



Owner-Operator Independent Drivers Association

National Headquarters: 1 NW OOIDA Drive, Grain Valley, MO 64029
Tel: (816) 229-5791 Fax: (816) 427-4468

Washington Office: 1100 New Jersey Ave. SE, Washington, DC 20003
Tel: (202) 347-2007 Fax: (202) 347-2008

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

Re: Docket # FMCSA-2018-0346, “Commercial Driver's Licenses: Pilot Program to Allow Drivers Under 21 to Operate Commercial Motor Vehicles in Interstate Commerce”

Dear Deputy Administrator Deck:

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA has over 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA’s mission is to promote and protect the interests of its members on any issues that might impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation’s highways.

When it comes to highway safety, the data is clear – younger drivers and inexperienced drivers crash more. This is why OOIDA strongly opposes the proposed under-21 pilot program that would allow younger drivers to operate in interstate commerce.

Motor vehicle crashes are a leading cause of death for 15-20-year-olds, according to the National Center for Health Statistics.¹ A 2017 National Highway Traffic Safety Administration (NHTSA) analysis on younger drivers found that, “8.3% of all drivers involved in fatal crashes were young drivers. However, young drivers were only 5.4 percent of all licensed drivers in 2017.”² For CMVs, drivers under the age of 19 are four times more likely to be involved in fatal crashes than all truck drivers, and CMV drivers between the ages of 19-20 are six times more likely to be involved in fatal crashes compared to all truck drivers.³ Additional research has shown that most drivers under the age of 21 “...lack the general maturity, skill and judgment that is necessary in handling commercial motor vehicles,” while other studies have shown that the prefrontal cortex,

¹ Centers for Disease Control and Prevention’s web-based Injury Statistics Query and Reporting System, available at www.cdc.gov/injury/wisqars/fatal.html

² National Center for Statistics and Analysis. (2019, May). Young drivers: 2017 data. (Traffic Safety Facts. Report No. DOT HS 812 753). Washington, DC: National Highway Traffic Safety Administration.

³ Campbell, K. L., Fatal Accident Involvement Rates By Driver Age For Large Trucks, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287-295 (1991)

which is the portion of the brain responsible for complex cognitive behavior and decision making, does not fully develop until the mid-20s⁴ and that adults are better equipped to recognize errors in decision making.⁵ Given this existing data, we firmly believe that licensing under-21 drivers for interstate commerce will result in more crashes, injuries, and fatalities involving large trucks.

For decades, our country's largest motor carriers, and the trade associations that represent them, have perpetuated the myth of a driver shortage to promote policies designed to maintain the cheapest labor supply possible. We are concerned the agency is indicating its acceptance of this notion by moving forward with this unsafe pilot program and providing credence to dangerous legislation such as H.R. 1374, the DRIVE-Safe Act. Experience tells us many of the entities pushing for the change in the current age requirement would simply use it to take advantage of a new pool of drivers – teenagers, who would be subjected to poor working conditions, predatory lease-to-own schemes, and woefully inadequate compensation. In recent years, a multimillion-dollar settlement was awarded to potential drivers seeking employment in the industry who were met with egregious misinformation campaigns and coercive contract agreements that simply led to debt instead of a career path.⁶ Moving forward with this proposal will only embolden those entities looking to take advantage of young drivers with similar tactics.

Rather than developing programs which allow more teenagers behind the wheel of 80,000-pound trucks, the federal government, in collaboration with industry stakeholders, should be taking steps to reverse the incessantly high driver turnover rate, which has varied between 71 and 102 percent among large truckload carriers over the last several years.⁷ This constant churn decreases highway safety as drivers who leave the workforce are immediately replaced with less experienced individuals to keep labor costs as low as possible and avoid improving difficult working conditions. Without addressing the underlying circumstances that have caused excessive churn, we anticipate turnover rates will remain precariously high or even increase – no matter the age of the driver.

OOIDA also questions the need for an entirely new pilot program analyzing the performance of younger CMV drivers considering the agency is already conducting a comparable study. In 2016, FMCSA proposed to meet the requirements of section 5404 of the FAST Act by allowing a limited number of individuals aged 18, 19, and 20 to operate CMVs in interstate commerce if they received specified heavy-vehicle driver training during their military service. This pilot program is currently underway and the safety records of younger drivers will be evaluated against the records of a control group of similar size to determine whether age difference was a critical safety factor. Unlike the under-21 military pilot program, there is no Congressional mandate for a broader proposal and the DRIVE-Safe Act has not advanced legislatively beyond formal introduction. FMCSA should not be compelled to fund a duplicative pilot program simply because legislation has been introduced in Congress.

