
Statement of
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Before the
COMMITTEE ON SMALL BUSINESS
SUBCOMMITTEE ON CONTRACTING & WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

Regarding
The Impact of FMCSA's Hours of Service Rule on Small Businesses

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On behalf of



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Good morning Chairman Hanna, Ranking Member Meng, and distinguished members of the Subcommittee. Thank you for inviting me to testify on matters of importance to our nation's truck drivers and the tens of thousands of small business trucking professionals who are members of the Owner-Operator Independent Drivers Association (OOIDA).

My name is Tilden Curl. I am a small business trucker from Olympia, Washington. I have more than 20 years of trucking experience and have been an OOIDA member since 2001. I currently operate a step-deck trailer through seven western states, often hauling specialized freight. I am proud to be here today testifying on behalf of OOIDA and my fellow professional drivers.

As you are likely aware, OOIDA is the national trade association representing the interests of independent owner-operators and professional drivers on all issues that affect small business truckers. The more than 150,000 members of OOIDA are small business men and women in all 50 states and every Congressional district who collectively own and operate more than 200,000 individual heavy-duty trucks.

The majority of the trucking industry in our country is made up of small businesses, as more than 93 percent of all motor carriers have less than 20 trucks in their fleet and 78 percent of carriers have fleets of just five or fewer trucks. In fact, one-truck motor carriers represent nearly half of the total number of trucking companies operating in the United States. It is estimated that OOIDA members and their small business trucking peers collectively haul around 40 percent of the freight moved by truck nationally each year.

Before discussing the hours-of-service (HOS) regulations, I would like to personally thank Administrator Ferro for recently joining an OOIDA Board Member during a two-day, thousand-mile "ride-along" from the Washington, DC area to St. Louis. She is the first Federal Motor Carrier Safety Administration (FMCSA) Administrator to join a trucker out on the road over a multiple day period, and OOIDA appreciates her willingness to experience some of the challenges truckers face on a daily basis.

I also want to highlight OOIDA's commitment to highway safety and discuss a very memorable day in my life as an example of the focus our nation's professional truckers place on safety.

Just after noon on October 27, 2010, I was driving southbound on Highway 99 near Tulare, California in the San Joaquin Valley. A vehicle lost control and crossed traffic, finally coming to rest with its front wheels stuck over the railroad tracks that parallel the highway. After stopping my truck to provide assistance, I saw a train coming up the tracks.

An elderly woman exited the passenger side of the car, and I yelled for her to get clear of the tracks. I then noticed that the driver was unresponsive and trapped inside. At first, the door was locked and could not be opened, but I was able to squeeze my arm through the slightly lowered driver's window and unlock it. Working quickly, I was able to unfasten the man's seatbelt and

drag him out of the car and away from the area just seconds before the train collided with the stranded vehicle.

I was honored as the 28th annual Goodyear Highway Hero for my actions that day, but I feel that what I did was what most professional truckers would do if presented with the same situation – intervening to save the life of another motorist on the highway.

Safety is something that truckers must focus on every single day, and as small business owners, OOIDA members have a unique perspective. The vast majority of OOIDA’s members own their own truck, so if we are involved in an accident, no matter who is at fault, our businesses and our family incomes are directly impacted. Indeed, many small truckers have had to declare bankruptcy due to the impacts from an accident that was the fault of another motorist.

Safety and economics are inherently linked, and that is reflected in the safety record of OOIDA members out on the road. With a quarter century of truck driving experience, the average OOIDA member has safely driven around two million miles over the course of their career in trucking without a reportable accident.¹ To put that in perspective, the average passenger car driver would need to drive for at least 150 years to reach that level of experience out on the highway.² Indeed, Administrator Ferro recently honored several dozen OOIDA Safe Driving Award recipients, with many members having 30 to 40 years of accident-free driving, and one award recognizing an OOIDA Board Member with 62 years of safe driving.

