



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

October 18, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # DOT-OST-2021-0106, “Request for Information: America's Supply Chains and the Transportation Industrial Base”

Dear Secretary Buttigieg:

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 our 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.

Small trucking businesses like those we represent account for 96 percent of registered motor carriers in the U.S. We are undoubtedly the safest and most diverse operators on our nation’s roads. Every region of our country and segment of our economy relies upon long-haul truck drivers. In the wake of the pandemic, truckers proved to the nation that they are willing to meet any challenge. Professional drivers literally put their lives on the line every day to keep us safe. When many Americans began working from home, truckers continued to crisscross the country, picking up and delivering items that we all needed. The perseverance of the nation’s truck drivers has never faltered in the face of many difficult obstacles, including the current global supply chain crisis.

Unfortunately, most of what we are seeing today is not a surprise to our members who have dealt with a dysfunctional supply chain for decades. It’s not realistic to expect the supply chain will suddenly operate efficiently on a 24/7 schedule, especially when drivers aren’t being fully paid for their time. The trucking industry already operates around the clock, but drivers are often restricted by factors beyond their control such as excessive detention time and the lack of readily-available, safe parking. These pervasive problems must be fixed if the administration hopes to implement any significant supply chain solutions. Additional concerns that need urgent

attention from federal regulators and lawmakers include providing fair levels and methods of compensation, repealing the exemption that denies truckers guaranteed overtime pay, and better driver training programs among others.

While global supply shortages have recently forced some truckers off the road due to regulatory processing delays and difficulties finding replacement parts for faulty equipment, the current crisis is not due to a shortage of truck drivers. Because the real bottlenecks in the supply chain occur at pickup and delivery points, adding more trucks and drivers will simply make lines longer, not faster. As part of any efforts to fix the supply chain, DOT must prioritize resolving the underlying circumstances that have led to excessive driver turnover. We support the administration's efforts to improve the quality of trucking jobs, but this must start with treating drivers as essential workers which means valuing and compensating them for all of their time.

OOIDA submits the following responses addressing current and future challenges to supply chain resilience in the freight and logistics sector. Our comments primarily concentrate on the trucking industry.

1. The identification of major infrastructure or operational bottlenecks and chokepoints across all aspects of the freight and logistics supply chain—including shipping/receiving, intermodal transfer, rail/water/truck transportation, warehousing, etc.—that slow or impede efficient cargo movement within the freight and logistics sector, and the most effective investments and management practice improvements that could be made to alleviate those bottlenecks.

Detention Time

Small-business truckers and professional drivers face numerous operational and infrastructure bottlenecks on a daily basis. Excessive detention time is chief among the chokepoints that contribute to supply chain dysfunction. Many drivers spend countless unpaid on-duty hours being delayed by shippers and receivers because Congress and the Federal Motor Carrier Safety Administration (FMCSA) have failed to address excessive detention time. For far too long, the trucking industry has typically defined detention as any time spent waiting to load or unload in excess of two hours. This line of thinking completely discounts the value of a driver's time.

Detention time is both a safety and financial concern for professional drivers. A 2018 Department of Transportation Inspector General (OIG) report estimated that a 15-minute increase in average dwell time—the total time spent by a truck at a facility—increases the average expected crash rate by 6.2 percent. The study also estimated that detention time is associated with reductions in annual earnings of \$1.1 billion to \$1.3 billion for for-hire CMV drivers in the truckload sector and that detention reduces net income by \$250.6 million to \$302.9 million annually for motor carriers in that sector.¹

These findings from the OIG report echo what OOIDA members have been experiencing for years. According to 2020 survey results from the OOIDA Foundation, drivers operating under

¹ U.S. DOT Office of Inspector General, *Estimates Show Commercial Driver Detention Increases Crash Risks and Costs, but Current Data Limit Further Analysis*, U.S. Department of Transportation (Jan 2018).

the 70 hour/8-day rule spend 17% to 29% of their time in detention. This uncompensated time means individual drivers are effectively losing \$907 to \$1,512 per week.² This can ultimately create the incentive for drivers to operate longer and push harder, foregoing rest breaks or pausing when they are tired in order to make up for lost compensation.

