

# Comment from Arctic King Logistics LLC

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## Comment

Arctic King Logistics LLC applauds the decision made by the Federal Motor Carrier Safety Administration (FMCSA) to delve deeper into the issue of driver detention and its impact on both drivers and overall safety. We firmly believe that detention time primarily benefits brokers and shippers/receivers, while drivers bear the brunt of the negative consequences. Drivers are the only ones who experience financial losses due to extended waiting periods at docks. Moreover, this situation poses a substantial threat to the safety of all road users. The pressure created by extensive detention time may lead drivers to make compromised decisions, potentially endangering themselves and others on the road.

Parties who benefit the most are the brokers and shippers/receivers, who pay a standard detention fee of \$25-35 per hour, often after 2 or 3 hours of Pick-Up (PU) or Delivery (DEL) time (referred to as "free time" by brokers). Let's illustrate why: Brokers find it simpler to cover loads with regular PU and DEL appointments. Since most drivers decline nighttime driving, these loads become harder to cover and command higher pay than standard loads. To cover such loads, brokers may manipulate appointment times, misleading drivers into believing they can execute the trip during regular hours instead of nighttime. Upon arrival at the PU, drivers are frequently instructed to wait, which, given the challenging market, forces them to remain in place. This leads to extensive detention time that brokers inadequately compensate. Consequently, drivers are often fatigued when they drive to meet the deadline, and all that only to avoid their next pre-booked trip getting canceled due to delays caused by the previous assignment. While brokers often benefit from the current system with the prevailing detention fee structure, it's important to note that not only brokers are responsible. Certain facilities contribute to the issue, often being "shortstuffed" or simply not caring and creating conditions where detention time is almost guaranteed. Regulating and improving these facilities is essential for enhancing overall safety and the welfare of drivers and all participants on the road.

Furthermore, a 2018 analysis by the U.S. Department of Transportation's Office of Inspector General estimated that a mere fifteen-minute rise in average dwell time could lead to a significant 6.2 percent increase in the average expected crash rate. To provide context, the national crash rate per 100 power units annually within FMCSA's Motor Carrier Management Information System (MCMIS) database for 2013 was 1.56. Thus, a 6.2 percent elevation above this baseline indicates an anticipated rise of one additional crash per 1,000 power units if average dwell times were to increase by fifteen minutes.

By addressing the detention issue comprehensively, we can improve the safety of drivers and all road users. Implementing a payment structure that compensates drivers after the first hour of waiting ("free time") and significantly raising the detention fee beyond the current rates would foster a safer driving environment and enhance the overall efficiency of the transportation industry.