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May 26, 2021

South Alabama Regional Planning Commission  
Mobile Metropolitan Planning Organization  
PO Box 1665  
Mobile, AL 3663

**Re: Proposed Amendment to the ENVISION 2045 Long Range Transportation Plan – I-10  
Mobile River Bridge and Bayway**

Dear Members of the Mobile MPO Policy Board:

The Alabama Trucking Association (ATA) is the voice of Alabama's trucking industry, a sector that employs more than 109,000 Alabamians – or about one in fifteen Alabama jobs.

Alabama is home to nearly 12,000 trucking companies, making it a top-ten trucking state nationally. Alabama communities depend on trucks to deliver 86% of all goods. Mobile and Baldwin counties are essential hubs for the transportation and logistics industry employing thousands of citizens and that presence continues to grow due to the expansion of the Port of Mobile.

First and foremost, Alabama's trucking industry strongly supports relieving congestion in the I-10 Wallace Tunnel in Mobile and supports the construction of a bridge across the Mobile River to do so. We are equally as passionate that any solution to pay for this project should be fair and equitable to all stakeholders.

We applaud local and state leaders for working to find solutions for our state's infrastructure challenges, including the construction of a bridge over the Mobile River on I-10. Our industry has a proven track record of advocating for infrastructure improvements because trucking pays 35% of all taxes owed by motorists, even though we are only 10% of vehicle miles traveled in the state. This advocacy was evidenced by our recent support of the Rebuild Alabama plan, which is investing much-needed resources in Alabama's infrastructure.

Implemented properly, infrastructure funding can provide meaningful employment opportunities while modernizing the transportation system to improve the free flow of people and goods. However, poorly conceived infrastructure funding plans can be counter-productive, causing unintended negative impacts to safety, transportation networks, economies, and local communities.

We understand the need to study proposals to secure the \$125 million in federal funds designated for this project. However, we must caution the MPOs on some of the concepts that have been discussed and provide many important questions that must be addressed.

### **All Financing Options Should Be Considered to Fund Phase I**

According to local officials, Phase 1 of this project is estimated to cost \$675 million with \$125 million coming from the federal INFRA Grant, \$250 million from state funding, and \$300 million coming from bonded (borrowed) money to be repaid by placing a toll only on the trucking industry at \$15 per trip. In other words, the trucking industry is being asked to put up the same amount of money as the state and federal governments combined to initiate this project.

The real question raised by this scenario should be: what is the most equitable, most cost-effective, and efficient way to finance \$300 million?

The interest/fees on the debt combined with the administrative overhead from tolling, which can be as high as 20-40 cents on the dollar, will likely prove to be a costly and inefficient way to borrow \$300 million. Of a \$15 toll, the interest and administrative fees could reduce the net payment on a bond to \$7 or less depending on these variables.

Longer-term, it is unclear how long a toll would be assessed and at what point passenger vehicles would be allowed to use the bridge and if they will be assessed a toll as well.

The MPOs should consider all options to pay for the \$300 million bonded investment in Phase 1 and not unfairly target the trucking industry, which will have a disparate impact throughout the local economy.

### **Fairness and Safety Should Drive Solutions**

According to the latest numbers from ALDOT, commercial trucks represent 7-10% of the traffic count through the Wallace Tunnel. At peak traffic times, traffic can exceed 100,000 vehicles a day while trucks represent less than 10,000 a day. The proposal being discussed places 100% of the cost burden on the commercial trucking industry, although trucking accounts for less than 10% of the traffic.

Additionally, the proposal only targets a specific sector of commercial trucking: trucks 46 ft. in length or greater. To date, no rationale has been provided to substantiate this decision. There are dozens of additional categories of large commercial trucks and vehicles under 46 ft. in length that makeup thousands of daily vehicles that would continue to use the tunnel and not pay a toll.

Here are a few examples: Single-axle tractors pulling bobtail trailers, dump trucks, mixer trucks, flatbed straight trucks, dry van box trucks, concrete pumper trucks, vacuum sewer jet trucks, roll-off trucks, wrecker trucks, tanker trucks, fire trucks, garbage trucks, knuckle boom trucks, water trucks, utility trucks, crane trucks, landscape trucks, and lumber trucks with flatbed dump bodies.

Why would not all commercial vehicles be required to use the bridge thus removing more vehicles from the tunnel and adding more toll payers to pay off the debt faster?