When studying the issue of detention time, there are two areas of particular concern which exacerbate the problem. The first is level of compensation as very few drivers receive pay for all the hours they work. While the Fair Labor Standards Act (FLSA) requires employers to pay covered non-exempt employees at least the federal minimum wage for all hours worked during the work week and overtime pay for all hours worked over 40 in a work week, truck drivers are exempt from the FLSA overtime guarantee under Section 13(b)(1). This exemption was implemented in the 1930s to prevent truckers from working too many hours, but today it simply prevents them from receiving adequate compensation for the work they do.

Exempting drivers from guaranteed overtime pay increases problems with detention time because shippers, receivers, and others in the industry have no financial incentive to load and unload trucks in an efficient manner. If a shipper or receiver knows that they won't be on the hook to pay overtime, they simply don't care as much about respecting a driver's time. If repealed, drivers would either be fairly compensated for the extra hours they work, or shippers and receivers would find ways to reduce delays to avoid paying overtime. Simply put, the current law ensures that a driver's time is less valued than other professions. That must change. A majority of OOIDA members (79 percent) are in favor of removing the exemption, especially company drivers (96 percent), and 60 percent believe this will help address the detention time issue.³

Removing the motor carrier exemption enables truckers to be paid during all work-related hours, not just when the truck is in motion. This means that a driver is entitled to the full compensation earned during their duty period. Better pay will encourage more experienced, safer drivers to stay in the industry. OOIDA encourages eliminating the FLSA motor carrier exemption, but the administration and Congress should consider a temporary repeal for the duration of the supply chain crisis.

Truck Parking

Finding a safe place to park is something most people take for granted, but it's a daily struggle for hundreds of thousands of long-haul truckers. The initial 2015 Federal Highway Administration's (FHWA) Jason's Law Survey recognized the lack of truck parking had become a serious highway safety concern. Unfortunately, the problem has only worsened since then. States and local communities across the U.S. are struggling to maintain existing capacity, let alone keep pace with growing demand.

Increasingly, drivers are forced to spend more and more of their on-duty time finding a place to park rather than keeping goods moving. This makes it challenging for truckers to rest when they are tired, makes it difficult to comply with hours of service regulations, and often forces them to

² Owner-Operator Independent Drivers Association Foundation, *2020 Detention Time Survey* (December 2020).

³ Ibid.

park in hazardous locations. This creates safety issues not only for truckers, but for the motoring public as well. OOIDA has been working to address this problem in a meaningful way for a long time, but so far we've been unable to get much more than studies and reports telling us what we already know – more capacity is needed.

Infrastructure/Highway Investment

Robust investment in our nation's infrastructure is naturally a priority for our members. A modern, reliable, and efficient highway system not only supports their businesses, but also ensures their safety. That investment is long overdue. According to the American Transportation Research Institute, traffic congestion costs the trucking industry \$74.5 billion annually and accounts for 1.2 billion in lost hours of productivity, which is equal to 425,533 truck drivers sitting idle for a year.⁴ Funding the nation's infrastructure will help alleviate congestion and upgrade the condition of our nation's roads, highways, and bridges.

As additional infrastructure funding is spent on various highway projects, the federal government and states must also take careful consideration when planning construction periods. Highway planners must recognize that conditions beyond the control of professional drivers, including federal and state rules, often contribute to their inability to avoid areas or times of high congestion.

2. Current and potential future shortages and/or distribution limitations of essential cargo-handling equipment, such as chassis and shipping containers, and how these challenges can be or are likely to be addressed by the freight and logistics industry over both the medium and longer term.

