



Owner-Operator Independent Drivers Association

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December 17, 2021

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

Re: Docket # DOT-OST-2021-0140, "U.S. Department of Transportation Strategic Plan"

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 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.

Throughout the pandemic, truckers have proved to the nation that they are willing to meet any challenge. Professional drivers have literally put their lives on the line every day to keep us safe. The perseverance of the country's truck drivers has never faltered in the face of many difficult obstacles, but that should not entitle the federal government to continue implementing impractical regulations that make trucking an even more inequitable profession.

As part of the Department of Transportation's (DOT) FY 2022-2026 Strategic Plan, we encourage you to remove excessive regulatory burdens and look for less intrusive alternatives that can benefit highway safety. Additionally, the recently enacted Bipartisan Infrastructure Law will provide generational investment across various modes of transportation. We recommend DOT allocate these funds in a way that will improve the state of the nation's highways, roads, and bridges, along with directing dollars towards projects that have been traditionally overlooked such as expanding truck parking capacity. Finally, the Department must help ensure that trucking can be a rewarding and meaningful career. If this can be done, we believe DOT's efforts will help drive economic growth across the country, creating new opportunities and better job security for millions of hard-working Americans.

OOIDA submits the following comments addressing the development of the U.S. DOT Strategic Plan for FY 2022-26.

1. What strategies or priorities should the U.S. DOT adopt to achieve the Department's strategic goals and objectives?

OOIDA agrees that safety must be the Department's top priority. We believe DOT should address burdensome "one size-fits-all" trucking regulations that unnecessarily punish small businesses. Many of these costly policies are based solely on improving compliance with regulations, rather than actual safety performance. For instance, small businesses have been forced to bear the majority of the \$1.8 billion price tag associated with the Federal Motor Carrier Safety Administration's (FMCSA) electronic logging device (ELD) mandate. For owner-operators, these costs have led to less investment for maintenance, equipment, and other critical safety upgrades. While FMCSA has touted improved hours-of-service compliance¹ (HOS), we have not seen any data suggesting that ELDs actually reduce crashes. As a result of this compliance focused approach, fatalities and crash rates have been going in the wrong direction for more than a decade.

We challenge the administration to find less intrusive alternatives that actually enhance highway safety and reduce crashes. Certainly, one method of improving safety is supporting drivers and incentivizing them to stay in the industry. We applaud the administration's initial focus on driver retention issues. In July, DOT Secretary Buttigieg along with Department of Labor (DOL) Secretary Walsh convened a roundtable with trucking industry representatives to discuss best practices about prioritizing retention and limiting turnover. They heard from motor carriers, drivers, safety advocates, labor organizations, and academic researchers about making the profession a more rewarding, long-term career.

A few areas that need urgent attention from federal regulators and lawmakers include increasing truck parking capacity, providing fair levels and methods of compensation, repealing the exemption that denies truckers guaranteed overtime pay, better driver training programs, and eliminating excessive detention time. As driver retention discussions continue, DOT must begin taking measured regulatory and deregulatory actions that will transition these conversations into substantive policies that make trucking a more sustainable profession.

Currently, there are far too many 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 such as the ELD mandate and impractical hours-of-service 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 DOL, must find solutions to reverse this "race to the bottom" mentality.

We believe DOT should include small motor carriers in the Strategic Plan as part of the emphasis on equity to reduce transportation-related disparities among people and communities.

¹ <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/enforcement/406471/eld-inforgraphic-hos-compliance-june2018-002dw.pdf>

Small-business trucking activities impact all sectors of our economy, including agriculture, household goods movement, consumer products, oil and gas, the military, sports and entertainment, and construction. Yet, for far too long the federal government has failed to grasp the importance of this diversity even though small trucking businesses like those we represent account for 96% of registered motor carriers in the U.S. Too often, excessive regulations are advanced at the behest of corporate motor carriers, who use the legislative and regulatory process to gain competitive advantages over smaller operators.

These regulations add red tape and expenses for our members who have limited administrative resources. Additionally, small businesses are at a disadvantage when it comes to paying required taxes and fees. For instance, single truck operators or small fleet carriers unjustifiably pay more per truck in annual Unified Carrier Registration fees than large fleets. In recent years, the trucking industry has been subjected to numerous regulations relating to environmental emissions. The influx of emissions regulations has contributed to higher costs for new trucks with the average price increasing almost 44 percent since 2008.² On average, OOIDA members have stated that emissions and environmental equipment represented approximately \$3,000 of their annual maintenance costs.³ 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. Small-business truckers are the safest operators on the road, so DOT must avoid inequitable mandates and regulations that price them out of the industry.

2. How should U.S. DOT measure progress towards those priorities?

DOT, including FMCSA, should regularly review significant rulemakings to determine their actual impact on safety performance. Regulatory reviews should be done in an objective manner that analyzes crash data and/or other information that has a proven statistical relationship with crash risk. 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.⁴ Regulations like these need to be reformed or eliminated.

