

Committee on Transportation and Infrastructure  
United States House of Representatives  
Washington, D.C. 20515

Dear Representative:

As you consider Federal Aviation Administration (FAA) reauthorization legislation, the undersigned organizations, representing trucking, railroads, manufacturers, distributors, bakers, movers, retailers, food suppliers, packers and processors, traders, and restaurateurs, ask you to clarify the preemption provision of the FAA Authorization Act of 1994 (FAAAA) to restore the goals Congress intended when it sought national uniformity for motor carriers in the transportation of property.

In 1994, Congress passed the preemption provision of the FAAAA to promote market-driven services and productivity in the trucking industry and to facilitate interstate commerce by providing a uniform system of federal rules rather than a 50-state patchwork that would inhibit the movement of freight throughout the country. As Congress observed when it enacted the FAAAA, “the sheer diversity of [state] regulatory schemes is a huge problem for national and regional carriers attempting to conduct a standard way of doing business.”<sup>1</sup> Congress determined that allowing states to impose their individual policy preferences on the trucking industry “causes significant inefficiencies, increased costs, reduction of competition, inhibition of innovation and technology and curtails the expansion of markets.”<sup>2</sup>

Therefore, Congress broadly preempted state laws and regulations to the extent they relate to motor carriers’ prices, routes, or services. The Supreme Court has repeatedly explained that the language chosen by Congress reflects a very broad preemptive purpose, regardless of whether the effect on carrier prices, routes or services is direct or indirect, as long as the effect is more than tenuous or remote. However, some courts — particularly the Ninth Circuit — have consistently failed to faithfully implement Congress’ goals. The upshot is serious inefficiencies that harm not just motor carriers, but the shippers and consumers who rely on trucks to move their goods, and, by extension, the national economy.

As such, we encourage you to include language in the FAA reauthorization bill clarifying that the existing law preempts two specific types of state laws that especially affect efficiency, productivity, and safety:

- (1) State break requirements that go beyond the nationally-uniform break requirements of the applicable federal regulations; and
- (2) State laws interfering with industry-standard piece-rate pay practices that conform to federal law and not only ensure employees earn as much as they would if paid by the hour at the local minimum wage, but also enable them to earn much more.

This clarification will preserve the ability of trucking companies to provide the level of service that the Federal Motor Carrier Safety Administration (FMCSA) has determined is consistent with safe operations and driver welfare; and that they can continue to make use of pay systems that reward efficiency and productivity.

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<sup>1</sup> H.R. Conf. Rep. No. 103-677 at 87 (1994).

<sup>2</sup> *Ibid.*

Thank you for your consideration of this important matter. We look forward to working with you to enact a sensible solution this year.

Sincerely,

Agricultural & Food Transporters Conference  
Agriculture Transportation Coalition  
American Bakers Association  
American Frozen Food Institute  
American Moving & Storage Association  
American Trucking Associations  
Association of American Railroads  
Automobile Carriers Conference  
Customized Logistics and Delivery Association  
Food Marketing Institute  
Global Cold Chain Alliance  
Intermodal Association of North America  
Intermodal Motor Carriers Conference  
International Association of Refrigerated Warehouses  
International Foodservice Distributors Association  
International Refrigerated Transportation Association  
Meat Import Council of America  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Council of Chain Restaurants  
National Private Truck Council  
National Restaurant Association  
National Retail Federation  
National Shippers Strategic Transportation Council  
National Tank Truck Carriers  
North American Meat Institute  
Regional and Distribution Carriers Conference  
Retail Industry Leaders Association  
Truck Renting and Leasing Association  
Truckload Carriers Association  
U.S. Chamber of Commerce  
United Fresh Produce Association  
United States Hide, Skin and Leather Association

The 50 ATA-Affiliated State Trucking Associations

Alabama Trucking Association, Inc.  
Alaska Trucking Association, Inc.  
Arizona Trucking Association  
Arkansas Trucking Association  
California Trucking Association  
Colorado Motor Carriers Association  
Motor Transport Association of Connecticut, Inc.  
Delaware Motor Transport Association, Inc.  
Florida Trucking Association, Inc.  
Georgia Motor Trucking Association, Inc.

Hawaii Transportation Association  
Idaho Trucking Association  
Illinois Trucking Association, Inc.  
Indiana Motor Truck Association, Inc.  
Iowa Motor Truck Association, Inc.  
Kansas Motor Carriers Association  
Kentucky Trucking Association  
Louisiana Motor Transport Association, Inc.  
Maine Motor Transport Association, Inc.  
Maryland Motor Truck Association, Inc.  
Massachusetts Motor Transportation Association, Inc.  
Michigan Trucking Association, Inc.  
Minnesota Trucking Association  
Mississippi Trucking Association  
Missouri Trucking Association  
Motor Carriers of Montana  
Nebraska Trucking Association  
Nevada Trucking Association, Inc.  
New Hampshire Motor Transport Association  
New Jersey Motor Truck Association  
New Mexico Trucking Association  
New York State Motor Truck Association  
North Carolina Trucking Association  
North Dakota Motor Carriers Association, Inc.  
Ohio Trucking Association  
Oklahoma Trucking Association  
Oregon Trucking Associations, Inc.  
Pennsylvania Motor Truck Association  
Rhode Island Trucking Association, Inc.  
South Carolina Trucking Association, Inc.  
South Dakota Trucking Association  
Tennessee Trucking Association  
Texas Trucking Association  
Utah Trucking Association  
Vermont Truck & Bus Association, Inc.  
Virginia Trucking Association  
Washington Trucking Associations  
West Virginia Trucking Association, Inc.  
Wisconsin Motor Carriers Association  
Wyoming Trucking Association, Inc.