Please note that the scope of question #2 does not generally apply for owner-operators and small-business truckers. The following is collected from individual OOIDA members that have extensive experience with port and cargo operations.

There are usually sufficient amounts of shipping containers onshore, but they are often in the wrong locations and it isn't profitable to move them where they are needed. Shipping containers are often owned by leasing companies and the shipping lines only hire the cheapest amount of labor needed to move cargo, no matter how long it takes. Also, when imported containers are emptied and used for exports, it's cheaper for the shipping line to use just one container instead of purchasing additional carriers from the leasing company. This adds more time to empty each container, rather than using other containers which should be more readily available.

Chassis are more expensive and complex than containers because they roll, get DOT tickets, and are susceptible to legal questions. This often limits what can be hauled and leads to swings in demand. When demand is slow, there is "not enough room to park them all." When demand is busy, "we need more chassis."

⁴ https://truckingresearch.org/wp-content/uploads/2020/08/ATRI_Bottlenecks2020_Brochure.pdf

The fact that we can usually ship low-priced expendable items across the ocean is a result of the efficiencies over the years, but those same efficiencies are preventing the supply chain from meeting peak demand right now. Presently, there is too much focus on completing required paperwork before moving goods given the widespread shortages.

3. Warehouse capacity and availability, and any challenges faced in operating and siting/constructing those facilities, as well as challenges faced by third-party logistics service providers and other stakeholders in the logistic system.

Truck route bottlenecks contribute to backups at warehouses and other facilities, which can significantly reduce a facility's potential output. Construction, siting, and utilization of warehouses and other logistics facilities must better plan for the flow of CMV traffic. Inefficiencies at these facilities lead to excessive detention times for drivers. These places must also better accommodate drivers and CMVs, especially owner-operators and other independent truckers. Ideally, these areas could be used for additional truck parking. Many drivers are forced to vacate the premises of these facilities when their on-duty time has expired even when space is available.

Simply treating drivers with more common decency at these facilities would also be an improvement. Throughout the pandemic, truckers experienced repeated difficulties accessing restrooms at shipping and receiving facilities. Some businesses claimed that limiting access was a way to control the spread of the virus. These policies were counterproductive. As the most transient community in America, truckers should have the ability to wash their hands after handling freight, paperwork, and business equipment to combat the spread of the virus. To help protect the health and wellbeing of drivers, the logistics community must ensure truckers have access to basic necessities.

Other additional solutions to help fix capacity/availability and other challenges at ports, warehouses, and logistics facilities include:

1. Prioritize loads that are booked and not hold them out based upon "earliest receiving date." In these cases, trucks end up at the port with loads that they send away because the cargo was moved to other ships and end up driving around with different loads because the paperwork has changed.
2. Warehouses and ports can run extended hours, but these facilities need additional support staff or longer hours won't matter.
3. Find ways to say "yes." There is a large contingent of warehouse staff who unnecessarily contribute to delays which can take hours or days to resolve.

4. Major risks to resilience within the freight and logistics sector (including defense, intelligence, cyber, homeland security, health, climate, environmental, natural, market, economic, geopolitical, human-rights, or labor-management risks). What factors help to mitigate, or conversely exacerbate, these risks?

There are various major risks within the freight and logistics sectors threatening small-business truckers.

Cyber/Homeland Security

As technology further develops within the transportation industry, the impacts of a cyberattack on connected transportation infrastructure could have disastrous consequences. The ability to prepare for, respond to, and recover from cyberattacks and intrusions is imperative. The Department of Homeland Security (DHS) is in the process of adopting a Transportation Systems Sector Cybersecurity Framework which should be able to address some cybersecurity concerns within the sector.

While autonomous vehicles are in their initial stages of deployment, professional drivers might be among the first to experience the technology's shortcomings or deficiencies outside of controlled testing scenarios. As such, we believe that any process to advance automated technology should be met with mandatory data transparency and comprehensive testing from manufacturers. This will help educate consumers, the industry, and regulators about the actual reliability of autonomous technology.