Coming from this viewpoint, OOIDA strongly feels that the key to highway safety above any regulation or technology is ensuring there is a safe, well-trained, and knowledgeable driver behind the wheel of every tractor-trailer on the highway. To see why this is so important, one only has to review safety data from recent years which showed a considerable drop in truck-involved fatality accidents during 2008 and 2009 when the economy faced significant challenges. This time period saw a significant reduction in the number of new truckers out on the road, while experienced drivers stuck through the rough patch. The result was a drop in accident rates during that period.³ With the improvement in the economy, we have seen an increase in both entry-level drivers on the road and in truck-involved fatality accidents.

Further, OOIDA’s examination of FMCSA-published accident data has shown that the technologies that many vendors, major motor carriers, and government agencies are advancing as highway safety solutions miss the mark by a wide margin, especially when compared to safe and experienced truckers. OOIDA’s research arm, the OOIDA Foundation, has compared crash data for major carriers who utilize “safety technology” such as electronic on-board recorders, speed limiters, and stability control systems in trucks owned by the carriers and driven by company

¹ OOIDA Foundation, “Owner-Operator Independent Drivers Profile 2012,” AVAILABLE: <http://www.ooida.com/OOIDA%20Foundation/RecentResearch/OOIDP.asp>.

² Based on the “Average Annual Miles Per Driver” of 13,476 miles driven per year as calculated by the Federal Highway Administration, see <http://www.fhwa.dot.gov/ohim/oh00/bar8.htm>.

³ Federal Motor Carrier Safety Administration – Analysis Division, “Large Truck and Bus Crash Facts 2011,” Trends Table 1. Large Truck and Bus Fatal Crash Statistics, 1975-2011, page 4, AVAILABLE: <http://www.fmcsa.dot.gov/facts-research/LTBCF2011/LargeTruckandBusCrashFacts2011.aspx>.

drivers to crash data for major carriers that utilize owner-operators who own their own trucks that generally do not have this technology. The experienced drivers for large owner-operator carriers drive an average of 1.72 million miles, while technology-focused carriers on average drive 500,000 fewer miles between accidents. Indeed, several of these carriers had half as many miles between accidents as the owner-operators. These statistics, which reflect real on-the-road safety performance, certainly point to a reality where safety technology replacing safe, knowledgeable, and experienced drivers is wishful thinking.

OOIDA's top safety priority is ensuring that long-overdue entry-level driver training requirements are addressed in short order. Earlier this year, OOIDA issued a comprehensive entry-level driver training proposal as part of its "Truckers for Safety" highway safety agenda. You can find more about this proposal online at <http://www.truckersforsafety.com>. In the view of OOIDA and the professional truckers we are proud to have as members, ensuring that new drivers are well trained will lead to improvements on a long-list of issues facing the industry, including those beyond safety matters.

We appreciate Administrator Ferro's public commitment to move forward on entry-level driver training requirements. OOIDA is hopeful that FMCSA will soon be taking steps toward developing these long overdue rules. Instead of focusing on more restrictive regulations and costly technology mandates, the priority should be on the lower cost and more effective approach of ensuring that new long-haul tractor-trailer drivers get the safety skills they need at the beginning of their trucking careers. The most important and most impactful piece of safety equipment on a truck is a properly trained and knowledgeable driver, and actions to make that happen should be supported by the entire industry.

WHY FLEXIBILITY IN HOS RULES IS IMPORTANT FOR PROFESSIONAL TRUCK DRIVERS

From the perspective of many truckers, increasingly restrictive HOS rules combine with industry pressures to put us in a constant Catch-22 situation as we work to operate safely and efficiently.

Trucking is a very diverse industry, with many different types of operations and countless demands. A significant part of our work as professional drivers is balancing all of these demands while ensuring that we operate our vehicle as safely and efficiently as possible. Over time, changes to HOS regulations have reduced the flexibility we depend upon to maintain that balance, putting professional truckers in a situation where they are at risk of being penalized by either enforcement officials or by the economic realities of the industry for stopping to rest, avoiding traffic or another hazard, or being delayed at a shipper or receiver.

