



2021 U.S. Transportation Market Outlook

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When state and local governments issued mandatory stay-at-home orders last spring to prevent the spread of the COVID-19 virus, many commercial business operations in the U.S. were forced to put on the brakes.

Among the few exceptions were businesses deemed essential to continuing critical infrastructure operations, transportation being one of them.

Throughout the pandemic, the transportation industry served as the lifeblood of the U.S. economy, delivering a steady stream of essential goods to meet the demands of consumers sequestered in their homes.

The transportation industry also played a vital role in pandemic response and ongoing recovery and relief operations, transporting critical medical supplies to public health workers on the front lines. Without the efforts of these unsung heroes, the nation's response to the COVID-19 pandemic would have been severely limited.

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And now, a little more than a year after the pandemic triggered one of the steepest economic declines in history, the speed of the rebound has been so startlingly swift that many companies in the transportation industry are struggling to keep up.

While welcome, the surge in business as the country reopens has amplified the preexisting driver shortage. It also is further forcing up freight costs that had been steadily climbing in response to higher fuel and maintenance costs, increased use of telematics, and the larger salaries now needed to attract drivers. Trailers are in high demand and short supply.

Although cutbacks in transportation of nonessential goods and activities during the pandemic did lead to an overall reduction in claim frequency, that respite is likely to be short-lived.

The increasing demand for transportation services during the recovery is certain to fuel future claims, while developing losses associated with nuclear verdicts, social unrest, natural catastrophes and business interruption will continue to erode insurer profitability.

The transportation insurance industry has not posted a combined ratio of under 100% since 2010, despite achieving double-digit rate increases every year since then.

What all this means is to expect another year of rate increases in 2021.

“Truckers empowered the United States to drive forward through the pandemic,” noted Mark Gallagher, vice president, national Transportation practice leader for Risk Placement Services (RPS). “From vaccines to medical supplies to food and virtually everything we use each day, they delivered, and we have them to thank.

“But the industry has been plagued by losses for nearly a decade, so we will continue to see insurance rates climb,” he added.

OVERALL MARKET CONDITIONS

The U.S. commercial auto insurance segment’s underwriting losses deepened to \$4 billion in 2019, the segment’s worst loss in 10 years, according to A.M. Best. For nearly a decade, commercial auto has not been profitable for insurers, and they posted a collective combined ratio north of 109% for that segment in 2019.¹

But during the pandemic, the commercial auto combined ratio improved, falling to 101% in 2020. Insurers attributed the improvement to fewer people being on the road because of government-ordered lockdowns,

¹“U.S. Commercial Auto Insurers Report Worst Losses in Decade: AM Best,” *Insurance Journal*





but of the claims that were reported, severity was high. As the country reopens and travel resumes, insurers are expecting claims volume to ramp up.

“We talk to our carrier partners, and they are pleased with the results, but they know they will have to seek rate increases based on what’s going on in the courts right now,” said Mike Mitchell, area president, Transportation practice at RPS. “That’s what’s making it challenging for them.”

And the cause for concern is not just the nuclear verdicts that make headlines, “it’s the simple parking lot accidents that might have cost \$15,000 to resolve 10 years ago now costing 10 times as much. I’ve seen it,” Mitchell said. “I recently had a claim that was reserved from a couple of years ago, and they ended up closing at \$150,000 because that’s the world we’re living in. Instead of going to court, we decided to settle.”

Underwriters often blame the “Reptile Theory” used by the plaintiffs’ bar to influence a jury verdict by appealing to the primitive part of jurors’ brains, the part of the brain humans have in common with reptiles.² According to this theory, by demonstrating that a defendant’s conduct endangers the community as a whole, a jury will award huge sums to victims.

Also contributing to increasing claims costs is litigation funded by third-party investors, who finance the legal fees. Although these investors are not parties to the case, they receive a percentage of any future settlement or damages awarded.

“Investors see this as an opportunity to make money,” Mitchell explained. “In some cases, private equity firms are bankrolling litigation. Until there’s tort reform, I think that’s going to continue, which is going to drive insurance rates,” Mitchell said.

Although primary coverage is still widely available for most transportation accounts, premium hikes are continuing to accelerate.

The increasing severity trend is putting significant pressure on excess carriers, so they are re-underwriting their portfolios to minimize their exposure in the lower layers, according to Andrey Miterin, area vice president, Transportation practice at RPS.

