, like a highway shoulder or off-ramp.

As one trucker succinctly put it in a comment to the Federal Highway Administration last year, “Too much time is wasted by stopping too soon in my driving time because I know I won’t be able to park if I proceed. If I do have to proceed because I have had to waste time by being delayed at a shipper or receiver, I may park in an area that is not safe for me...Adding truckers to fill the “driver shortage” is only going to make the situation worse. Like adding players to a game of musical chairs without adding chairs...The supply chain clog will not unclog until drivers are able to utilize their whole 11 hour drive time driving, not driving around in circles, fighting for the next parking spot or stopping early so they can MAYBE count on a spot.”⁵

The Campaign for Truck Parking

While little known to the wider public, this problem of insufficient truck parking, and the campaign to expand it, has a 15-year history of tragedy and policy complacency, all long before the disruptions of COVID exposed the fragility of American supply chains. What actions have been taken thus far have mostly failed to even keep pace with the problem.

In March 2009, Jason Rivenburg, a truck driver, was delivering a load of milk to a Virginia distribution center. He ended up arriving early, but the center would not let him in to park while he waited. He ended up looking around, and found an abandoned gas station where he could park. While he waited there, for lack of other safe parking, he was robbed and killed.

³ Dan Ronan, “Truck Parking Shortage Costs Drivers \$4,600 a Year, Expert Says,” Transport Topics, February 14, 2019, <https://www.ttnews.com/articles/truck-parking-shortage-costs-drivers-4600-year-expert-says>

⁴ Ibid.

⁵ Comment FHWA-2021-0021-0079, Federal Highway Administration Request for Information: Infrastructure and Investment Jobs Act, <https://www.regulations.gov/comment/FHWA-2021-0021-0079>

In response, in April 2009, Representative Paul Tonko introduced “Jason’s Law,” a proposal to spend \$20 million per year from 2010 to 2015 to expand truck parking and commercial facilities for truck drivers.⁶ It was not passed, but after a few more years of campaigning, the 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21) included Jason’s Law as Section 1401.⁷ Jason’s law authorized several categories of federal highway funding to be used to expand parking for commercial trucks, and also required the Department of Transportation (DOT) to conduct a survey of each state to determine the state’s ability to provide sufficient parking and rest facilities for commercial motor vehicles.

The first Jason’s Law survey, released in 2015, revealed what every truck driver already knew: that there was a significant shortage of parking, and that it was prevalent across the country.⁸ It found that parking shortages were most frequent at night and mid-week, and that truck drivers were often forced to park in illegal locations, such as road shoulders or off-ramps. Almost half of truck stops were operating at over 100% capacity at night.

The second Jason’s law survey in 2019—the results of the which were only partially released to the public in December 2020⁹—showed that the situation had not improved. While the 2019 survey shows that there are 11% more parking spaces nationally in 2019 than in 2014 – a total of 313,000 across the country – this should be put in perspective.¹⁰ The economy has grown, the quantity of freight shipments has increased in that time, and the needs for parking grew as fast or nearly as fast as any capacity expansion. The American economy grew 21% from 2014 to 2019.¹¹ Bureau of Transportation Statistics data shows that the volume of domestic truck shipments from 2014 to 2020 increased by 8%, from 10,542 million tons to 11,432 million tons.¹² In short, additional construction has either fallen behind or barely held pace with the problem.

So despite conducting two Jason’s law surveys to date, little to no progress has been made on the core problem of actually expanding parking capacity. The Federal Highway Administration has never made public any clear estimates of how much funding from the relevant spending

⁶ H.R. 2156 - Jason's Law, 111th Congress, <https://www.congress.gov/bill/111th-congress/house-bill/2156/text>

⁷ Moving Ahead for Progress in the 21st Century Act, July 6, 2012, <https://www.congress.gov/112/plaws/publ141/PLAW-112publ141.pdf>

⁸ Jason’s Law Survey and Comparative Results, US Federal Highway Administration, August 2015, https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/jasons_law/truckparkingsurvey/index.htm

⁹ US Federal Highway Administration presentation to National Coalition on Truck Parking, December 5, 2020, https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/workinggroups/2020/mtg/nctp_tpwntg12012020.pdf

¹⁰ US Federal Highway Administration presentation to National Coalition on Truck Parking, December 5, 2020, https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/workinggroups/2020/mtg/nctp_tpwntg12012020.pdf

¹¹ Estimates from St. Louis Federal Reserve, based on GDP estimates of \$17,550,668,000 in 2014 versus \$21,372,582,000 in 2019, <https://fred.stlouisfed.org/series/GDP/#0>.

¹² US Department of Transportation, Bureau of Transportation Statistics, Freight Facts and Figures, Weight of shipments by transportation mode, <https://data.bts.gov/stories/s/Moving-Goods-in-the-United-States/bcvt-rqmu>

authorizations has actually been directed towards projects to expand capacity. As far as can be seen, the answer is little to none.

