



# Highway Policy Committee

CHAIRMAN: Adam Blanchard, Shareholder and Managing Member, Double Diamond Transport, Inc.  
TCA STAFF LIAISON: David Heller, Hailey Betham

## AGENDA:

MEETING DATE: Sunday, March 24, 2024  
TIME: 8:00 a.m. – 9:20 a.m.  
PLACE: Gaylord Opryland Resort & Convention Center

### **COMMITTEE MEMBERS:**

Tim Chrulski	Gary Falldin	Kevin Reynolds
Jon Coca	Darrel Hopkins	Allie S. Schwalb
Ron Cordova (Fred Fakkema)	Brent Hutto	John Simms
John Culp	Bob Kretsinger	Jim Stockland
Jeff Davis	Trevor Kurtz	Konor Swedberg
Dennis Dellinger	Scott Manthey	Lance Votroubek
Dan Doran	Ed J. Nagle	David Williams
Amber Edmonson	Dean Newell	Nicholas Wingerter
	Barry Pottle	Chris Woody

### **GUESTS:**

Alan Alberto	Keith Copeland	Frank Gambino
Todd Amen	David Crumbley	Eric Grant
Anneliese Benesh	Russel Currie	Briall Hall
Larry Betz	Brian Dagliano	Bill Herring
Rob Brock	Shelly Dellinger	Dave Hewlett
Armando Castro	Symon Edmonds	Eric Jacobson
Theresea Check	John Elliot	Julien Leroux
Don Christenson	Craig Enns	Chad Liter

Brian Love	Scott Randall	Deanne Smith
Gabe Macfarlane	Peter Robinson	Rick St.Paul
Dave Maowrer	Bridgitte Roy	Vance Stevens
Johnathan Marshall	Kris Rzepowski	James Taylor
Jeff McKinney	Taylor Santiago	Eric Tompkins
Willian Nelson	Mark Seymour	Bob Vanden Burgt
Janet PantusO	Jerry Sigmon Jr.	Ryan Whelan
Manahar Patwardhan	Melanie Simard	Jared Whitson
Garth Pitzel	Derick Singleton	Jon Wildish
Meredith Priestly	Joe Smith	Kecin Wiliams
Kevin Ramesan	Jana Smith	Stephan Woodring

Call to Order: The motion of the approval of the antitrust review and the minutes of the previous committee meeting held were approved at 9:09 a.m.,

- I. 2024 Election Overview -Missy Edwards, MME Strategies, Richard Sullivan, State Federal Strategies
  - I. During the Highway Policy Committee meeting on TCA's lobby day, Missy Edwards and Richard Sullivan provided an overview of the 2024 election. They highlighted that the political landscape is taking shape as primary elections unfold, with candidates from various backgrounds competing for nominations and engaging with voters. The following information was addressed.
    - i. In the Senate elections, Democratic incumbents face tough re-election bids, especially in swing and Trump-won states, while Republicans are expected to retain their seats, with support from figures like former President Trump influencing the race.
    - ii. In the House of Representatives, the current composition is tight, offering opportunities for seats to flip. Both parties are targeting key states and districts, with Republicans making gains in places like New York. A recent survey suggests a challenging path for former President Trump, as a significant portion of voters in swing states express reluctance to support him if convicted in his criminal cases.
    - iii. President Biden's administration faces challenges despite positive economic indicators, with his approval ratings trailing. However, the administration can point to low crime rates, low unemployment, and record-high stock market indices as successes. Inflation has also cooled, which could benefit the administration.

- iv. Third-party challengers could play a significant role, with candidates like Jill Stein and potential No Labels bids potentially affecting the outcome. The emergence of other candidates, like Robert Kennedy, Jr., adds complexity to the race.