Excess coverage is typically placed above a \$1 million primary attachment point, but because settlement costs often exceed \$1 million, that excess layer is almost becoming a working layer, he said.

Therefore, most of the excess carriers are underwriting the risk as if they were the primary carrier, and their adjusters and attorneys often want to be involved in the bodily injury cases to make sure they’re being managed properly.

Because claim severity is increasing, leading to higher settlement costs, most first-layer excess carriers are seeking double-digit rate increases, limiting capacity and reducing their exposure on each individual risk.

² International Risk Management Institute, Inc. (IRMI)

“Where historically we were able to get \$4 million excess of \$1 million with one carrier to reach a typical \$5 million, now we have to engage at least one other market to round out the placement. And most of the companies in the lead position would like to offer no more than \$2 million in excess coverage,” Miterin said.

Post-COVID Renewal Cycle

Nearly every segment of the transportation industry was disrupted by the pandemic, with some companies downsizing, others upsizing and still others ceasing operations altogether.

Some companies adapted by switching the type of equipment and cargo they were hauling, according to Eden Hancock, area senior vice president, Transportation practice at RPS.


“A lot of it was reactionary. The minute the country shut down, a lot of these trucking companies went into survival mode.

“Nobody knew in the very beginning what was going to happen. Maybe they were hauling autos, but when the manufacturer shut down, they had to shift over to reefer,” Hancock said. In the trucking industry, a reefer is a climate-controlled trailer that transports perishables and other temperature-sensitive goods. “That’s a major shift in exposure that a lot of insurance companies would typically underwrite pretty heavily,” she added.

As a result of these operational changes, at renewal, “we have to make sure we’re preparing and asking the right questions about fleet changes during the past year and get these to market in a way that makes sense,” she said. “Each account has a different story based on where they were pre-pandemic, what changed during the first few months of the pandemic and how they’ve been able to sustain themselves now that this renewal is coming up.”

While historically any sudden change in operations or higher driver turnover might signal instability to underwriters, they are much more willing to listen to how an insured adapted to an unstable environment.

“If there’s a story on the back end—like ‘We doubled in size because this other manufacturer had to close because of the pandemic, and all of their drivers came over to us’—we’re having those conversations with our agents and our underwriters to make sure we get the best rate for the insured and have markets willing to look at it,” Hancock said.



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Trucking

Trucking is perhaps the hardest hit industry segment in the current market. Standard carriers are limiting capacity, especially for distressed fleets with poor loss experience and unacceptable safety scores.

Standard markets also are lowering limits on primary policies to below \$2 million, forcing buyers to purchase more excess coverage to obtain desired coverage levels.

At renewal, carriers are seeking premium increases on existing accounts that had already been averaging between 10% and 15% increases since 2010. However, in some cases, they are offering more competitive pricing to new policyholders.

Though the lower loss frequency during the pandemic did fuel some market softening, it was most likely an aberration. Moreover, claim severity was worse during the pandemic, and carriers are still trying to offset more than a decade-long problematic loss ratio.

Medium and large fleets are getting better pricing than small fleets because they usually are more committed to loss control, and typically employ full-time safety managers and dedicated mechanics to monitor and correct poor driver behavior and maintain vehicles.

Distressed fleets' insurance rates have risen to a point where new carrier entrants have begun to dabble in the marketplace opportunistically, creating some competition for veteran carriers. But is it sustainable?

Other Factors Influencing Trucking Rates

Though increasing demand for transportation services should help the trucking industry afford the higher insurance costs, overhead expenses are also growing due to:

- Rising maintenance costs
- Increasing use of telematics
- Higher payroll costs to address the driver shortage
- Operating in high-risk venues

Advanced technology, now standard in newer trucks, is fueling higher repair costs. In-cab cameras, collision avoidance systems, cargo tracking monitors and other telematics are expensive to maintain and often require highly skilled—and therefore higher-paid—mechanics.

But telematics also can be used as a defense in litigation, suggests Hancock.

“I was shown an example from one of our carrier’s claims reps. They first showed a photograph of an aftermath of an accident. Just based on the visual of the post-accident wreckage, the truck driver appeared to be the at-fault party. However, the camera and event recorder clearly showed the other driver cross the line in front of the truck while holding their phone in their hand. In that situation, it saved the insured and the insurance company from the ‘he said, she said’ type of situation and exonerated the truck driver,” she recounted.