Truckers are normally paid by how many miles they drive, hence the saying "if the wheels aren't turning, you aren't earning." While there is certainly an incentive to drive as many miles as possible during the day, there are also other factors that pressure drivers. Some examples include potential fines from customers for missing a delivery window and constant contact from your carrier's dispatcher insisting you drive just a little further, even if you are fatigued or too

tired to safely accommodate a customer's demands. Indeed, most of the challenges within this industry find their root cause in requirements and demands from shippers and receivers who are not subject to the same regulatory restrictions and economic consequences as truckers.

Under current rules, a driver is allowed to drive a maximum of 11 hours while operating within a 14-hour on-duty window. The driver is then required to be off-duty for 10 consecutive hours, of which 8 hours are to be used as sleeper berth time. The combination of the 14-hour on-duty period and the required 10-hour break period constitutes a 24-hour cycle. The only exception to this is that after 8 hours of sleeper time, a driver may proceed to a location where driver services can be obtained and be off-duty not driving for the remaining 2 hours. This allowance still does not allow the driver to exceed the 11 hours of driving in a 24-hour period without a total of 10 hours off duty.

Because of the industry's pay-by-mile system, the vast majority of truckers are not compensated for any of the time spent not driving or for any non-driving activities. This is the case even if that time is spent doing what the HOS regulations consider "on-duty" because the trucker is working or is required to be ready to work. Activities that fall under the definition of "on-duty/not-driving" include completing paperwork, fueling, performing pre- or post-trip inspections, undergoing random safety inspections, and general maintenance. Loading and unloading the truck and waiting in the truck for the loading dock at the shipper or receiver to open up are also "on-duty/not-driving." Hence the pressure to maximize time driving.

Further, while some of these activities are predictable, being detained by a shipper for multiple hours is not, and even less predictable are challenges like being stuck in traffic due to an accident, congestion, inclement weather, or having to pull into a truck stop for a tire replacement or an engine repair. Predictable or not, these "on-duty/not-driving" activities cut into the trucker's 14-hour day, impacting their ability to spend time driving and earning compensation.

Without flexibility, a few hours of unanticipated delay can have a significant impact on a trucker's schedule across many days. Flexibility does not mean, and I cannot emphasize this enough, that truckers should be given a green light to drive when they are tired or without sufficient rest. Instead, flexibility means giving the professional truck driver the ability to better manage their daily and weekly schedule. To operate safely and efficiently, we need the ability to take rest when we are best able to get the rest we need, to drive when we determine that we are in the best position to do so, and to manage our schedule appropriately.

One of the key reasons why flexibility is important is that we will spend many hours during our week waiting at a shipper or receiver for the opportunity to load or unload. Shippers and receivers, including many Fortune 100 and 500 companies that tout how efficiently their businesses operate and how much attention they pay to ensuring they are "good places to work," have little concern for making more efficient use of the truck driver's time.

Not only is this detention time generally uncompensated, but also this time spent waiting is considered work under HOS rules; as such, it cuts into our available on-duty time. This directly reduces the amount of time we are able to be productive, even though much of this time is often taken in the sleeper berth in preparation for the upcoming on-duty period. The issue of detention time is not endemic to the U.S. trucking industry, as Australia has recently passed legislation recognizing that the entire logistic chain is responsible for the safe and efficient movement of freight and passengers. They have initiated a “chain of responsibility” where all parts of the supply chain are held accountable for safety and security on the roadways.

Flexibility in HOS rules is a key factor in ensuring that professional drivers are able to make other safety-focused decisions. While sitting through congestion, accidents, and construction naturally impact driving time, the majority of experienced truckers understand the benefits of avoiding these situations altogether. Most of us will plan our trips through major cities to avoid rush hour traffic, not only because it improves our timing, but also because it significantly reduces our risk of being involved in an accident because there will be fewer passenger cars on the road. Scheduling flexibility is necessary for this to happen.