DOT must continue engaging with professional drivers to measure progress towards accomplishing its goals as well as to better understand the implications that regulations have on the trucking industry. When promulgating new rules and policies, DOT must solicit feedback from drivers to the greatest extent possible through public comment periods, listening sessions, and other meetings. DOT and FMCSA leadership should also utilize the experience and expertise of the Motor Carrier Safety Advisory Committee's (MCSAC) Driver Subcommittee. This panel is comprised of 24 drivers from all sectors of the CMV community.

² *Owner-Operator Member Profile Survey 2018*, OOIDA Foundation (2018).

³ Ibid.

⁴ For more information, please see [A Performance Review of CSA indicates that CSA should be placed Out-of-Service and its Authority Revoked](#), OOIDA Foundation (2016).

3. What emerging challenges or opportunities in transportation warrant additional U.S. DOT activities or investments

The challenge of expanding truck parking capacity is an opportunity that warrants DOT investment. DOT and numerous states have been studying this issue for decades and have all concluded that there is a shortage of truck parking. The Federal Highway Administration (FHWA) has stated that the truck parking crisis is a “national safety concern.” Most recently, FHWA released the results of its updated 2019 Jason’s Law Survey in December 2020. The survey found that truck parking shortages remain a major problem in every state and region, and that the problem continues to worsen. Truck parking is already eligible for funding under the Infrastructure for Rebuilding America (INFRA), Rebuilding American Infrastructure with Sustainability and Equity (RAISE), and National Infrastructure Project Assistance (NIPA) discretionary grant programs, and states can currently use their formula funding for truck parking as well. Unfortunately, hardly any federal funding has been dedicated to this problem because states have never recognized how serious this issue is to highway safety.

Recent supply chain issues have highlighted the essential role of truck drivers within the nation’s economy as well as longstanding challenges relating to driver retention. As part of any Strategic Plan, 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.

4. How can U.S. DOT best coordinate its activities with Federal, State, local, tribal, labor, private sector, academic, non-profit, international and other stakeholders?

We believe there should be an emphasis on developing an interagency approach for the trucking sector. DOT, DOL, the Department of Health and Human Services, the Department of Homeland Security, and the Environmental Protection Agency are just a few of the federal 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. DOT must work to develop a more communicative environment among the numerous entities that dictate federal trucking rules.

DOT can also 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. 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 federal 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 safety

and drivers' efficiency. Finally, DOT should engage with both local officials and the public to make sure they understand the urgency of the truck parking issue.

5. How can U.S. DOT best utilize additional programs and authorities in the Infrastructure Investment and Jobs Act to accomplish the goals laid out in the strategic plan?

Federal spending approved in the Infrastructure and Investment and Jobs Act (IIJA) must be done in a responsible, transparent, and beneficial manner. DOT must focus on activities that produce a measurable reduction in crashes with the influx of additional funding from the IIJA. The Department should examine currently allocated programs to determine their impact on safety. Just because a program has been previously approved does not mean it deserves increased funding if it is not resulting in improved safety performance.

Understandably, we anticipate DOT will be looking at a multitude of transformational projects that merit funding and atop that list should be creating more truck parking spaces. We were extremely disappointed that the IIJA did not dedicate any funding exclusively to truck parking, despite broad bipartisan and industry support. However, we believe that DOT will have the ability to direct funding to critical truck parking projects across the country given the significant amount of new discretionary funding DOT will be responsible for allocating under the IIJA.

We also hope DOT can quickly begin working on various trucking provisions included in the legislation that will be helpful in attracting and retaining drivers:

- **Promoting Women in the Trucking Workforce**
This section establishes the Women of Trucking Advisory Board to identify barriers and industry trends that directly or indirectly discourage women from pursuing and retaining careers in trucking, and examine ways to facilitate support for women pursuing careers in trucking including training and outreach programs.
- **Truck Leasing Task Force**
This section requires the Secretary, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force. The Task Force shall examine common truck leasing arrangements, including the impact of inequitable leasing agreements on the industry, and resources to assist commercial motor vehicle drivers in assessing the financial impacts of leasing agreements.
- **Driver Compensation Study**
This section requires DOT/FMCSA, in consultation with the Transportation Research Board, to conduct a study of the impacts of various methods of driver compensation on safety and driver retention, including hourly pay, payment for detention time, and other payment methods used in the trucking industry.
- **Electronic Logging Device Oversight**
This section requires the Secretary to submit a report to Congress on the processes used by FMCSA to review electronic logging device logs and to protect proprietary and personally identifiable information.

DOT has spoken about the need to make trucking a more viable and sustainable career for those entering the industry and the millions of Americans already making their living behind the wheel. The FY 2022-2026 Strategic Plan should represent these goals. These objectives can be accomplished through a more practical, less burdensome regulatory approach along with acknowledging professional drivers as essential workers which means valuing and compensating them 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 horizontal stroke at the end.

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