Some newer entrants to the transportation insurance market are requiring fleets to install telematics or allow the insurer to have access to data from telematics equipment already installed.

Some insurers are even offering discounts to mom-and-pop trucking companies if they agree to install telematics equipment from one of their vendor partners, according to Hancock.

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Telematics can also provide information to insurers on how the truck is operating.

“It’s becoming a resource for them. Some insureds feel that it’s a little bit like Big Brother watching them. But the ultimate goal for insurance companies is to get to a profitable loss ratio in the trucking industry. In turn, eventually, we can get to a more stable marketplace for insurance rates, which will directly help trucking companies’ bottom line,” Hancock said.

Increased traffic congestion and the nation's crumbling infrastructure is increasing wear and tear on trucks. As truckers navigate around heavy traffic or take alternate routes to avoid road construction, it impacts delivery times and productivity. A pattern of unpredictable routes and increases in mileage also affects underwriting.

Since the transportation industry operates on relatively thin margins, good risk management is key to helping clients reduce their exposure to accidents, cargo theft and other perils that could potentially erode their profits.

Intermodal Containers

Global supply chain shortages during the pandemic put significant pressure on intermodal trucking, one of the fastest-growing segments of the transportation industry.

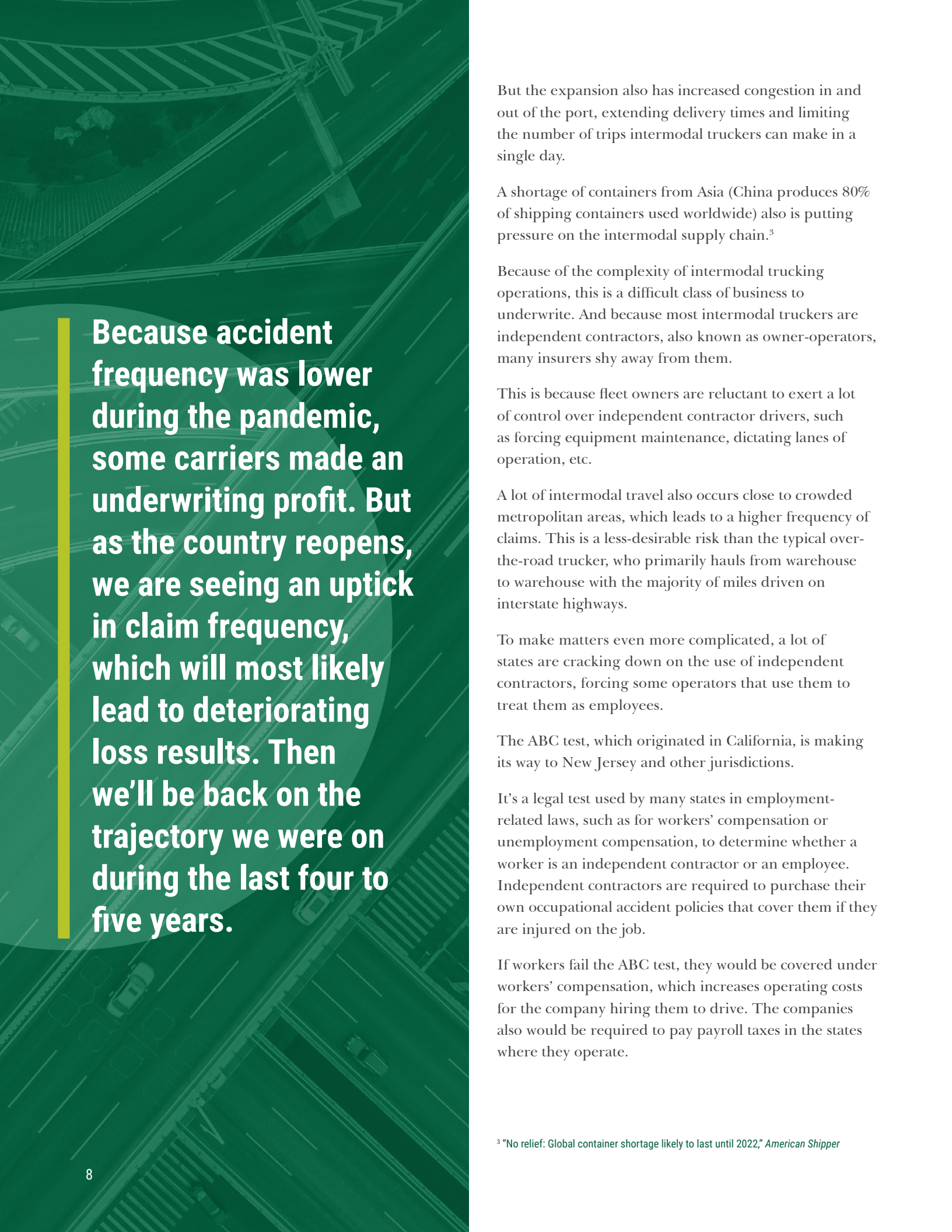
"Intermodal" means the use of two modes of transportation, such as truck and rail, to transport freight from shipper to consignee. The intermodal process begins with containers arriving on large ships and then being delivered to various seaports throughout the country. Containers are then transported either by truck or rail to their final destinations.