Market/Economic

During the initial days of the pandemic, freight rates reached historic lows. Hundreds of truckers protested in front of the White House because some freight brokers consistently fail to comply with federal transparency regulations. For years, small-business truckers have expressed frustration that regulations designed to provide transparency are routinely evaded by brokers or simply not enforced by FMCSA. While freight rates have rebounded since the initial weeks of the pandemic, the need for better broker transparency remains urgent.

49 CFR §371.3 mandates that brokers keep transaction records and permits each party to a brokered transaction to review these records. This allows carriers to know precisely how much a shipper paid the broker and how much the broker then paid the carrier. Unfortunately, many brokers implement hurdles they know will prevent a carrier from ever seeing this information. To improve broker transparency, OOIDA has proposed:

1. Require brokers to automatically provide an electronic copy of each transaction record within 48 hours after the contractual service has been completed.
2. Explicitly prohibit brokers from including any provision in their contracts that requires a carrier to waive their rights to access the transaction records as required by 49 CFR §371.3.

If rules are promulgated to improve broker transparency and current regulations are better enforced by DOT, this would support the economic stability of the trucking industry and help secure a more reliable transportation supply chain.

Labor-Management

Owner-operators are an indispensable component of the nation's supply chain. One type of employment model is a leased-on owner-operator, where a trucker leases their equipment to a carrier and agrees to operate the equipment under the motor carrier's authority. There are federal Truth-in-Leasing Regulations (49 CFR § 376.12) that dictate specific requirements for these leases which help safeguard truckers and the public. These regulations were established to protect owner-operators from abusive practices by carriers and to preserve the stability of the supply chain more generally. Specifically, the final rule implementing these regulations stated that they were issued in part "to promote the stability and economic welfare of the independent trucker segment of the motor carrier industry" and "to eliminate or reduce opportunities for skimming and other illegal or inequitable practices."

Recently, there have been legislative efforts that would eliminate the leased-on owner-operator model as we know it. For example, AB5 in California, which implements the ABC Test for worker classification, would likely make it impossible for an owner-operator to lease to a carrier and provide their services. While implementation of this law is currently on hold because of legal challenges, it would immediately disrupt our nation's supply chain if enacted.

In addition to AB5, there are Congressional proposals to federally implement the ABC Test through legislation like the PRO Act. Enacting this legislation would introduce tremendous uncertainty to the trucking industry, possibly requiring tens of thousands of truckers to abandon their existing business model. Not only would this force truckers to leave an arrangement that has provided them a stable career, it would also cause enormous disruptions and delays throughout the supply chain. Any attempts to radically define "employee" and independent contractor relationships are a serious threat to the stability and resilience of the supply chain.

5. The effects of climate change on transportation and logistics infrastructure and its implications for supply chain resiliency.

Clean air is a priority for everyone, including truckers, but previous emissions rulemakings have been disastrous for small-business motor carriers and owner-operators. In recent years, the trucking industry has been subjected to numerous federal and state regulations relating to environmental emissions. While some of these standards were necessary and helpful in reducing vehicle emissions, many were short-sighted and have been difficult to implement. OOIDA strongly believes that the market should drive environmental regulations rather than expensive mandates.

The livelihood of a professional driver depends on affordable and reliable equipment in order to survive in a highly competitive industry. The influx of emissions regulations has contributed to higher costs for new trucks with the average price increasing almost 44 percent since 2008.⁵ In

⁵ *Owner-Operator Member Profile Survey 2018*, OOIDA Foundation (2018).

some cases, these dramatic cost increases can limit the environmental benefits of the regulations by forcing truckers to maintain older vehicles longer than they otherwise would. On average, OOIDA members have stated that emissions and environmental equipment represented approximately \$3,000 of their annual maintenance costs.⁶ In past surveys, 59 percent of OOIDA members have indicated they did not get a return on investment for installing and using environmental/emissions technologies such as exhaust gas recirculation (EGR)/selective catalytic reduction (SCR) systems and diesel particulate filters (DPF).⁷ For small carriers operating on the slimmest of margins, these high costs for purchase and maintenance can be a major deterrent to purchasing newer, cleaner trucks.

