



Owner-Operator Independent Drivers Association

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The Honorable Roger Wicker
Chairman
Senate Committee on Commerce, Science & Transportation
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Wicker;

Thank you for the opportunity to share the many challenges our members have faced during the COVID-19 crisis. As our country continues to assess and mitigate the impacts of the virus, members of the Owner-Operator Independent Drivers Association (OOIDA) have been on the front lines of response and recovery efforts – delivering critical supplies to communities across the country. OOIDA represents 160,000 small-business truckers and professional drivers, who have sacrificed their own wellbeing to keep our country healthy, safe and productive. In reality, our nation's truck drivers do this on a daily basis. They were delivering important medical supplies, groceries and manufacturing materials long before COVID-19, and will continue to do so long after the U.S. has recovered from the current crisis.

We appreciate your interest in understanding the challenges our members have faced throughout the crisis and the difficulties they will likely encounter as the nation begins to recover from the pandemic. Thank you for the opportunity to respond to these critical questions on behalf of owner-operators and professional drivers.

- **What impacts have your members seen from COVID-19 on our transportation networks and supply chains, and how have they responded to such impacts?**

Truckers are encountering significant operational difficulties throughout the transportation network. One of the top concerns among our members is the lack of adequate parking for commercial motor vehicles (CMVs). The federal government must continue to discourage states from closing rest areas and other truck parking facilities, while encouraging them to reopen any locations shuttered during the emergency. States must also be encouraged to open weigh stations, inspection facilities and other sites for truck parking to ensure the safety of professional drivers and motorists.

In addition to a lack of parking, our members are facing challenges accessing basic needs like food and restrooms. Some states have closed their indoor rest area facilities, even if they leave the parking areas open. Restaurants and other hot food options at truck stops have been closed because of stay-at-home orders, leaving drivers with very limited places to acquire a good meal. We fully support FHWA's decision to permit food trucks to temporarily operate at highway rest areas. We ask that Congress work with the states to embrace this solution and expand food access to hard-working truckers.

Truckers are also reporting many shippers and receivers are forbidding them from using on-site restroom facilities. This is unconscionable and those enforcing the policy lack basic decency. Congress must work with the logistics community to ensure truckers have access to restrooms. Some businesses are claiming that limiting access is a means of controlling the spread of the virus to their employees. These claims are counterproductive. As the most transient community in America, truckers must have the ability to wash their hands after handling freight, paperwork, and business equipment to help combat the spread of the virus.

Excessive detention time has also gotten worse for a significant portion of truckers. In a recent survey completed by the OOIDA Foundation and American Transportation Research Institute, one-third of truck drivers reported that detention time has increased during the pandemic. Drivers are often not paid for detention time, and previous studies on the issue have shown that increased detention time leads to higher crash rates. Given ongoing disruptions throughout the supply chain, we are concerned that this problem will only worsen.

We have also seen states propose screening, reporting, and possible quarantine requirements that would hamper transportation networks and intrude on truckers' privacy. For example, Utah implemented an executive order requiring all motorists to complete a travel declaration upon entering the state. After OOIDA shared our concerns, including the delays to transporting emergency goods and the privacy and security of collected information, Utah granted an exemption for CMV drivers. Similarly, New Mexico briefly considered a requirement to screen all truck drivers entering the state, but later abandoned the proposal after considering the unwarranted negative impacts the measure would have on drivers and the transportation of critical goods.

- **What are your expectations for how freight transportation networks or the supply chain may continue to be impacted in the near term? What impacts do you anticipate long term?**

In the near term, we expect to see continued low freight rates and serious economic challenges for truckers. Excess capacity and historically low economic activity have led to a perilous situation for our members. As a result, many small motor carriers are struggling to pay their operating expenses and are at risk of going out of business.

Additionally, the Bureau of Labor Statistics' most recent jobs report showed that the trucking sector lost more than 88,000 jobs in April alone. Given the unprecedented scale of these losses and continuing uncertainty about the pandemic, it is unlikely that those who have lost their jobs will return in the immediate future.

In the long term, the picture is even less clear. We expect that many of our members will continue to face economic hardship, even as economic activity slowly restarts. Given the significant number of truckers who have already lost their jobs, we expect there will be many drivers prepared to work as economic activity increases and opportunities return. Therefore, Congress must reject efforts, like the DRIVE-Safe Act, that would unnecessarily increase the number of drivers in our industry. Aside from the fact that younger drivers are less safe than their older counterparts, we believe that large carriers would look to hire younger workers because they can pay them less. This would prolong the economic pain for experienced drivers and make our roads less safe. Now, more than ever, there is certainly no shortage of drivers.

- **How have critical infrastructure employees been affected during the COVID-19 crisis while performing their duties, and what steps have your members taken to protect them?**

Our members have had to continue working under the constant risk of infection.

