



October 23, 2023

**DOT Docket No. FMCSA-2023-0172**

U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE,  
Washington, D.C. 20590-0001  
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**Agency Information Collection Activities; New Information Collection: Impact of Driver Detention Time on Safety and Operations: Docket No. FMCSA-2023-0172**

These comments are filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (P.A.T.T.), and our volunteers, who are the family and friends of truck crash victims and survivors seeking to drastically improve truck safety, in response to the Federal Motor Carrier Safety Administration's (FMCSA) "Agency Information Collection Activities; New Information Collection: Impact of Driver Detention Time on Safety and Operations." Improving the quality of FMCSA's Detention time data is unquestionably necessary for the performance of FMCSA's core function to reduce crashes, injuries, and fatalities involving large trucks and buses.

Truck drivers routinely are not paid for their time spent working. There are several ways this happens, but among the most severe is what is known as Detention Time. In this Federal Register Notice, FMCSA defines this as "the extra time commercial vehicle operators wait at shipping and receiving facilities due to delays associated with the loading and unloading of cargo."<sup>1</sup> When shippers and receivers are not ready for the cargo at the agreed-upon time, truck drivers simply have to wait. The driver's employer does not pay them for the time spent waiting (also true if self-employed) and neither does the shipper/receiver. This time is not insignificant, it can stretch to several hours. Truck drivers operate under Hours of Service regulations due to the safety-sensitive nature of their work and have a limited number of hours to work before taking the necessary rest. Truck drivers impacted by Detention Time contend with perverse incentives to speed or violate their hours of service requirements in unsafe and unwise efforts to "make up" for uncompensated time." Both of these actions increase the likelihood of deadly crashes and combined they substantially exacerbate the level of danger. Most of TSC's victim volunteers have been forever and irreparably impacted by a fatigued and/or speeding truck driver. It is from

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<sup>1</sup> Agency Information Collection Activities; New Information Collection: Impact of Driver Retention on Safety and Operations, 88 Fed. Reg. 58060 (Aug. 24, 2023)

a place of tragically somber experience that TSC unapologetically asserts that the proposed Detention Time Study (DTS) is imperative for FMCSA to perform its functions.

The US DOT Office of Inspector General also asserts that Detention Time increases crash risks, but is limited by current data to conduct a more definitive analysis (as referenced in this Federal Register notice).<sup>2 3</sup> DOT's 2018 OIG report reads, "Our analysis of FMCSA safety data, along with vehicle dwell-time data, estimates that detention increases the likelihood of truck crashes involving fatalities, significant injuries or vehicle towing."<sup>4</sup> The report also cites a Transportation Research Board report that found detention affects safety because drivers cannot use loading delays for sleep and that delays "cause frustration and reduced income and may contribute to dangerous behaviors such as speeding and violations of HOS requirements."<sup>5</sup> In his research, noted trucking labor economist Michael Belzer found the following: "Drivers prefer a job package associated with fewer work hours. As driver hours decrease, at the margin, trucking becomes safer. In other words, truckers drive fewer miles and work fewer hours, are less likely to change jobs, and are less likely to have a crash."<sup>6</sup> Detention Time must be properly understood and accounted for by FMCSA for lifesaving corrective actions to occur.

Truck crash deaths have increased by 71 percent since 2009. In 2021 over 5,700 people lost their lives in crashes involving large trucks, and roughly 155,000 more were injured.<sup>7</sup> According to the Insurance Institute for Highway Safety, in fatal two-vehicle crashes involving a large truck and a car, 97 percent of the deaths are the occupants of the passenger vehicle.<sup>8</sup> A fatality crisis is occurring on our highways and Detention Time is a "hidden, yet critical factor" behind the preventable truck crashes on our roads.