OOIDA members have encountered various operational problems with emissions systems which have had a dramatic impact on their business. These challenges include expensive visits to dealers, lost productivity, poor efficiency, and towing costs. Some OOIDA members have also experienced emission technology failures that caused their engines to quickly derate, placing truckers and other motorists in unsafe situations. Clearly, technology failures for CMVs are a serious supply chain concern that absolutely must be avoided in any possible future regulations.

We encourage DOT and other agencies to gather input from professional drivers that have real-world experience with emissions technologies. Moving forward, federal regulators must prioritize affordability, reliability, and serviceability for truckers in order to achieve practical standards.

6. Technology issues, including information systems, cybersecurity risks, and interoperability, that affect the safe, efficient, and reliable movement of goods. Would greater standardization of those technologies help address those challenges?

Full supply chain standardization could enable seamless integration between transportation partners in ways that could reduce costs, enhance transparency, and maximize safety. However, there would need to be a systematic process for managing these systems. Again, we would encourage DOT to adopt the DHS cybersecurity framework to prevent malicious actors from exploiting the security vulnerabilities within any transportation system.

7. Key opportunities and challenges with respect to the existing and future workforce to ensure a well-functioning freight and logistics supply chain and achieve the President's goal of increasing good-paying jobs with the choice of a union. Are there additional workforce or skill set opportunities and needs currently, or expected in the future?

OOIDA agrees with Secretary Buttigieg's statement that, "Truck drivers, like doctors and nurses, are essential workers and we need to start treating them that way. We want to help turn hard jobs into challenging and meaningful careers that secure truck drivers a place in the middle class. And making truck driving safer will save lives on our roads." After decades of stagnant compensation along with costly and ineffective overregulation, DOT must take immediate steps that will make trucking a more equitable and sustainable career.

⁶ Ibid.

⁷ *Owner-Operator Member Profile Survey 2014*, OOIDA Foundation (2014).

In July, Secretary Buttigieg along with Department of Labor Secretary Marty Walsh convened a roundtable with trucking industry representatives to discuss best practices about prioritizing retention and limiting turnover. They consistently heard from motor carriers, drivers, safety advocates, labor organizations, and academic researchers about making the profession a more rewarding career.

Since the roundtable, DOT leadership and industry stakeholders have continued their discussions about retention. FMCSA's Motor Carrier Safety Advisory Committee (MCSAC) is working on formal recommendations related to the recruitment and retention of drivers. FMCSA's newly created Driver Subcommittee will provide MCSAC with specific ideas. The MCSAC Driver Subcommittee is comprised entirely of trucking industry representatives. We believe the Supply Chain Disruptions Task Force, DOT, and FMCSA must take this expertise into account when implementing any proposals that will impact the nation's professional driver fleet.

8. Current barriers (including statutory, regulatory, technological, institutional, labor and workforce, management, existing business models/practices issues) that inhibit supply chain performance. For any barriers identified, please address the actors involved and potential outcomes should those barriers be removed.

The trucking profession is by no means an easy one. Our members typically spend roughly 250 nights on the road each year, keeping them away from family, friends, and the comforts of home. They often work between 60 and 80 hours each week - a demanding schedule that is rarely reflected in their paychecks. Some even make less than minimum wage as a professional driver. Truckers work in extremely difficult conditions - inclement and unpredictable weather, dangerously congested highways, and deteriorating roads add extra stress and volatility to their jobs.

