



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 23, 2023

The Honorable Thomas Keane
Associate Administrator, Office of Research and Registration
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # FMCSA-2023-0172, “Agency Information Collection Activities; Proposals, Submissions, and Approvals: Impact of Driver Detention Time on Safety and Operations”

Dear Associate Administrator Keane:

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 approximately 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.

Detention time is both a safety and financial concern for small-business truckers and professional drivers. A 2018 Department of Transportation Office of 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 commercial motor vehicle 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 Many drivers spend countless unpaid on-duty hours being detained by shippers and receivers. Drivers also spend money keeping their trucks running while waiting, especially those transporting food products in refrigerated trailers. The OOIDA Foundation found that “reefers” often experience the longest detention times. The trailer is used as a rolling warehouse where the temperature is being maintained, so there is no incentive to prioritize unloading.

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).

Further, the study concluded that, “accurate industrywide data on driver detention do not currently exist because most industry stakeholders measure only time spent at a shipper or receiver’s facility beyond the limit established in shipping contracts. Available electronic data cannot readily discern detention time from legitimate loading and unloading tasks, and are unavailable for a large segment of the industry.”²

OOIDA supports the Federal Motor Carrier Safety Administration’s (FMCSA) latest efforts to better collect and analyze reliable, accurate, and representative data on the frequency and severity of driver detention times. In addition to the lost hours and wages, excessive waiting times create other hidden costs throughout the supply chain that are detrimental to highway safety and the economics of the profession. Logistical uncertainties from detention time prevent drivers from accurately planning trips, finding safe places to park, and making it in time to pick-up their next load. This contributes to increased driver dissatisfaction and turnover which undermines the overall safety and efficiency of the industry. If administered properly, we believe the *Impact of Driver Detention Time on Safety and Operations* research study can produce representative data that will better inform policy decisions to reduce excessive loading and unloading times.

The trucking industry has traditionally defined detention as any time spent waiting to load or unload in excess of two hours. Meaning, if a driver spends five hours waiting to load at a dock, the first two hours would be considered free, while the remaining three would be classified as detention. This completely discounts the value of a driver’s time. We applaud FMCSA for recalibrating their definition of dwell/detention time to more accurately reflect the aggregate time that drivers spend at facilities when they are not completing tasks associated with loading and unloading.

As proposed, approximately 80 carriers and 2,500 CMV drivers will provide data in the study over a 12-month period. The information collection request (ICR) is the most comprehensive study on detention time that the agency has conducted. We are optimistic this substantive data collection will address the shortcomings of available information discussed in the 2018 OIG report. We also support the ICR’s focus on safety outcomes as well examining the costs associated with lost productivity and disruptions to the supply chain. However, we believe the agency can make some modifications that will improve the representative data sample.

The ICR is overly reliant on SpeedGauge in supplying participating carriers. This creates an inherent bias that will result in a non-representative carrier/driver/vehicle study population. According to their website, SpeedGauge is a “driving analytics and performance company. Our focused, effective solutions help fleets manage and improve driving behaviors to transform a company’s approach to driving, reduce risk, strengthen business operations and enhance financial results.” SpeedGauge also holds patents for vehicle speed limiters, driver alertness warning systems, position accuracy systems, and other fleet/vehicle management technologies. We question if selecting carriers primarily from 3,000 SpeedGauge clients will produce enough diversity among participants to be truly representative of the trucking industry.

² Ibid.

We encourage FMCSA to do further outreach to small carriers and owner-operators who might not utilize telematics and other technologies. OOIDA does not oppose collecting detention time data from electronic logging devices (ELDs) or transportation management systems (TMS). In the same manner that the implementation of the ELD mandate highlighted the need for Hours-of-Service reform, OOIDA anticipates that ELD and TMS data could objectively and accurately portray the safety and economic costs of detention time. We also know there is data currently available provided by a range of technologies and other methods that can accurately record loading, unloading, and delay times. Some OOIDA members have indicated that ELDs would be the best option since they record a driver's record-of-duty status and also track the general geographic location of the truck. Other members recommend utilizing some form of an electronic stamp via a smart phone application, adding a "waiting to load" and "waiting to unload" option in the ELD or simply adding a check-in/check-out field on the bill of lading. OOIDA believes these options could be implemented, but the ICR must remain open to drivers and carriers who do not employ ELDs or telematics.

The study must also ensure that personal and private information is protected given such dependence upon ELDs and telematics data. Any information collected through these means must be aggregated rather than individualized. The agency should better clarify how any data will be analyzed in regards to privacy protection. That is not specified in the ICR proposal. We also emphasize that expanding FMCSA's access to ELD data should not infringe upon the legislative mandate restricting its use to ensuring compliance with federal hours-of-service requirements.

As stated in the 2018 OIG report, detention time is both a safety and financial concern for small-business truckers and professional drivers. Any forthcoming study analyzing detention periods must prioritize the driver's time above all else and recognize the reality that eliminating delay time for drivers improves the safety and efficiency of the entire supply chain. Ultimately, in order to address the issue of detention time there must be more accountability on shippers and receivers who are not properly incentivized to move drivers through their facilities efficiently. Shippers and receivers should not be awarded a complimentary two-hour grace period at the driver's expense.

Thank you,

A handwritten signature in black ink, appearing to read "Todd Spencer", with a stylized, cursive script.

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