II. Tort Reform/Lawsuit abuse opportunities - Lee Parsley, General Counsel, Texans for Lawsuit Reform (TLR)

- I. During the Highway Policy Committee meeting, Lee Parsley, General Counsel for Texans for Lawsuit Reform (TLR) along with Lucy Cafrelli discussed opportunities for tort reform and addressing lawsuit abuse. They highlighted the invisible costs of insurance, often referred to as the "tort tax," which can result from excessive litigation. They also mentioned the creation of their political action committee (PAC) to promote a policy agenda, noting that former Governor Bush adopted tort reform in Texas. They also expressed concerns about attorneys abusing the legal system, citing excessive fees and judges who may lack experience or show bias in their decisions. They highlighted that attorneys often target the trucking industry, attempting to portray carriers as at fault and swaying juries with claims of pain and suffering. The group emphasized the importance of studying how new laws are implemented in the courts after legislation is passed. They also discussed the role of attorney billboards in influencing public perception and the impact of insurance on the implementation of tort reform measures.

III. Policy review subcommittee discussion – Adam Blanchard, Chair

- I. Chair ,Adam Blanchard presented the committee with the recommended changes to TCA’s policy to keep them up to date and relevant to the trucking industry today. Through this discussion, the committee made a motion to update the following policies.

a. Economic Regulations

- i. “Maintaining state regulation affords shipper protection and assures transportation service is adequate to meet the full needs of intrastate commerce economically and efficiently.

TCA advocates for the preservation of states' rights to regulate intrastate motor carriers, emphasizing the importance of allowing individual states to determine their specific regulations.

TCA does not believe it should become actively involved in this issue at the state level and recommends that each state review its economic regulation of trucking and determine if changes — less, more, or different regulation — are necessary in the public interest.

TCA recognizes that states have a legitimate interest in maintaining

safety and insurance information. TCA will work with states to place safety and insurance regulations in appropriate state agencies. Additional insurance and safety indicia are unnecessary. Existing documents associated with the issuance of license plates can be used for this purpose.”

b. Energy – Emission Regulations

- i. “TCA supports lower emissions and as an association we believe the best way to reduce the contribution heavy-duty trucks make toward air pollution is to set emission standards in a manner that allows for, and encourages, improvements in productivity and fuel efficiency. The standards established for pollutant emissions can be developed by working with industry stakeholders to incorporate realistic, technically achievable timeframes.

TCA supports idling reduction efforts made through motor carrier anti-idling programs and self-governance.”

c. International Commerce – USMCA

- i. “ In recent years, an increasing number of TCA members have been affected by government policies concerning international transportation and trade policy. The TCA general policy on international issues is “reciprocity”. The following applies this principle to specific issues as they relate to the United States-Mexico-Canada Agreement (USMCA) and adopts new policy in the area of equipment imports and immigration:
  - 1. Ownership: Eliminate Mexican and U.S. restrictions immediately, or in the interim, provide U.S. citizens with the reciprocal rights Mexican citizens enjoy in the U.S., i.e., minority ownership.
  - 2. Access: Immediate reciprocity for U.S. on Mexican frontier zone access; and phase in of interior access based on infrastructure development in Mexico. Progress should be measured by the bilateral transportation working group and access granted based on further infrastructure development.
  - 3. Economic Regulation: The USMCA cannot be used to revise economic regulation on the Federal or State level.
  - 4. Qualified aliens should be permitted to immigrate into the U.S. for the purpose of taking permanent driver positions during times of driver shortages.

5. Customs: Increase border inspection facilities; expand and harmonize hours of operation; dedicate existing commercial user fees to improvements in Customs facilities; and establish uniform electronic filing systems.”