Intermodal trucking transportation is mostly short haul, and the majority of chassis used by intermodal carriers are day rentals.

New Jersey is one of the largest ports in the Northeast. Because the tonnage coming into the Port of Elizabeth has skyrocketed over the past two years, the port has undergone significant expansion, including raising the Bayonne Bridge to accommodate ultra-large container vessels with capacities of up to 15,000 20-foot equivalent units (TEUs).

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But the expansion also has increased congestion in and out of the port, extending delivery times and limiting the number of trips intermodal truckers can make in a single day.

A shortage of containers from Asia (China produces 80% of shipping containers used worldwide) also is putting pressure on the intermodal supply chain.³

Because of the complexity of intermodal trucking operations, this is a difficult class of business to underwrite. And because most intermodal truckers are independent contractors, also known as owner-operators, many insurers shy away from them.

This is because fleet owners are reluctant to exert a lot of control over independent contractor drivers, such as forcing equipment maintenance, dictating lanes of operation, etc.

A lot of intermodal travel also occurs close to crowded metropolitan areas, which leads to a higher frequency of claims. This is a less-desirable risk than the typical over-the-road trucker, who primarily hauls from warehouse to warehouse with the majority of miles driven on interstate highways.

To make matters even more complicated, a lot of states are cracking down on the use of independent contractors, forcing some operators that use them to treat them as employees.

The ABC test, which originated in California, is making its way to New Jersey and other jurisdictions.

It's a legal test used by many states in employment-related laws, such as for workers' compensation or unemployment compensation, to determine whether a worker is an independent contractor or an employee. Independent contractors are required to purchase their own occupational accident policies that cover them if they are injured on the job.

If workers fail the ABC test, they would be covered under workers' compensation, which increases operating costs for the company hiring them to drive. The companies also would be required to pay payroll taxes in the states where they operate.

³ "No relief: Global container shortage likely to last until 2022," *American Shipper*

But there are some carrier programs that cater to the intermodal segment. They know how to underwrite it, ask the right questions and properly audit it. These programs have been fairly profitable for carriers.

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Public Auto and Business Auto

Public auto definitely took a hit during the pandemic as demand for public transportation, livery and rental cars diminished in response to government-ordered lockdowns. But some rideshare services still operated and, in some cases, even flourished.

In fact, a number of entrepreneurial public auto operators reinvented themselves by providing nonemergency medical transportation to COVID-19 patients, or specialized delivery services on behalf of restaurants or grocery and liquor stores.

All types of vehicles—from sedans to vans—were transformed with glass shields and other accoutrements to prevent virus transmission between drivers and passengers, while all occupants were required to wear masks.

A number of entrepreneurial public auto operators re-invented themselves by providing nonemergency medical transportation to COVID-19 patients, or specialized delivery services on behalf of restaurants or grocery and liquor stores.

As some public auto businesses shifted away from their traditional model during the pandemic, carriers responded by rating them based on whatever class of business generated the most premium, due to the increase in exposure.



For example, if a limo service transitioned into nonemergency medical transportation, its premiums could grow from \$3,000 to as high as \$12,000 per vehicle.

For public auto operators that went on hiatus during the pandemic, carriers are ignoring the breaks in coverage, unlike in the past, when carriers would treat a buyer with a gap in coverage of 30 days or more like a new policyholder.

“One thing carriers did to help keep some businesses afloat during the pandemic was instead of removing vehicles completely off the policy, they gave them a limited use for 90 days,” said Brent Hanrath, Transportation practice manager at RPS. “The carriers were all using tactics to keep some insureds afloat.”