Singling out the trucking industry and micro-targeting a specific sector of commercial trucking raises serious constitutional questions. The trucking industry has a long history of defending its rights under the Constitution's Interstate Commerce Clause and has successfully challenged

numerous attempts to create disparate funding schemes. Currently, a significant court case is pending in Rhode Island where a truck-only toll system was set up to discriminate against trucking companies, violating the Commerce Clause of the United States Constitution. Any effort to create “commercial classes” for the sake of tolling will incentivize the filing of lawsuits, thus delaying the implementation of a bridge project and will jeopardize the \$125 million in federal funding needed to advance this project.

Of great concern is the likelihood that congestion will not be relieved since only a small proportion of the traffic is being diverted from the tunnel. It is possible, even probable, that congestion persists in the tunnel, moves to other bottlenecks, or both. Therefore, the trucking industry would still be negatively impacted by congestion costs despite having to pay a \$15 toll for each trip.

Most significantly, questions about safety have yet to be answered. While restriping the Bay Way to three lanes each way sounds good in concept, what are the safety implications of doing so, and does this require FHWA approval? What are the safety implications of diverting all truck traffic off the Bay Way onto a bridge and back onto the interstate?

Also, various comments have been made about the Cochran Bridge being removed as the HAZMAT route, and questions remain about the safety and logistical implications of diverting HAZMAT vehicles to other routes. Additionally, it is unclear if commercial vehicles will still be allowed to utilize the Cochran Bridge, which is an essential artery for commerce.

### **Tolling Has Proven Inefficiencies and Major Questions Remain**

Tolling, even when implemented fairly, raises business costs for moving goods through the supply chain. This places a greater burden on Alabama manufacturers and local companies’ ability to compete in a global marketplace. These companies are still recovering from the impacts of COVID-19 and government shutdowns. Tolls also force every day Alabamians to pay more for goods transported by truck, even if they did not drive on the tolled road.

Tolling schemes across the country have proven to have a disproportionately negative impact on local businesses. Local companies utilize local thoroughfares such as I-10 more regularly than long-haul truckers from other states, therefore, tolling local roads have a disproportionate impact on their bottom line and ability to compete in the marketplace. And, it is important to understand that in many cases the costs of tolling cannot be “passed along” by truckers as many people mistakenly think. The increased cost of tolling often comes directly out of the pockets of truck drivers and Alabama businesses, making them less competitive and less able to provide jobs for local citizens.

Local trucking companies in Mobile and Baldwin Counties have been conducting cost analyses on the impacts of a \$15 toll, and the costs are significant even for small carriers. One large company that has a significant presence in Alabama and the Gulf Coast region estimates that a \$15 toll would increase their costs by \$1.6 million annually.

To fully understand and assess a toll proposal, important questions remain:

What entity will be tasked with issuing the bonds, collecting the tolls, and paying back the bonds? If it is a function of ALDOT or a new quasi-government entity, what controls will be placed on that entity, and who will enforce those restrictions? Would there be toll gantries or would the toll collection be automated? What are the estimated costs of the tolling technologies, operations, and maintenance? What controls and oversight will be in place to ensure proper enforcement? How long will it take to pay off the debt on the bridge? Will the toll go away after the bond is repaid? How much of a delay will the proposal cause due to the need for an investment-grade traffic and revenue analysis and additional federal environmental review requirements?

### **Conclusion**

Creating a truck-only toll bridge on an existing interstate highway is an unsubstantiated concept that invites more questions than answers to the problem that is being discussed: How to reduce congestion on I-10 in the Wallace Tunnel. It also invites significant challenges to the constitutionality of the proposal, which would put in jeopardy the \$125 million in federal funding due to delays caused by the legal process.

Alabama's trucking industry has been and will continue to be willing to support finding solutions to this very difficult challenge, and we are willing to be part of a solution. However, we believe placing 100% of bond financing costs on the trucking industry via a truck-only toll bridge will have serious unintended consequences, potentially not solve the congestion problem, and ultimately delay implementation of a real solution well into the future.

We call upon the MPOs and ALDOT to take these concerns seriously and study all funding and design solutions to implement a plan that is fair and equitable to all stakeholders and solves the congestion problems facing the Wallace Tunnel long-term.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Colson", written over a vertical line.

Mark Colson  
*President and CEO*  
Alabama Trucking Association