



*Minnesota's Trucking Industry . . .
So Much Depends On Us*

December 11, 2003

The Honorable Mark Kennedy
1415 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kennedy:

The Minnesota Trucking Association Board of Directors voted at its December 10, 2003 meeting to officially endorse your *Freeing Alternatives for Speedy Transportation* (FAST) bill (HR 1767/S1384). This support is based on your willingness to make language changes to the bill to address issues of major concern to our members.

Our organization applauds your efforts to bring creative and innovative thinking to the critical issue of highway funding. As this proposal moves through Congress, the MTA believes it is critical that all four of its major principles remain intact:

- FAST lane use must be voluntary,
- fees must apply only to expanded capacity as measured in new lane miles,
- fees are to be collected electronically, and
- revenues collected will be applied exclusively to the FAST lanes.

We would strongly oppose any efforts to modify FAST legislation that would conflict with these principles, such as authorizing tolls on existing capacity or depositing FAST lane receipts into the general highway fund for re-allocation or possible diversion.

Thank you for taking the time to meet with us and discuss both our concerns and our recommendations, which are detailed below:

Fast Lane Use is Voluntary: Change "shall" to "must" in section 165.d4 relating to voluntary use of FAST Lanes. This is the single most important aspect of the program since it allows system users to make market decisions related to freight operations and costs. The language is relatively unambiguous, however it would be useful to include language that emphasizes both the letter and intent of the law.

Fees Should Be Applied Only to Expanded Capacity: The use of the word "for" (tolls collected "FOR" FAST Lanes), should be changed to "collected 'ON' FAST Lanes...". There is no strong language in either version of the bill clearly stating that fees can only be collected *on* FAST lanes. It is well understood that the use of "may" or "may not" allows relatively arbitrary interpretation. Without improved language in this tenet and section, there is no protection from tolling all lanes and capacity.

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Fees are to be Collected Electronically: Insert language that favors or requires the use of open-architecture electronic toll collection systems. A long-running challenge in electronic toll collection has been the lack of technology inter-operability in toll collections, thus requiring trucks to purchase and use multiple transponders (EZ Pass, PrePass, NorPass, etc.).

Revenues Collected will be Applied Exclusively to FAST Lanes: Insert language that requires “the maintenance of voluntary lanes at a level equitable with FAST lanes”. The outstanding concern, which is difficult to legislate, is that the voluntary lanes will suffer as a strategy to improve FAST lane use.

Toll Collections will “Sunset” At Project Completion: Develop and insert language in section 165.b3B that requires “a project completion and toll termination either by a specific date or return on the project investment” as part of the “Schedule & Finance Plan”. The intent of this section is clear, but the language essentially states that fees can be collected as long as improvements are needed which is effectively ad infinitum. Our organization also expresses its appreciation for your addition of a “reserve account” to address our previous issue of on-going maintenance and repair of the FAST Lanes.

Additional Issue – Governance: Add a clause (D) to the “facility management plan” which provides for user participation in the on-going governance of the FAST Lane. The objective of the FAST lane program is meritorious, but there is a history of past abuses by toll system managers. A strategy for better managing the FAST program would be to require a FAST Lane governing board for each project that includes a substantive representation of carriers and other users (non-government). *Help Inc*, a governing board used for development and deployment of pre-clearance systems, provides precedent for this management arrangement. We can provide information regarding this model at your request.

You will be pleased to know that our organization has communicated our support for your FAST Lane legislation to the American Trucking Associations (ATA) and has formally requested that the ATA adopt a similar position of support.

We look forward to working with you to incorporate our suggested revisions and keeping your proposal true to its four guiding principles as it proceeds through Congress.

Sincerely,



John Hausladen
President

Minnesota Trucking Association