Similarly, carriers are taking the COVID-19 pandemic into account if a public auto business expanded suddenly, he said, noting that he had one account balloon from 10–15 vehicles to 80 vehicles during the pandemic.

“The biggest problem public auto is running into is there aren’t a lot of markets that write it anymore, especially nonemergency medical,” Hanrath said. “Now only two markets write it, whereas three or four years ago we had four or five carriers that wrote it.”

He said that one program that wrote nonemergency medical exclusively went away during the pandemic.

“Nonemergency medical is the toughest class of business, especially vehicles that accommodate wheelchairs,” he explained.

As more and more of these businesses return to full operational status, “I don’t think carriers know what to do, outside of offering them a similar rate (to what they

paid prior to the pandemic) and not penalizing them for suspending coverage,” Hanrath said. But some carriers are requiring these businesses to document that they didn’t have any accidents during the break.

Business auto operations were barely affected by COVID-19 since people still needed contractors to perform home repairs and improvements.

As Americans were forced to work from home, demand for home remodeling soared, as did demand for building products, which are typically transported by truck.

Yet this class of business is starting to feel the effect of the overall market hardening. One carrier is seeking rate hikes of 8% or more on every business auto account, regardless of claims experience, according to Hanrath.

EMERGING ISSUES

Raising Minimum Liability Limits

The proposed highway funding bill, the INVEST in America Act, includes a provision to increase minimum liability insurance requirements for trucking companies from \$750,000 to \$2 million.

Despite opposition from industry groups, it remained in the bill after a June 9, 2021, markup by the U.S. House Committee on Transportation and Infrastructure with support from a variety of crash victim advocacy groups.

Minimum required liability limits have remained at \$750,000 since 1980 for most motor carriers, while certain hazardous motor carriers are required to carry \$5 million. Although most large trucking companies typically purchase higher limits, mom-and-pop operators usually only buy the minimum because that’s all they can afford.



“It’s probably time for us to bump it up, at least in line with inflation,” Mitchell acknowledged, “but it’s a tricky thing to do because insurance carriers are already struggling with profitability.”

But Miterin predicts that if the bill passes, insurance carriers would offer higher limits and purchase treaty reinsurance on the additional limits if they don’t want to retain a large exposure on the same account.

He also thinks reinsurers will become more involved in underwriting transportation risks. He said reinsurers already offer a significant amount of capacity to the trucking segment, primarily through program administrators using fronting carriers that have the ability to offer the paper in return for a fee, with reinsurers picking up the risk.

“Currently there’s a lot of capacity out there, with cheap capital and low interest rates, especially after the positive trend in 2020–2021 in industrywide loss results,” Miterin said, “but this could change quickly if the loss experience returns to past trends. If so, carriers may pull out, restrict capacity or charge higher rates.”

Addressing the Driver Shortage

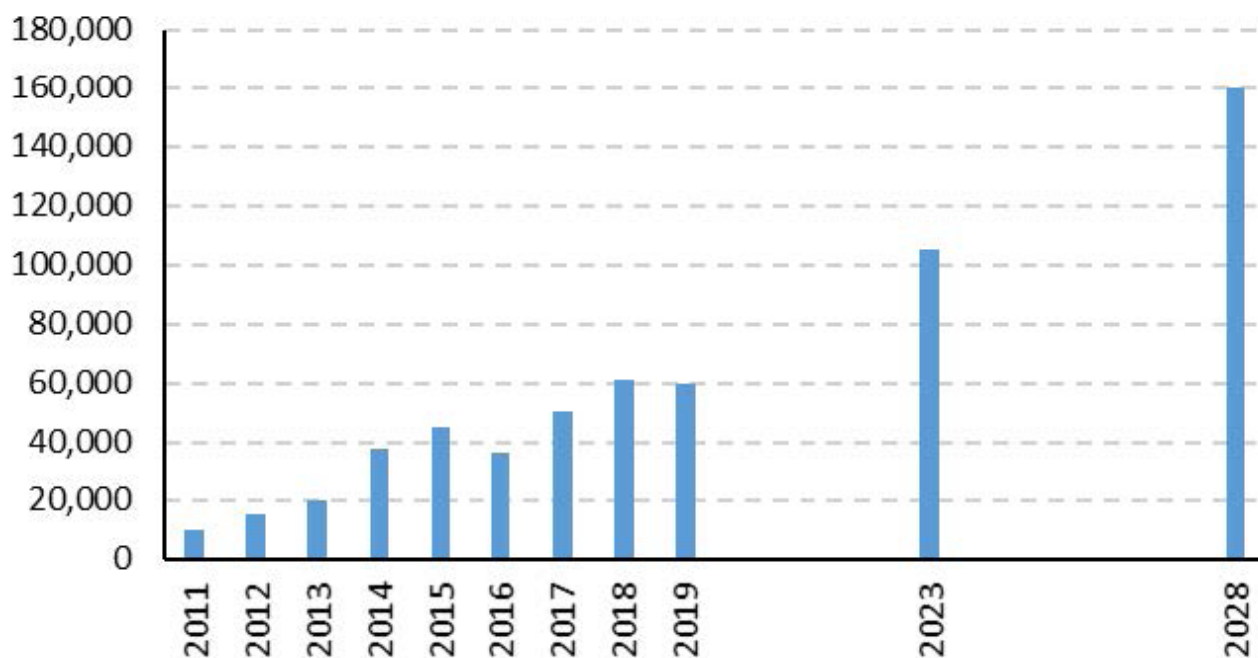
Nearly 73% of all products reach their destination via some type of truck, according to the American Trucking Associations (ATA). Yet the number of drivers available to move that freight has not kept up with the demand for nearly a decade.