Since truckers often live out of their cabs on the road for days at a time, it is difficult for them to access healthcare, and even more challenging to find coronavirus testing. To date, we have not been successful in finding a centralized resource to connect truckers with testing. Even worse, if they experience symptoms or contract COVID-19 while completing a shipment, they have no place to properly isolate. There is simply no way for a driver to combat this illness while on the road.

As mentioned earlier, truckers have had difficulty accessing restrooms, which makes it difficult to comply with basic health precautions like handwashing.

Truckers have also experienced difficulty complying with state and local orders regarding the use of PPE. Despite being appropriately deemed essential works, many have been forced to independently purchase this equipment or find free distribution sites. OOIDA has worked closely with FMCSA to obtain and distribute protective masks to drivers. We have been successful in these efforts, and are updating our members on locations where FMCSA is distributing equipment free of charge. Still, many truckers have had to track down and pay for PPE, hand sanitizer, and other supplies to protect themselves and those they come into contact with.

As a way to help drivers who have worked through the emergency and any future national crisis, Congress must provide them hazard pay. This would help drivers offset some of their out-of-pocket costs for emergency equipment, and compensate them for the significant challenges they've had to navigate to comply with other public health measures. Their jobs have become more stressful during this pandemic, and simple tasks and responsibilities have become more complicated, expensive, and time consuming.

- **The U.S. Department of Transportation has a number of authorities that can be utilized to respond to extraordinary and unanticipated events. How has the use of these authorities affected your members during the COVID-19 crisis and are additional authorities needed to further support the transportation sector in unforeseen circumstances?**

At the outset of the emergency, it was prudent for states to issue exemptions for truck weight rules to allow for the quick transport of emergency supplies. These helped drivers make critical deliveries in a timely manner. However, now that emergency and panic buying has slowed and most other economic activity has ground to a halt, there is no longer a need for these exemptions.

In fact, there is currently an excess of trucking capacity, and motor carriers are more than capable of meeting the nation's ongoing transportation needs. Unfortunately, maintaining the weight exemptions further increases capacity. As a result of vast overcapacity, our members have seen freight rates plummet to historic and unsustainable lows.

While we understand that these decisions are largely left to the states, FHWA and DOT should work with states to allow these exemptions to expire as soon as possible, as well as prevent any from being extended.

Additionally, DOT should closely examine whether Hours-of-Service (HOS) exemptions should be extended past the current expiration date of May 15, 2020. These HOS exemptions were critical in moving emergency supplies quickly, but now that the situation has stabilized, we are hearing less from members about the need for the exemptions.

We are hearing calls, largely from shippers, receivers, and others in the supply chain, that these exemptions should be extended. As previously mentioned, a significant portion of truckers report experiencing increased detention time during this emergency. HOS exemptions may make this situation worse, since a shipper or receiver knows they can detain a driver indefinitely without risking HOS violations. Additionally, the HOS exemptions add capacity to the market, which is also contributing to low freight rates. FMCSA and DOT should carefully consider all of these factors before they decide that additional emergency measures are needed.

At the same time, FMCSA and DOT should continue finalizing their proposed changes to the standard HOS rules. These changes will provide drivers more opportunity to rest when they are tired, stay off the road during adverse driving conditions, avoid congestion, and maintain greater control over their own schedules. These improvements will certainly help drivers as they continue to work through this emergency and economic recovery.

Furthermore, rather than providing agencies with new authorities during emergencies, truckers would often benefit from the thorough enforcement of existing regulations.

Many truckers have expressed frustration not only about feeble freight rates caused by the crisis, but the continued lack of transparency between brokers and motor carriers. The problem is regulations designed to ensure transparency have not been effectively enforced by FMCSA, allowing brokers to skirt requirements with little fear of penalty.

Existing regulations (49 CFR 371.3) require brokers to keep records of transactions with motor carriers. Under Part 371.3, each party to a brokered transaction also has the right to review the record of the transaction. This allows our members to know precisely how much a shipper paid the broker and how much the broker then paid the carrier. Unfortunately, rampant evasion of these requirements – enabled by a lack of enforcement - has increasingly resulted in truckers assuming that brokers have something to hide.

OOIDA has long pushed for greater transparency in transactions with brokers, but COVID-19 has made this an even more pressing matter. With rates on the decline, many of our members are concerned they're the only ones feeling the pain – or at least feeling a disproportionate amount of the pain. This will not change until the requirements of 49 CFR 371.3 are fully enforced by FMCSA. If the agency lacks the ability to properly enforce these regulations, Congress must take steps to better ensure transparency between brokers and motor carriers.

The next several months will be extremely hard for the trucking industry, and especially the small-business truckers we represent. We appreciate your interest in understanding what our members are facing and anticipating the challenges to come. As the national recovery begins, we expect conditions in our industry to change and unforeseen problems to emerge. OOIDA will keep you and your staff informed of these changes and ways for the Committee and Congress to continue helping our members. If you have any questions or need additional information, please contact Collin Long, Director of Government Affairs, via email at collin_long@ooida.com.

Sincerely,



Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association

cc: Members of the Senate Commerce, Science, and Transportation Committee