They have to contend with shippers and receivers that needlessly detain them for hours on end, dishonest brokers that have no intention of providing them agreed upon compensation, and large motor carriers that subject them to deplorable working conditions. Not to mention that the federal government has burdened the trucking industry with a "one-size-fits-all" approach that punishes small businesses, stifles competition, and overregulates an industry deregulated by design.

Truckers are subject to more regulations and greater enforcement than ever before, and while compliance with those regulations has never been higher, crash rates are still moving in the wrong direction. A prime example of this is FMCSA's Compliance, Safety, Accountability (CSA) program. Currently, the scores generated by CSA, whether high or low, have no causal relationship with crashes and are in no way an accurate or effective way to measure the safety of a motor carrier. In fact, many owner-operators have no score at all due to a lack of inspections or violations. This can make it difficult to get loads from shippers and brokers, when in reality they are some of the safest operators on the road. When CSA scores were widely accessible, many motor carriers lost business due to unfair ratings and were targeted by unscrupulous trial lawyers looking to make a quick buck.

A Congressionally-mandated review provided numerous recommendations for fixing CSA, including improving data quality and collection, analyzing information on how driver turnover rates and levels of compensation impact safety, and promoting transparency guidelines. Until these changes have been fully implemented and proven reliable, CSA scores should not be publically disclosed.

There are various other institutional and regulatory barriers that simply do not reward a proven safety record in the trucking industry. Drivers with millions of accident-free miles under their belt must comply with the exact same regulations as someone with no experience at all. DOT must implement policies and programs that incentivize driving experience and safety performance. Furthermore, the prevalence of long hours, low pay, and uncompensated time results in a “race to the bottom” mindset that has consumed the trucking workforce since deregulation in 1980. DOT, in partnership with the Department of Labor, must find solutions to reverse this “race to the bottom” mentality. If this can be done, we believe the administration’s efforts will help drive economic growth across the country, creating new opportunities and better job security for millions of hard-working Americans. That will result in greater supply chain sustainability.

9. Critical assets that the sector relies upon and their expected future availability. Would increasing domestic production of these assets be desirable or feasible as a means of ensuring greater supply chain resiliency (chassis, containers, etc.)?

In recent months, global supply shortages have forced some truckers off the road. Drivers are experiencing the domino effects of supply and staffing shortages which are preventing them from complying with federal regulations. Examples include drug and alcohol testing delays and difficulties finding replacement electronic logging devices, diesel exhaust fluid (DEF) filters, and CPAP machines. We encourage DOT and other agencies to begin making some emergency allowances to keep safe, qualified drivers in business.

We’ve consistently heard that the reliance on overseas manufacturing and delays in maritime shipping are among the main factors for the current supply chain crisis. Increasing domestic production of assets and products would likely ensure greater supply chain resiliency, especially within the trucking sector.

10. Technological practices, including data sharing, that are being implemented at various levels across the supply chain sector. What are the upsides, challenges, and drawbacks of further adoption?

The adoption of technologies, including data sharing, come with both upsides and challenges. Many drivers have no issues with using technologies that have been proven effective and do not take control out of their hands. However, our members generally oppose mandating technologies that remain flawed. For instance, OOIDA members have routinely shared practical concerns with automatic emergency braking (AEB) technology, including difficulty controlling trucks in inclement weather when systems are activated, unwarranted activations, and highly distracting warnings and false alarms. Yet, Congress has proposed mandating AEB technology for CMVs within the next few years.

The Department must acknowledge that some technologies do not always deliver on their promise and should reject any rush to mandate unproven technology systems. Any development of technology related regulations must be conducted in a thorough manner with comprehensive oversight.

Ensuring personal data privacy is also a concern for drivers as more information transitions to online platforms. Over the last few years, FMCSA has been unable to provide sufficient protection of drivers' personal information. A recent delay of the compliance date for several provisions of the 2015 Medical Examiner's Certification Integration final rule was another troubling setback for FMCSA's Information Technology (IT) infrastructure. Since issuing the 2015 final rule, there have been ongoing challenges associated with launching a new National Registry IT system, including an attempted cyberattack on the National Registry website in December 2017. These continued IT failures are unacceptable, especially as more and more agency systems go online such as the Drug and Alcohol Clearinghouse and the Entry-Level Driver Training Provider Registry.