Most importantly, experienced truckers are able to follow their own bodies when it comes to ensuring they are alert and refreshed while driving. HOS regulations should ensure that drivers are not penalized if they take a break whenever or for whatever length of time they need during their driving day to get needed rest. One driver may need several breaks of varying lengths distributed throughout the driving window, another may need multiple breaks later in the driving window, and yet another may need only one daily break for a meal or rest during this time. The much-studied circadian rhythms vary widely from person to person, making it difficult for a one-size-fits-all approach.

Certain types of trucking will present unique challenges for the trucker as they work to navigate between regulatory restrictions and shipper demands while driving safely and efficiently. Specialized over-dimensional and over-weight loads are an example. The movement of these loads is not only governed by hours-of-service rules and other federal regulations, but also by state and local restrictions. In many instances, big and heavy loads are restricted to daylight-only operations only on certain highways. There are safety reasons behind these restrictions, but a misalignment between the permit restrictions and federal HOS rules can make scheduling extremely difficult. Further, the new 30-minute break requirement has added new difficulties, as drivers for permitted loads face challenges locating safe parking and the break cuts into the time they are able to drive before the permit’s curfew.

Truckers must also deal with customer schedules that do not reflect HOS restrictions. Many shippers demand “just-in-time” deliveries and require that deliveries or pick-ups be made at a certain time of day. Truckers must operate accordingly to meet the demands of these shippers. An example of this in my current operations is one customer only receives between six in the morning and noon. Another usually only has product ready to ship after three in the afternoon.

It's my responsibility to get there on time, and running out of hours is not a valid reason for being late, and we can only plan for what we can control.

One major area of concern for OOIDA, especially when considering the role of HOS rules and highway safety, is the pressure that the continuous on-duty clock places on truckers. The non-stoppable nature of the 14-hour clock, which has been in place since 2005, demands that we constantly push ahead to ensure we maximize our driving time for the day. This discourages drivers from taking short rest breaks throughout their day, with clear safety impacts. Another change from 2005, the elimination of the ability for truckers to split their time in the sleeper berth, adds additional pressure on truckers to push through and drive, even when they may want or need rest because they cannot afford to trade on-duty time for rest.

SUMMARY OF 2011'S CHANGES TO THE HOS REGULATIONS & RECENT ACTIONS

On July 1st of this year, changes to the hours-of-service regulations finalized by FMCSA in 2011 went into effect. It is important to note that these changes were the result of a court settlement between the agency and a number of advocacy groups who sought further restrictions on the HOS regulations. While FMCSA did not initiate these changes, OOIDA feels that they do not advance the goal of improving highway safety, and as you will see, are likely to have a negative impact on safety while focusing on micro-managing a driver's time.

The main provisions of these changes were to place restrictions on the use of the "34-hour restart" and a requirement that drivers take a minimum rest break during their driving period. While many groups argued for a reduction in the 11-hour total driving time period, FMCSA thankfully rejected this proposal.

The restart is a minimum 34-hour off-duty period that allows a trucker to restart their 70-hour "on-duty" cycle. Prior to the most recent change, truckers were able to reset their duty clock more than once a week by taking any consecutive 34-hour period off. Under the current rule, that restart is limited to once per seven day/168 hour period. The 34 hours of off-duty time must include two consecutive periods from 1 AM to 5 AM based on the trucker's "home terminal" time zone and not the time zone where the trucker is currently operating.

The new regulations also require a mandatory break of at least a 30-minute period after eight hours of elapsed on-duty time. Drivers may drive only if less than eight hours has passed since the end of the driver's last off-duty period of at least 30 minutes. However, the break does not pause the 14-hour on-duty clock.

On August 2nd, the U.S. Court of Appeals for the District of Columbia issued a decision in response to a pair of challenges brought against the new regulations. The first challenge was filed by the American Trucking Associations (OOIDA was an intervener on this suit) and the second was filed by the Advocates for Highway and Auto Safety, Public Citizen, and the Truck Safety Coalition. The decision vacated the rule's application of the mandatory 30-minute break to short-haul drivers while not making other changes.

