



Owner-Operator Independent Drivers Association

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September 17, 2021

The Honorable Larry Minor
Associate Administrator for Policy
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # FMCSA-2021-0118, “Commercial Driver's License Standards; Exemption Applications: Werner Enterprises, Inc.”

Dear Associate Administrator Minor:

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 more than 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.

We believe the exemption sought by Werner fails to prove that a waiver would result in “a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation” as set forth in 49 U.S.C. 31315(a). Further, Werner only demonstrates a desire to increase productivity and efficiency based on the false premise of a driver shortage. As a result, the exemption should not be granted.

Currently, far too many new drivers are entering the trucking industry and driving on the nation’s roads without the basic skills to safely operate a commercial vehicle. 49 CFR 383.25(a)(1) requires a commercial learners permit (CLP) holder must be accompanied at all times by the holder of a valid commercial driver’s license (CDL) who has the proper CDL group and endorsement(s) necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder while operating a CMV on public roads or highways and must have the CLP holder under observation and direct supervision. This regulation is designed to properly ensure that inexperienced drivers will have sufficient training, instruction, and oversight as they learn the job.

Werner's exemption request fails to explain how the CLP holder will be adequately mentored if the CDL holder is not in the passenger seat. The inexperienced CLP holder does not yet meet the necessary standards to drive by themselves and therefore should not be operating a vehicle on the open road without supervision. Werner erroneously claims that, "there is no material difference between these drivers and all other professional truck drivers on the road." This assertion ignores the fact that well-trained, more experienced drivers have better safety records.

OOIDA is aware that some carriers use recent truck school graduates as co-drivers in team operations to improve productivity for the carrier while paying the CLP driver less than a CDL driver. Typically, CLP trainees receive about one-third of the wages of an experienced CDL driver. This further points to the economic motivation behind the request, as the CLP driver could potentially receive the lower wage for the maximum duration of time before the CLP expires. Additionally, Werner states that this exemption would create "immediate compensation opportunities," but there is nothing under existing regulations preventing motor carriers from compensating drivers when their CDL is being processed. In fact, more rewarding compensation practices would likely help motor carriers address the workforce issues that Werner identifies as a "shortage."

Werner's exemption request is another example of a large carrier using the false premise of a driver shortage to take advantage of safety regulations. In reality, evidence from the federal government and industry analysis show that driver turnover is the problem. For one, the Federal Motor Carrier Safety Administration (FMCSA) estimates that over 400,000 new commercial driver's licenses are issued every year.¹ On top of that, the U.S. Department of Labor did not find indications of a driver shortage when examining the issue in 2019. Instead, they identified the high turnover experienced by large carriers as one reason for the perception of a shortage.² Reporting from representatives of the nation's largest truck fleets routinely report annual turnover rates above 90%.³ Clearly, there is no shortage of drivers entering the industry.

The regulations requiring an experienced driver in the front seat with a permit holder were implemented with safety in mind. As we move closer to the Entry-Level Driver Training rule taking effect next year, FMCSA should be finding ways to further bolster training requirements not weaken them. Granting this exemption would do just that. Because Werner has not demonstrated that this exemption would achieve a level of safety equivalent or greater than the safety level under the current regulations, a waiver should not be granted.

Thank you,



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

¹ FMCSA, Regulatory Evaluation of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule, Federal Motor Carrier Safety Administration (Nov 2016), pg. 39

² Stephen V. Burks and Kristen Monaco, "Is the U.S. labor market for truck drivers broken?," Monthly Labor Review, U.S. Bureau of Labor Statistics, March 2019, <https://doi.org/10.21916/mlr.2019.5>.

³ <https://www.trucking.org/news-insights/turnover-remained-unchanged-large-truckload-fleets-fourth-quarter>