Hours of Service serve as a critical safety regulation to protect truck drivers as well as other roadway users. In the NTSB Board Meeting, "2021 Fatal Multivehicle Collision in Phoenix," Board Member Thomas Chapman stated, "Fatigue on our roads is a killer. And it's all the more dangerous when those operating large commercial vehicles at highway speeds are impaired by the insidious impacts of fatigue." Tragically, driver fatigue remains a major contributor to large truck crashes according to the National Transportation Safety Board (NTSB).<sup>9</sup> The NTSB has a long history of recommending scientifically collected HOS, such as ELDs, including this recommendation on its Most Wanted List as far back as 1990 to reduce fatigue-related crashes.<sup>10</sup>

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<sup>2</sup> Agency Information Collection Activities; New Information Collection: Impact of Driver Retention on Safety and Operations, 88 Fed. Reg. 58060 (Aug. 24, 2023)

<sup>3</sup> Department of Transportation Office of Inspector General, Estimates Show Commercial Driver Detention Increases Crash Risks and Costs, but Current Data Limit Further Analysis, Report No. ST2018019, January 2018

<sup>4</sup> Id.

<sup>5</sup> Transportation Research Board, Potential Safety Benefits of Motor Carrier Operational Efficiencies: A Synthesis of Safety Practice, 2011.

<sup>6</sup> Belzer, M. H., & Sedo, S. A. (2018). Why do long distance truck drivers work extremely long hours? The Economic and Labour Relations Review, 29(1), 59-79.

<sup>7</sup> Traffic Safety Facts: Crash Stats; Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2021, NHTSA, May 2022, DOT HS 813 298.

<sup>8</sup> IIHS, Large Trucks, available at <https://www.iihs.org/topics/large-trucks>, last accessed Oct 2023

<sup>9</sup> National Transportation Safety Board, 2019-20 Most Wanted list, available at: <https://www.nts.gov/Advocacy/mwl/Pages/default.aspx>

<sup>10</sup> National Transportation Safety Board Comment (FMCSA-2010-0167-2245); Electronic Logging Devices and Hours of Service Supporting Documents; DOT/Federal Motor Carrier Safety Administration, 80 Fed. Reg. 782921 (December 16, 2015)  
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Detention Time undermines the very existence of these safety-oriented regulations. It should come as no surprise that Hours of Service/Electronic Logging Device/Falsification of Record violations are among the most-cited driver violations.<sup>11</sup> FMCSA must fully examine the relationship between Detention Time and Hours of Service to better protect the traveling public from tired truckers.

Speed is yet another well-documented deadly contributor to fatal truck crashes, much like fatigue. DOT estimates that approximately 20% of fatal truck crashes occur at speeds of 70mph+.<sup>12</sup> In fact, since 2009, the number of fatal truck crashes involving speeding has increased by 50%.<sup>13</sup> Presumably, this is why “Safer Speeds” is a foundational pillar of DOT’s National Roadway Safety Strategy to reach the goal of zero roadway fatalities.<sup>14</sup> It is incumbent on FMCSA to embrace the Safe Systems Approach to speed-related large truck fatalities and address the underlying Detention Time issue encouraging this reckless human behavior. The proposed information collection and ensuing study will help FMCSA address this critical issue.

Outside the scope of the Detention Time Study, DOT and the Department of Labor (DOL) are also strongly encouraged to pursue changes to the Fair Labor Standards Act Overtime Exemption which prohibits truck drivers from earning overtime. In DOT’s 2022 Supply Chain Report, DOT commits to Policy Goal No. 40 (p. xxix), which urges Congress to “eliminate the Fair Labor Standards Act motor carrier exemption”.<sup>15</sup> There has been no discernible action from the outside looking in that would reflect DOT and DOL taking concrete actions to achieve this goal and this needs to change. Implementing this DOT recommendation will better compensate truck drivers who are currently not required to be paid overtime by their employers. Any holistic solution to reduce truck crashes must include improving truck driver work conditions, salary, and benefits.

The Truck Safety Coalition strongly encourages FMCSA to proceed expeditiously with this information collection and to undertake a careful and deliberate analysis of the collected data to make our roadways safer for us all. Large truck crash fatalities remain unacceptably high. The public needs FMCSA to step up in this time of crisis and rally all its resources to emphatically improve truck safety.