On October 31, Representatives Hanna, Rice, and Michaud introduced H.R. 3403, the True Understanding of the Economy and Safety Act. This legislation, which OOIDA supports, calls for a comprehensive review by the Government Accountability Office of the new restart provision, including a review of a still forthcoming naturalistic driving study of the restart required by Congress in the most recent highway bill. Until that review is completed, H.R. 3404 mandates that the industry resume operating with the previous version of the restart provision that does not include two overnight 1 AM to 5 AM periods and restricts its use to once every seven days.

OOIDA’S “NEW HOS REGULATIONS SURVEY”

In light of these recent changes and the continuing discussion regarding the regulations, OOIDA reached out to its membership in October, four months after the changes went into effect, to gain an understanding of how they were impacting truckers, their operations, and their safety behind the wheel.

The OOIDA Foundation received over four thousand responses to the e-mailed survey request and found, in short, that the “rule changes have had a dramatic effect on the lives and livelihoods of small business truckers and professional drivers.”⁴ A copy of the survey results has been provided to the Committee, and I will highlight some of the findings below.

The FMCSA announced the purpose of the rule changes was to reduce the possibility of truck driver fatigue; however, feedback from professional truckers shows differently. While 53 percent of the respondents said the new regulations did not decrease nor increase their fatigue, 46 percent stated they actually felt more fatigued following the changes.

Comments from truckers explained how this is the case: “There will be more driver fatigue because of this rule, not less, because drivers will try to maximize as many miles and hours of driving as possible; because of the new rules, they can only get a reset once in a seven day period.” Members stated that the new rules caused “more fatigue, less home time, less flexibility, and less money.” Another member said, “The new 30-minute rule has had no positive effect on reducing my fatigue.”

In addition, the new 34-hour restart provision has impacted the ability of OOIDA members to best schedule their loads and time home with their families. 79 percent of the respondents claimed that the limitation of one restart per week has affected their use of the 34-hour restart to best schedule their time on the road and at home, with 31 percent stating they have been significantly impacted:

- “The restrictive nature of only using the reset once every 168 hours not only has decreased the number of hours and miles I can drive, but [also] when I'd normally be off weekends. Now if I experience a delay in getting home my reset keeps getting pushed back further and throwing off my schedule.”

⁴ OOIDA Foundation, “OOIDA New HOS Regulations Survey,” November 2013.

- “I used the 34 hr restart every weekend and it gave me more time to work thru the week, which increased my productivity and gave me more home time. [Now] I sometimes have to take the time off away from home... This has effectively taken Family Time away.”

Further, this change has caused 65 percent of respondents to lose income, with more than half of all respondents reporting lost mileage and a reduced number of loads hauled per week. On several occasions, members had long wait periods between loads but were unable to utilize the restart either because the 34 hours did not cover two periods between 1 AM and 5 AM, or because 168 hours had not elapsed since their previous restart. In general, this forced members to lose time at home, which caused them to take on shorter hauls and reduced their income.

- “Where before I could rest due to shipper/receiver delays, weather, or whatever, now its run, run, run till 7 days have passed then get a rest or slow down till hours catch up.”
- “Since shippers and receivers control my hours of service, my time is no longer as flexible, I must enter larger cities/more traffic areas in the morning & evening rush hour times instead of regulating my own time and working around traffic.

The mandatory break has impacted 86 percent of the respondents, and over 60 percent stated that their operations were either moderately or significantly affected by the regulation. Frequently, members stated they felt more fatigued because of the mandatory break, and instead of taking a nap, truckers are simply sitting in their truck, waiting for their break to end.

Perhaps one of the biggest concerns was taking the time to find parking just in order to take the 30-minute break: “Most of the time my 30 minutes turns into 60 minutes or more by the time you find parking and get back on the road.” One member stated the “half hour break has increased stress, cut down time to drive, cut down on the ability to find a parking spot, and extended my day, increasing fatigue.”

The final question proposed, “If you could change one hours-of-service regulation, what and how would you change it.” The two largest responses were changing the 34-hour regulations back to the previous structure (46%) and eliminating the 14-hour running clock provision (30%) and allowing truckers to stop that clock through a rest break or some other off-duty activity.