The aging workforce is compounding the problem. In 2020, the ATA estimated the industry will need 1.1 million new drivers to replace those who will be retiring over the next 10 years.

To address the truck driver shortage, legislation is being proposed to lower the minimum age for commercial driver’s licenses (CDLs) for interstate drivers to 18 from 21. But many carriers are unwilling to insure drivers under the age of 24 because younger drivers don’t have as much time behind the wheel, which could lead to more accidents since there’s a strong correlation between driving experience and safety.

If passed, the DRIVE-Safe Act would establish an apprenticeship program for CDL holders under the age of 21.⁴

TRUCK DRIVER SHORTAGE 2011–2028



Source: American Trucking Association—Used With Permission, Truck Driver Shortage Analysis 2019

⁴ “Trucking urges Congress to pass DRIVE-Safe Act,” *FleetOwner*

Cargo Theft

Cargo theft incidents and losses reached a five-year high in 2020, according to research by Sensitech using data from transportation security councils, insurance companies and law enforcement organizations.

There were 870 cargo thefts throughout the U.S. in 2020, with thieves targeting products that were in short supply during the pandemic, including toilet paper, disinfectants, personal protective equipment and ventilators. The average value of those thefts was \$166,854.

Last-Mile Delivery

Throughout the pandemic, demand surged for last-mile delivery services to bring essential goods from a distribution center to many Americans stuck at home. But few carriers are willing to write coverage for this class of business, which includes many independent contractors using their own vehicles.

Insurance companies have not had time to collect enough data to gain a comfort level on how to properly price and underwrite last-mile delivery.

Not only is their concern from an auto liability standpoint, but also with the additional exposures that are now associated with last-mile delivery (i.e., appliance installation, white-glove services).

Workers' compensation, general liability and excess liability carriers all anticipate increased exposures that need proper underwriting and actuarial consideration, and they try to determine whether to enter this booming market segment.

Further, the explosive growth in this arena during 2020 isn't going to accelerate the decision-making process for traditional insurers. Program administrators who tend to have more maneuverability have seized on the opportunity, but only time will tell if these businesses are sustainable.

Nevertheless, this appears to be another segment where traditional insurance carriers may need to get creative to address an emerging need in the industry.


ON THE HORIZON

Insurance carriers are making allowances for transportation clients that downsized, upsized or changed their business models in response to the COVID-19 pandemic, which should enable most of these companies to resume operations without being penalized by higher premiums or stricter underwriting due to gaps in coverage.

But while carriers are willing to overlook most pandemic-related changes in vehicle use, they are rating public auto businesses that reinvented themselves to provide nonemergency medical transportation or delivery services based on whatever class of business generates the most premium.

Rates for trucking and business auto are continuing to climb, while markets are reducing the amount of coverage they are willing to provide, forcing many of these businesses to purchase more excess coverage to obtain desired limits.

