

BRIAN BABIN, D.D.S
36TH DISTRICT, TEXAS
BABIN.HOUSE.GOV

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
SUBCOMMITTEE ON SPACE AND AERONAUTICS
REPUBLICAN LEADER

COMMITTEE ON TRANSPORTATION
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Congress of the United States
House of Representatives
Washington, DC 20515-4336

December 17, 2019

2236 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-1555

203 IVY AVENUE, SUITE 600
DEER PARK, TX 77536
(832) 780-0966

812 N. 16TH ST.
ORANGE, TX 77630
(409) 883-8075

100 W. BLUFF DRIVE
WOODVILLE, TX 75979
(409) 331-8066

2004 N. CLEVELAND ST.
DAYTON, TX 77535
(832) 780-0966

The Honorable Jim Mullen
Deputy Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Deputy Administrator Mullen:

It has recently come to my attention that professional truck drivers have serious concerns about two programs maintained by the Federal Motor Carrier Safety Administration (FMCSA) that were created to receive, assess, and act upon reports of unsafe or coercive behavior by certain businesses within the trucking industry. These programs are critical to promoting safety on our nation's roadways, which is why I find concerns involving their effectiveness and reliability especially alarming.

One of the most troubling and overlooked safety issues professional drivers face is coercion. Coercion occurs when a motor carrier, shipper, receiver, or transportation intermediary threatens to, or actually does, take action against a driver who refuses to operate a commercial motor vehicle (CMV) in violation of federal safety regulations. In these situations, those coercing the drivers are typically in positions of power. As a result, drivers often feel pressure to engage in unsafe behavior to avoid losing their job or pay. This not only puts the trucker at risk, but all other highway users as well.

With support from the trucking industry, Congress recognized the importance of preventing coercion when it included provisions in MAP-21 (P.L. 112-141) that explicitly prohibited the coercion of drivers to violate Federal Motor Carrier Safety Regulations (FMCSRs). Pursuant to this legislation, FMCSA finalized a rule in 2015 that established standards for what constitutes coercion, a process for truckers to report complaints, and a process for the agency to assess and take action on these complaints. Under this rule, drivers submit potential violations to the National Consumer Complaint Database (NCCDB) or the FMCSA Division Administrator for the state where the driver is employed.

Unfortunately, drivers have informed me this process is wholly ineffective, discouraging them from submitting complaints. The Owner-Operator Independent Drivers Association (OOIDA), who submits complaints on behalf of their members, tell me truckers routinely receive minimal follow-up from the agency, and often never find out what happened to their complaint. Worse, drivers have reported that the Agency has even lost track of their pending complaints, leaving little hope for resolution.

In addition to complaints of coercion, the NCCDB also accepts reports from drivers about motor carrier violations of safety regulations more broadly. These reports are supposed to be investigated by FMCSA and used to

“identify motor carriers ...who are reported to have engaged in violations of the commercial regulations.”¹ According to the NCCDB website, “These complaints are used to make decisions about which companies FMCSA will investigate.”² Truckers have encountered a similar lack of effectiveness and reliability when filing these types of complaints with the NCCDB, and it is not clear that FMCSA is making good use of the information it is provided.

If drivers do not have confidence their complaints will be properly addressed, they are unlikely to take the time and effort to submit these reports, especially if they fear retaliation from employers, brokers, or customers. OOIDA has reported the number of complaints they’ve filed on behalf of their members has steadily declined as confidence in the program has evaporated within the driver community.

As a member of the House Committee on Transportation & Infrastructure, I am particularly concerned that coercion and safety violations are going unreported and unresolved. I am interested in working with the Agency and representatives from the driver community, like OOIDA, to ensure these programs are truly achieving their authorized goals. With significant changes to hours-of-service on the regulatory horizon, I believe it is increasingly important that we work together to develop a program that discourages coercion and violations of safety standards. For that reason, I am requesting FMCSA provide vital information involving the current reporting system and efficacy of NCCDB. Specifically, I’d appreciate the Agency responding to the following questions:

1. Since the “Prohibiting Coercion of Commercial Motor Vehicle Drivers” Final Rule took effect on January 29, 2016, how many complaints of coercion have been filed by drivers with FMCSA?
 - How many of these complaints were found to be non-frivolous?
 - As a result of these complaints, how many and what types of enforcement actions have been taken against those found to violate safety regulations?
 - Has FMCSA failed to make a determination on whether any complaints are non-frivolous? If so, how many?
2. Since January 29, 2016, how many truck complaints, including coercion complaints, have been filed by drivers through the National Consumer Complaint Database (NCCDB)?
3. What resources has the agency devoted to investigating the reports filed by drivers to the NCCDB?
4. How have these complaints submitted to the NCCDB been used to assess, investigate, and take action against violators?
5. Does FMCSA promote to drivers the availability of the NCCDB or the coercion complaint process? If so, how?

I thank you for your attention to this matter and look forward to your response.

Sincerely,



Brian Babin
Member of Congress

¹ <https://nccdb.fmcsa.dot.gov/NCCDB/Help.aspx>

² Ibid.