These opinions are the views of the actual truckers that have to operate under the dual pressures of regulatory constraints and pressures from shippers, carriers, and others in the industry. The comments from truckers responding to the survey focused significantly on the impact these changes are having on their ability to get the rest they need. They also focused on the pressure that has resulted from limiting the flexibility they as truckers have under the regulations. Importantly, they also addressed the impact that the regulations have had on their ability to earn a living. Ensuring that truckers are able to earn a good living has unavoidable ties to highway safety, and these impacts should be considered as part of any regulatory review.

IMPACT OF THE NEW RULES ON MY OPERATIONS

The impacts of these new rules on my operations closely tracks the results of the survey OOIDA conducted of our membership. I have experienced an impact with all of the aforementioned issues. I have less home time, more pressure, and increased fatigue. These rules remove the flexibility that is so badly needed to operate safely and efficiently.

The 30-minute break rule. - Before this rule was enacted, I would take a break every 2 ½ to 4 hours. I would stop and attend to my personal needs and walk around my truck to visually inspect my load and equipment, taking about 15 minutes each time. An example of my day would be driving for four hours, a 15-minute break, four more hours of driving, another 15-minute break, and then three hours of driving until I went off-duty. Now, because I no longer have control over my break times and duration, I frequently drive 5-6 hours, take my 30-minute break, and drive the remaining time available under the 11-hour driving window straight through. Instead of having my driving day split out into smaller periods with short breaks in between, my driving day is split into two longer periods with only one break.

Two 1 AM-5 AM periods. - This provision has caused me to delay my start time on many occasions, which often puts me in the middle of Seattle rush-hour traffic or other heavy traffic along my route. When 34 hours without time stipulations was the rule, I could take my 34 hours off and leave early enough to avoid traffic during rush hour in the morning in Seattle and Portland, OR in the afternoon. My inability to avoid traffic now costs me as much as 2 hours of travel time in one day while opening me up to significantly greater risk of accidents due to the larger number of vehicles on the road. This has a domino effect across my trip, as the following day I am forced to drive through Sacramento's rush hour. The third day is my delivery day, and I am now making these deliveries 3 to 6 hours later than they were under the prior regulations.

While I do not generally drive coast-to-coast, if I did, I would feel the impact of another aspect of the rule change. The 1 AM to 5 AM period is based upon the time at the trucker's home terminal and not in the area they are currently operating. Calling the West Coast home, this means that were I to work on the East Coast, my restart periods would need to include two consecutive periods between 4 AM and 8 AM, and a driver based on the East Coast would need to include two periods between 10 PM and 2 AM when they are on the West Coast.

Limiting restarts to once every seven days. – The new provision requiring 168 hours or seven days to have passed before I can take a 34-hour restart has not made me any safer or less fatigued. It has, however, had a dramatic effect on my productivity and has forced me to stay on the road more and away from home. After I have had 70 hours of total on-duty time within a eight day period, the change in the regulations requires me to sit away from home until the 168 hours has accumulated plus an additional 34 or more hours to get in the required two 1 AM to 5 AM periods. This artificial limitation on my use of the restart has caused me to take my 34-hour restart – time that I am supposed to be getting rest – three hours from being at my home several

times over the past 4 months. I think common sense will tell you a driver can get much better rest at home than at a noisy truck stop.

Lost revenue. - The impact of these rules effects each trucking operation differently. In my business, I have experienced more pressure to keep moving to maintain revenue. It is easy to lose as much as one day a week of driving due to scheduling conflicts between HOS requirements and demands from shippers and receivers. This equates to \$4,000 to \$5,000 per month. The only way to avoid this loss is to forget about going home and maximize hours on the road.

STEPS TO ADDRESS HOS INFLEXIBILITY AND TO IMPROVE HIGHWAY SAFETY

Throughout the Department's HOS rulemaking process, OOIDA has held that to meaningfully improve highway safety, any changes to the rules would need to include all aspects of a truckers' workday that affect their ability to drive safely. This includes loading and unloading times, split sleeper berth capabilities, and the ability to interrupt the 14-hour on-duty period for needed rest periods.