And because that puts first-layer excess carriers closer to working-layer territory, many of these markets have begun underwriting transportation accounts as if they are primary, and also are seeking greater involvement in how claims are handled.



Carriers fully expect the reduction in accident claims attributable to fewer vehicles being on the road during the pandemic will be short-lived, and that claims experience will begin to accelerate now that the economy is reopening.

Commercial carriers increasingly are encouraging the use of telematics to capture driver behavior and document the causes of accidents.

The technology requires an investment upfront, but the camera programs that many technology providers utilize can help cut down on claim costs, which ultimately assists all parties in mitigating insurance expenses.

Carriers fully expect the reduction in accident claims attributable to fewer vehicles being on the road during the pandemic will be short-lived, and that claims experience will begin to accelerate now that the economy is reopening.

They also anticipate that increasing demand for transportation services during the economic recovery will further fuel claims, while developing losses stemming from nuclear verdicts, social unrest, natural catastrophes and business interruption will continue to erode insurer profitability.

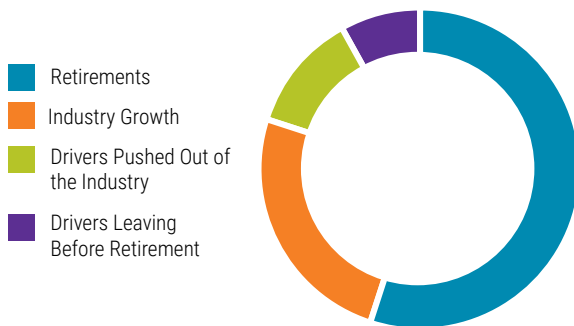
Since the surge in unemployment during the beginning of the pandemic has subsided, lawmakers have clutched on a legislative solution to ease the truck driver shortage: The DRIVE-Safe Act, which would lower the minimum age for CDLs for interstate drivers to 18 from 21.

But how insurers that historically eschewed drivers under the age of 24 will respond remains to be seen.

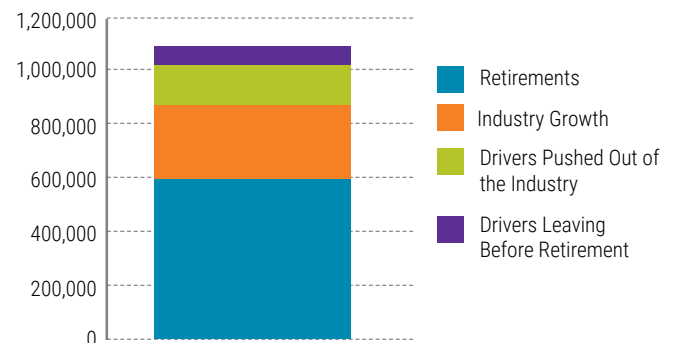
Transportation industry insurance costs also are likely to grow if a provision to raise minimum liability limits to \$2 million from \$750,000 survives in the highway funding bill, the INVEST in America Act, being considered by Congress.

“The transportation industry remained strong during COVID-19, and everything is looking up for continued growth going forward. Unfortunately, until we can get safety measures in line to reduce claims and manage the rising costs of litigation, insurance premiums will likely increase as well,” said Mark Gallagher, vice president, National Transportation practice leader, RPS.

SHARE OF DRIVERS NEEDED THROUGH 2028



TOTAL DRIVERS NEEDED FROM 2019 THROUGH 2028 BY REASON



Source: American Trucking Association—Used With Permission, Truck Driver Shortage Analysis 2019

THE RPS ADVANTAGE

With the shifting transportation insurance market, it is essential that retail agents partner with an MGA/wholesaler that truly understands the unique exposures of this dynamic industry.

RPS has a dedicated Transportation division with experienced underwriters across the country who are familiar with the industry's risks and operating model. Because of our deep industry knowledge, RPS can develop solutions customized to each transportation client's individual needs.

RPS also has long-standing relationships with many insurers and reinsurers, assuring that our placements get the attention they deserve.

As part of RPS' commitment to the transportation industry, we are constantly investing in our people, their education and new technologies. With more than 80 offices nationwide, RPS' Transportation practice is backed by the broader RPS organization, always improving and innovating to help insurance agents secure comprehensive coverage for their transportation clients.

"We are 100% dedicated to the transportation industry. With the breadth of our markets and capabilities, we find more success and more solutions tailored to our clients' specific needs than anyone else out there," Gallagher stressed.

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