Sincerely,



Zach Cahalan

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<sup>11</sup> <https://www.fleetmaintenance.com/equipment/brakes-tire-and-wheel/article/21233060/hos-and-brakes-top-2021-roadcheck-violations>

<sup>12</sup> Speed Limiter Notice of Intent, FMCSA, April 2022.  
< <https://www.fmcsa.dot.gov/regulations/speed-limiters> >

<sup>13</sup> Large Truck and Bus Crash Facts. FMCSA, 2009. FMCSA-RRA-11-025  
Large Truck and Bus Crash Facts. FMCSA, 2020. FMCSA-RRA-22-005

<sup>14</sup> Department of Transportation, National Roadway Safety Strategy, January 2022

<sup>15</sup> United States. US Department of Transportation. Supply Chain Assessment of the Transportation Industrial Base: Freight and Logistics: Executive Summary. US Department of Transportation, 2022

Executive Director, Truck Safety Coalition (TSC)

Tami Friedrich Trakh

President

Truck Safety Coalition

*Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.*

Russell Swift

Vice President, Truck Safety Coalition

Co-Chair, Parents Against Tired Truckers

*Russ' son, Jasen, was killed instantly, as was a fellow Marine, while they drove in the dark to work in 1993, by a seventeen-year-old truck driver on an invalid learner's permit whose truck was stuck across two lanes after trying a U-turn, causing the car to drive into and under the side of the trailer, causing a fatal underride crash.*

Daphne & Steve Izer

Co-Chair

Parents Against Tired Truckers

*Daphne and Steve's son, Jeff, and three of his friends were killed in 1993 when a semi-truck driver fell asleep at the wheel and ran over their parked car.*

Dawn King

Board Member

Citizens for Reliable and Safe Highways & Truck Safety Coalition

*Dawn's father, Bill Badger, was killed in 2004 while slowed in traffic when he was hit from behind by a truck driver who had fallen asleep at the wheel.*

Linda Wilburn, Board Member, Parents Against Tired Truckers (P.A.T.T.)

*Linda and Gary Wilburn's son, Orbie, was killed in 2002 when a tired truck driver slammed into his car.*

Jennifer M. Tierney, Board Member, Citizens for Reliable and Safe Highways (CRASH) & Truck Safety Coalition.

*Jennifer's father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway*

Pam Biddle, Board Member, Citizens for Reliable and Safe Highways (CRASH)

*Pam's son, Aaron Lee, was in their car with his father Brian, and Brian's partner, Stephanie Swaim stopped in slowed traffic when a speeding semi failed to stop and rear-ended their vehicle pushing it under the semi in front of them. The vehicles burst into flames, killing Aaron, Brian and Stephanie.*

Anna Guardipee, Board Member, Citizens for Reliable and Safe Highways (CRASH)

*Anna and her best friend Jenny were returning to Virginia from North Carolina for Anna's granddaughter's baptism. They were stopped in traffic on I-77 when a distracted semi-driver failed to notice the stopped traffic and slammed into the back of their car, pushing them into the semi they were stopped behind. Jenny and Anna were airlifted to the hospital. Jenny fought hard but never regained consciousness. Anna survived and is paralyzed from the waist down.*

Jena Frost, Board Member, Parents Against Tired Truckers (P.A.T.T.)

*Jena's son, Wyatt, was 5 years old when he was killed by a box truck unequipped with AEB.*

Lee Jackson, Board Member, Citizens for Reliable and Safe Highways (CRASH)

J.J. Burns, Board Member, Parents Against Tired Truckers & Truck Safety Coalition (P.A.T.T.)

Joe Hanslip, Board Member, Parents Against Tired Truckers & Truck Safety Coalition (P.A.T.T.)

Kevin Donovan, Board Member, Parents Against Tired Truckers & Truck Safety Coalition

Jeff Burns, Board Member, Citizens for Reliable and Safe Highways & Truck Safety Coalition  
(TSC)