11. Actions that DOT or other agencies in the U.S. Government (USG) could take under existing authorities or in partnership with States, local governments, the private sector, or labor to address current and evolving challenges within the freight and logistics sector.

OOIDA recommends the following actions DOT or other agencies in the USG should take under existing authorities that would help address supply chain issues. More broadly, we believe there should be an emphasis on developing an interagency approach for the trucking sector. DOT, the Department of Labor, the Department of Health and Human Services, the Department of Homeland Security, and the Environmental Protection Agency are just a few of the USG entities with jurisdiction over trucking policy. Even within DOT, trucking rules and regulations span across various agencies. We have often experienced a lack of communication among the bureaucracy that works against professional truckers. The USG must work to develop a more transparent and communicative environment among the various entities that dictate federal trucking rules.

- DOT should allow for regulatory flexibility where supply chain issues and pandemic disruptions have affected truckers themselves. For example, truckers have had difficulty obtaining replacement diesel exhaust fluid quality sensors because of computer chip shortages. When these components fail, it causes a truck engine to become non-operational. EPA has provided temporary relief to this shortage by allowing for engine manufacturers to implement a software fix that bypasses the filter and allows the engine to operate. As long as shortages persist, EPA should continue to provide flexibility to prevent trucks from being placed out of service, which would only make supply chain disruptions worse. Additional relief is needed to cope with drug testing delays and parts shortages that are currently keeping safe drivers off the road.
- OOIDA has been a strong advocate of the federal government's effort to develop and mandate minimum driver training requirements for entry-level driver training (ELDT). We firmly believe that these requirements can improve highway safety for all motorists if

implemented properly. The ELDT rule can be further enhanced by requiring a minimum number of hours of behind-the-wheel (BTW) training. This is the type of real-world training and experience that CDL candidates need. DOT should amend this rulemaking to include at least a 30-hour minimum of BTW instruction for prospective drivers as proposed by a majority of the ELDT Advisory Committee.

- DOT must collect better information on detention time to demonstrate what role it plays in supply chain delays. As we've discussed, if a truck's wheels are not moving, drivers are not getting paid. We also support policy improvements that would collect and disseminate accurate information on detention time. Comprehensive collection and publication of loading, unloading, and delay times would be beneficial for drivers and motor carriers. This information would be useful in trip planning, load selection, and other general operations for small-business truckers. Additionally, a public database or website providing estimates and averages of loading, unloading, and delay times at shipping/receiving facilities could help lessen detention times throughout the marketplace as drivers and motor carriers are likely to avoid certain locations that consistently produce longer delays.
- In response to the COVID-19 public health emergency, FHWA allowed State Departments of Transportation to let food trucks temporarily operate at highway rest areas in support of commercial truck drivers. This action provided meals to truckers hauling the supplies needed to keep Americans safe and healthy during the emergency. OOIDA strongly supported this decision because it helped solve one of the problems truck drivers face on a daily basis – finding a fresh meal when rest area dining facilities are closed, have restricted hours, have limited access to a drive-thru, or have other policies that diminish the ability of drivers to get a bite to eat.

OOIDA supports a permanent adoption of this policy. This change would help to improve working conditions for drivers, making the profession more attractive, and ultimately help to improve retention within the industry. This would all help to improve supply chain performance.

12. Other policy recommendations or suggested executive, legislative, or regulatory changes to ensure a resilient supply chain that DOT/USG should consider, including means to collaborate more effectively across government agencies and suggestions based on state and international models.

There are various legislative measures that would help ensure a resilient supply chain within the trucking sector.