d. Transportation – Insurance

- i. “A sound transportation system requires adequate insurance to cover potential liability exposure risks. These include public liability and property damage, workers’ compensation, cargo loss and damage, and umbrella or excess coverage above the retention sometimes used by self-insurers.
  1. As national policy, motor carriers should be required to have liability coverage adequate to protect the public, at reasonable minimum limit levels. If Congress creates legislation for the minimum limit levels to be increased, it must be increased at reasonable increments.
  2. Liability insurance should be available at reasonable and relatively stable rates. Those rates should be reflective of the claims and safety experience of the motor carrier. Policies should not be cancelled without adequate notice to the insured. Unusual and arbitrary exclusions should be discouraged. State assigned risk pools should at least provide coverage to meet Federally imposed minimums. Assigned risk pools should be self-supporting for the claims of its policyholders.
  3. Congress should clarify the legal definition of “sudden and accidental” environmental damage, to permit insurance companies to assess the risk and provide adequate insurance.
  4. The insurance industry must avoid unreasonable increases in premiums or arbitrary cancellations if such actions threaten to disrupt interstate commerce.
  5. Cooperation between the insurance and trucking industries is based upon mutual trust. Financial and operating data of both industries must be mutually shared.
  6. A motor carrier should be allowed to self-insure under certain controlled conditions if it can show an ability to meet its obligations. Regulations and procedures for self-insurance should be uniform among the various controlling agencies.
  7. Carriers should be permitted to use surcharges to recoup their insurance costs. Carriers should be permitted to exclude from the computation of their gross revenues the revenues they derive from their surcharges. The revenues received from the surcharges should inure to the benefit of the person actually incurring the expense.

8. Motor carriers should not be required to purchase or maintain insurance coverage, such as uninsured motorist coverage, that is unnecessary or duplicative.”

e. Transportation – Lawsuit Abuse

- i. “TCA supports lawsuit abuse reform measures on both the federal and state levels. The injured party should not be compensated beyond the level of his or her injuries; nor should the party causing the injury be punished beyond the portion of the plaintiff’s injuries and losses for which he or she is responsible.

Excessive litigation costs and court awards increase the costs of essential products and services for all American businesses and consumers. In recent years, the transportation industry has been made aware of the effects of these factors through the cost to trucking companies of federally mandated insurance. While litigation costs are not the only reason for the unjustified increase in insurance premiums, they have been a major factor.

A party’s liability should be based on its comparative responsibility for the injury suffered. The concept of joint and several liability should be eliminated.

- ii. There are other principles of lawsuit abuse which TCA should also support and seek to have enacted:
  1. A ceiling should be placed on awards for non-economic damages, such as pain and suffering, and on awards of punitive damages. Further, awards of punitive damages should be limited to instances where the defendant’s actions are shown to be reckless or involve gross misconduct.
  2. Federal and state laws should be revised to encourage the use of alternative dispute settlement procedures. These procedures may include arbitration or other expedited settlement procedures. The use of these procedures reduces the litigation costs of all parties and is more likely to result in dispute settlements that are rationally related to the injury of the plaintiff and the responsibility of the defendant.
  3. Federal and state laws should be revised to allow for periodic payment of awards of non-economic or future losses above a certain level.

4. Any money received by a plaintiff for the loss or injury complained of, from any collateral source, shall be admissible before a jury in any action seeking compensation for that loss or injury. Awards to plaintiffs for loss or injury should be reduced by the amount of any payment to plaintiff from any other source intended to compensate him or her for the same loss or injury.
5. Courts should be able to impose sanctions against attorneys who bring frivolous suits, offer frivolous defenses, or take any other unwarranted action intended to unnecessarily delay the legal proceedings or increase litigation costs.
6. Principles of comparative fault should be adopted that bar a plaintiff's case if that plaintiff is substantially negligent or at fault."

f. Other

- i. Removal of the TCA Policy regarding Conversion to a Metric System
- ii. The Highway Policy Committee will begin work drafting association policy language that reflects our position on electric vehicles that will be presented to the Board in September.

IV. Truck Parking legislation opportunities – David Heller, TCA Staff

- I. Senior VP of Safety and Government Affairs, David Heller gave a brief update on S.1034, it was stated that 20-25 Cosponsors are needed to see movement.

V. TCA Call on Washington update – David Heller, TCA Staff

- I. Senior VP of Safety and Government Affairs, David Heller, gave a brief update on TCA's Call on Washington announcing that the event will be held on September 12, 2024.

VI. Old/New Business

- I. There was no other business to be mentioned.

VII. Executive Session

- I. An executive session was not needed

VIII. Adjournment

- I. The meeting was adjourned at 9 :16 a.m.