Unfortunately, the new rule misses clear opportunities to provide needed flexibility for truckers to address these challenges; instead, it goes in the opposite direction and adds additional restrictions that makes it more difficult for truckers to balance out the dynamic demands of their work day while operating safely and efficiently.

The Department of Transportation can take important steps to improve the HOS rules to help truckers meet those goals of a safe and efficient operation. In addition to returning to the prior rule regarding use of the 34-hour restart, the Department could make the following improvements: 1) allow truckers break up their 14-hour on-duty window with short breaks on their terms that do not count against the driver's available duty time; 2) provide the opportunity to extend the driving window beyond 14 hours while still ensuring the driver obtains sufficient rest; and 3) return to the pre-2005 split sleeper berth rule.

Further, all of us within the trucking industry, within FMCSA, and most importantly within the community of shippers and receivers, need to take steps to address the detention issue. Truckers are professionals, and their time and their labor should be treated with value by their employers and their customers, because the current situation is having dramatic and negative safety and economic impacts for the men and women who drive our nation's trucks and their families.

Speaking of those men and women, we need to develop and enact long-overdue entry-level driver training requirements. Meeting this goal, which is the keystone of OOIDA's Truckers for Safety agenda, would have countless benefits, from improving highway safety to addressing industry challenges, including trucking's consistently high turnover rate.

More broadly, OOIDA urges Congress and the Department to shift the focus of regulatory and enforcement activities back to the core causes of accidents. All too often, we have seen regulations move based on suppositions from studies of limited basis or arguments made by

technology vendors or others within the industry. One clear example of this is the on-going effort to mandate speed limiters on heavy-duty trucks. This effort, which was made at the urging of several mega motor carriers, is continuing despite the fact that the Department does not have real-world data showing that speed limiters would make a difference in highway safety.⁵

The current approach has resulted in costly regulations that simply continue to put added pressure on truckers with little true safety benefit. Focusing on true accident causes and steps that can be taken to reduce accidents would go a long way towards improving highway safety in a way that values the commitment of professional truckers to safe roads.

CONCLUSION

While the HOS rules are intended to make our highways safer and more productive, the results of continued micro-management of drivers' time has shown a very different outcome. Almost half of OOIDA members responding to our recent survey feel more fatigued following the changes, nearly 80 percent have seen impacts to their ability to schedule loads and home time, and nearly two thirds of respondents have lost income, with more than half driving fewer miles and fewer loads.

We at OOIDA support safety first by requiring properly trained truckers as the foundation of all safety programs. Once properly trained, make sure that the trucker has the tools needed to carry out this very unique task as safely and efficiently as possible, including reasonable flexibility under the HOS regulations. Rest is something a well-trained driver understands and knows his own personal needs better than any one size fits all rule ever could.

It goes without saying that OOIDA supports the mission of removing bad actors and ending unsafe practices – our members are on the road and exposed to the risk that comes with that environment every single day. However, placing more and more of the responsibility and the punishment on the driver, while not holding accountable the motor carriers and customers who make demands irrespective of regulations and safety, is not the way to move forward.

Addressing the inflexibility of the HOS regulations, including the new limits on the 34-hour restart as well as enabling truckers to pause their on-duty clock, would be a positive step forward, but regulations are only one set of challenges that truckers must navigate as they work to operate safely and efficiently. Demands from customers, keeping drivers waiting countless hours at the dock, the challenge of driver pay, and the pressure from motor carriers to keep operating are elements of the industry that all have negative impacts on truckers and safety. While the Department and Congress are not the best sources for solutions in all of these areas, they certainly deserve attention from all who are concerned about highway safety and the success of small business truckers.

Thank you for the opportunity to testify. I look forward to answering any questions.

⁵ Tanner, David, "Feds pursuing speed limiters for heavy trucks lack real-world data," *Land Line*, November 1, 2013.