- OOIDA, along with more than 60 other organizations in the trucking, agriculture, materials, manufacturing and towing industries, have serious concerns about a controversial proposal that would increase minimum liability insurance requirements for motor carriers from \$750,000 to \$2,000,000. Such an increase is wholly unnecessary, would do nothing to improve highway safety, and would have a severe negative impact on businesses well beyond traditional trucking companies. Any increase of minimum insurance levels for

CMVs would undoubtedly wipe out many small trucking businesses through skyrocketing premium costs.

- OOIDA strongly supports significantly higher levels of investment that focus exclusively on expanding truck parking capacity. We have worked with industry stakeholders and Members of Congress to introduce H.R. 2187, the bipartisan Truck Parking Safety Improvement Act, which sets aside \$755 million from the Highway Trust Fund for truck parking capacity expansion projects.

The need for more parking is a direct result of Congress deregulating trucking long ago, which resulted in tremendous growth in the industry and lower prices for consumers. The need for more parking was predictable and preventable. Washington should have done more to prepare for today's shortage, which undermines the efficiency of the entire supply chain.

- OOIDA opposes any proposals to allow drivers under the age of 21 to enter the long-haul industry. Dropping the interstate CDL age from 21 presents obvious safety concerns for potential new truck drivers as well as the traveling public who would share the road with them. Younger drivers – especially teenagers – generally lack the maturity and experience to operate a CMV at the safest levels. Research has consistently shown that CMV drivers under 21 are more likely to be involved in crashes. Rather than developing policies to allow more teenagers behind the wheel of commercial trucks, DOT and Congress should be taking steps to reverse the incessantly high driver turnover rate, which remains above 90% among large truckload carriers.

13. Recommended actions by non-Federal entities, including State and local governments, private firms, labor, and other participants in the freight and logistics sector that could be encouraged by DOT/USG.

DOT should work with States, local governments, and the private sector to encourage them to expand access to truck parking at existing facilities. Right now, there are many locations that would make sense for truckers to park, but they are often barred from doing so. For example, some states have short time limits (as little as 2 or 3 hours) or prohibit overnight parking at public rest areas. It is bad enough that the national supply of truck parking is inadequate, but it is even worse that states limit truckers' ability to rest at taxpayer-funded facilities. DOT should also encourage states to allow truck parking at truck weigh stations.

Within the private sector, DOT should encourage firms to allow trucks to park at their facilities when space is available. Truckers are often given no accommodations at facilities where they load or unload, and this would be a simple way to allow drivers a place to rest.

DOT should use its resources to educate state and local governments on the need to construct truck parking and the resources available to them. States can already use funding from federal programs to construct truck parking, but hardly any prioritize doing so. By highlighting these needs, DOT can help increase truck parking capacity, which will ultimately improve drivers' efficiency.

DOT should also work with local governments to encourage the expansion of truck parking capacity. Too often, local opposition can prevent the construction of much-needed truck parking projects. Although citizens certainly enjoy having their shelves stocked and goods delivered on-time, they don't always seem to appreciate that truckers need a place to rest. DOT should engage with both local officials and the public to make sure they understand the scope of this issue.

Lastly, we encourage DOT to look at Australia's Safe Rates framework as a potential model for improving supply chain resiliency. This concept extends legal liability throughout various levels of the supply chain to include all freight and logistics stakeholders. Under this system, every actor is held accountable for their actions, inactions, or decisions.

The fortitude of the nation's truck drivers has never faltered even in the face of many challenges, including the current global supply chain crisis. Unfortunately, most of what we are witnessing today is not a surprise to small-business truckers that have experienced supply chain dysfunction for decades. It's not realistic to expect the supply chain will suddenly operate efficiently, especially when institutional barriers prevent drivers from being fully paid for their time. We support the administration's efforts to address current and future supply chain challenges, but this must start with finally valuing and compensating professional drivers for all of their time.

Thank you,

A handwritten signature in black ink, appearing to read "Todd Spencer". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

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