⁴ Ronald Kotulak, "Teens Driven to Distraction." *Chicago Tribune* (March 2006).

⁵ Richard Monastersky, "Who's Minding the Teenage Brain?" *Chronicle of Higher Education* (Jan 2007)

⁶ *Roberts v. C.R. England*, United States District Court District of Utah, Central Division (2019)

⁷ <https://www.trucking.org/news-insights/turnover-rate-truckload-carriers-rose-third-quarter>

The agency should not pursue a pilot program that would broadly allow younger drivers to operate CMVs across the country. We believe that licensing under-21 drivers for interstate commerce will lead to more crashes, injuries, and fatalities involving large trucks, thus directly conflicting with FMCSA's primary mission.⁸ OOIDA also fears that younger drivers will be subject to inadequate working conditions and be used to maintain a cheap labor supply that will result in higher driver turnover rates rather than long-term careers in the trucking industry. For these reasons, OOIDA strongly opposes any effort to permit non-military drivers aged 18, 19, and 20 to operate CMVs in interstate commerce.

OOIDA submits the following responses and recommendations regarding FMCSA's proposed under-21 pilot program.

1. Should FMCSA consider any additional safeguards to ensure that the pilot program provides an equivalent level of safety to the regulations without the age exemption?

The proposed pilot program will not provide a level of safety equivalent to current regulations that require interstate CMV drivers to be 21 or older. Given the fact that younger and less experienced drivers produce higher crash rates, the agency should not initiate this pilot program.

2. Would carriers be able to obtain enough drivers to serve in the control group?

The minimum standards for both carriers and drivers, which match the minimum standards of the under-21 military pilot program, should not restrict participation. However, the technology and monitoring requirements will be detrimental for smaller carriers.

3. Would the vehicle technology requirements proposed for study group drivers limit participation by smaller companies?

Certainly, the technology requirements would limit participation from smaller carriers. Insurance obligations will also hinder smaller companies' ability to participate. In all likelihood, only self-insured carriers would be willing and able to provide coverage for under-21 interstate drivers. This would severely limit the amount and types of opportunities available for younger drivers entering the trucking industry and would provide inherent economic advantages for self-insured carriers.

We remind the agency that the use of technologies does not automatically improve CMV safety and is not necessary to assess safety performance. While some safety equipment should be required, speed limiters should not be mandated by the pilot program and would likely increase the likelihood of crashes. Reliable, empirical research has demonstrated that speed limiters create speed differentials among vehicles, which in turn leads to a greater number of interactions among those vehicles. Greater interaction among vehicles increases the likelihood of accidents. These risks associated with speed limiters would be elevated for under-21 drivers.

⁸The primary mission of the Federal Motor Carrier Safety Administration is to reduce crashes, injuries and fatalities involving large trucks and buses. (<https://www.fmcsa.dot.gov/mission>)

4. Should FMCSA limit the distance that study group drivers should be allowed to operate (e.g., 150 air-mile radius, 250 air-mile radius)?

There should be graduated time and operational restrictions in place for the pilot program.

5. Are the data collection efforts proposed so burdensome for carriers as to discourage their participation?

As previously noted, the currently proposed data collection efforts could limit participation, especially from smaller carriers. There could also be instances where the technological monitoring systems might discourage both study and control group drivers from signing up for the pilot program.

6. Should we limit participation to drivers who have not been involved in a preventable crash?

Yes, drivers who have been involved in a preventable crash should not be allowed to participate in the program. Furthermore, if an under-21 driver is involved in a preventable crash during the pilot program, they should be removed from the study.

There's absolutely no reason whatsoever that FMCSA needs a pilot program to discover what decades and decades of highway safety data has proven – younger drivers and inexperienced drivers crash at a higher rate than older drivers. This is why OOIDA strongly opposes a pilot program that would allow drivers under the age of 21 to operate in interstate commerce. If FMCSA is serious about its goal of reducing crashes, injuries, and fatalities involving large trucks, then the agency should not move forward with this program.

Sincerely,



Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.