Overall, federal spending laws to address this issue have tended to follow a similar, unsuccessful spending structure: of *authorizing* that certain highway infrastructure spending is *eligible* to be used by individual states for the expansion of truck parking. For example, MAP-21 allowed for spending to expand truck parking capacity under the Surface Transportation Block Grant Program (STBG),¹³ the National Highway Freight Program (NHFP),¹⁴ the Highway Safety Improvement Program (HSIP),¹⁵ the National Highway Performance Program (NHPP),¹⁶ and the Congestion Mitigation and Air Quality Improvement Program (CMAQ).¹⁷ However, this solves the problem on paper only, as it leaves truck parking in competition with other highway infrastructure projects, and the expansion of truck parking capacity is usually a lower priority for states than other projects. As a result, none gets built.

What has been done, however, is a range of proposals to address this problem with technology—through electronic signage about available spaces or smart-phone based applications—assuming that more information about parking availability might alleviate the problem. For example, in 2015, following the release of the first Jason’s Law survey, the Department of Transportation announced a \$25 million Transportation Investment Generating Economic Recovery (TIGER) grant to create a Regional Truck Parking Information and Management System, a smartphone based system to track parking availability for truckers.¹⁸ While these may alleviate the problem around the margins, in many cases it merely serves to inform drivers that there is nowhere for them to park. It does nothing to solve the core problem: the simple lack of sufficient spaces.

The Current State of the Problem

Despite having initially included \$1 billion in spending designated for parking capacity expansion, last year’s bipartisan infrastructure bill did not make any significant effort to address this problem.¹⁹ After passage of the infrastructure bill, the Biden Administration released a Trucking Action Plan that mostly focused on increasing the number of truckers in response to

¹³ Surface Transportation Block Grant Program (STBG) Implementation Guidance, March 7, 2016, <http://www.fhwa.dot.gov/specialfunding/stp/160307.cfm>

¹⁴ National Highway Freight Program (NHFP), FAST Act Section 1116 Implementation Guidance, February 29, 2016, http://www.ops.fhwa.dot.gov/freight/pol_plng_finance/policy/fastact/s1116nhfpguidance/

¹⁵ Highway Safety Improvement Program (HSIP) Eligibility Guidance, February 2, 2022, https://safety.fhwa.dot.gov/hsip/rulemaking/docs/BIL_HSIP_Eligibility_Guidance.pdf

¹⁶ National Highway Performance Program (NHPP) Implementation Guidance as Revised by the FAST Act, March 9, 2016, <http://www.fhwa.dot.gov/specialfunding/nhpp/160309.cfm>

¹⁷ Congestion Mitigation and Air Quality Improvement Program Fact Sheet, <https://www.fhwa.dot.gov/fastact/factsheets/cmaqfs.cfm>

¹⁸ MAASTO Truck Parking Information Management Systems (TPIMS) Fact Sheet, <http://www.maasto.net/documents/TPIMS-Summary.pdf>

¹⁹ Gregory Korte, “Sleepy Truckers Get Forgotten in Supply Crisis Choking Economy,” Bloomberg, January 22, 2022, <https://www.bloomberg.com/news/articles/2022-01-22/sleepy-truckers-get-forgotten-in-supply-crisis-choking-economy?sref=q0qR8k34>

the perceived labor shortage in the industry, but did not once mention parking, the primary *infrastructure-related* problem for the industry.²⁰ Likewise, adding more truck drivers to the road without adequately expanding parking at the same time will only worsen this problem. In a follow-up, the Administration has highlighted truck parking as a priority area, noting that the infrastructure bill provides funding for five programs that states are able to use to expand truck parking.²¹ However, like previous legislation, truck parking capacity is an eligible use of the funds, but it must compete with other projects at the state level, so realistically the odds of substantial construction are low.

Additional capacity expansion needs to be large enough to address current needs, account for further growth in the volume of shipments, and be flexible enough to address future changes in the industry and geographic changes in demand. The problem is widespread, not contained to a single region, and is not the result of insufficient information regarding available parking. The problem, simply, is that there are not enough parking spaces.

Bills are regularly proposed to resolve this problem. Most notably, Representative Mike Bost has introduced bills in recent sessions to appropriate \$755 million through 2025 towards the construction of parking for commercial trucks, this session pending as H.R. 2187.²²

We therefore ask for the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure to immediately pass H.R. 2187 to fund the construction of additional commercial vehicle parking. As our country faces an unprecedented wave of supply chain bottlenecks and holdups, now is the time to make meaningful investments in the infrastructure for domestic transportation and shipping. The working conditions, livelihoods, and safety of more than 2 million Americans working as commercial truck drivers depends on it.

Sincerely,

American Economic Liberties Project

cc:

The Honorable Pete Buttigieg
Secretary of Transportation

²⁰ Fact Sheet, “The Biden-Harris Administration Trucking Action Plan to Strengthen America’s Trucking Workforce,” The White House, December 16, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/16/fact-sheet-the-biden-%E2%81%A0harris-administration-trucking-action-plan-to-strengthen-americas-trucking-workforce/>

²¹ Fact Sheet, “The Biden Administration’s Unprecedented Actions to Expand and Improve Trucking Jobs,” The White House, April 4, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/04/fact-sheet-the-biden-administrations-unprecedented-actions-to-expand-and-improve-trucking-jobs/>

²² H.R.2187 - Truck Parking Safety Improvement Act, 117th Congress, <https://www.congress.gov/bill/117th-congress/house-bill/2187/text>