

BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

COMMENTS OF THE
OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.

IN RESPONSE TO NOTICE AND REQUEST FOR COMMENTS

DOCKET NO. FMCSA-2011-0225

Agency Information Collection Activities; New Information Collection Request:
Commercial Driver Individual Differences Study

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BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

The Owner-Operator Independent Drivers Association, Inc. (“OOIDA”) hereby submits its comments in response to the October 3, 2011, notice and request for comments (“Notice”) published at 76 Fed. Reg. 61136 by the Federal Motor Carrier Safety Administration (“FMCSA” or “Agency”), Docket No. FMCSA-2011-0225, advising the public of its intent to request approval for a new information collection request (“ICR”) connected with a study investigating differences among the characteristics of commercial motor vehicle (“CMV”) drivers (the “Study”). FMCSA hopes to determine from the information collected which of a wide array of driver and situational factors may be associated with increased or decreased crash and incident involvement, then use that information to guide the development of future safety initiatives.

The ICR anticipates the completion of surveys by 16,000 CMV drivers and 20 fleet managers. 76 Fed. Reg. at 61137. At least 5,000 of the original participating drivers will also complete a follow-up driver survey. *Id.* The Notice states that the surveys will cover driver demographics, medical conditions, personality traits, and performance capabilities. *Id.* However, neither the proposed surveys nor any related background documents that might give commenters the specific information about the Study or the surveys that would allow for meaningful comments, were included in the Notice or placed in the docket. Thus, while FMCSA specifically asks, as is typical with proposed ICRs, for comments regarding: (1) the necessity and usefulness of the ICR; (2) the accuracy of the estimated burdens; (3) ways to enhance the quality, usefulness, and clarity of the collected

information; and (4) ways to minimize the collection burden without reducing the quality of the collected information (76 Fed. Reg. at 61137), the lack of relevant documents and information makes it difficult to do so.

OOIDA is a not-for-profit corporation incorporated in 1973 in Missouri with its principal place of business located at 1 NW OOIDA Drive, Grain Valley, Missouri 64029. The approximately 150,000 members of OOIDA are independent owner-operators, small-business motor carriers, and professional truck drivers (“small-business truckers”) located in all 50 states and Canada. These groups have a significant presence in the trucking industry: One-truck motor carriers represent nearly half the total number of active motor carriers operating in the United States while approximately 93 percent of active motor carriers operate 20 or fewer trucks.

OOIDA is the largest international trade association representing small-business truckers. The Association actively promotes their views through its interaction with state, provincial and federal government agencies; legislatures; courts; other trade associations; and private businesses. OOIDA also actively represents the positions of this group on all aspects of highway safety and transportation policy in numerous committees and various forums on the local, state, national, and international level.

Some of OOIDA’s member CMV drivers may be asked or required to participate in the survey. Perhaps more importantly, these members are among the CMV drivers ordinarily required to comply with FMCSA’s various safety regulations, including those that could grow out of this ICR. Accordingly, OOIDA had its counsel make a written request that surveys and background documents be placed in the docket (*see* FMCSA-2011-0225-0004). While some drafts were provided

directly to OOIDA's counsel in response, no explanatory background materials or instructions were provided and nothing was placed in the docket. With these materials, OOIDA is able to provide FMCSA with the following thoughts and concerns about the Study and the involved surveys.

As discussed more fully below, OOIDA believes that this ICR is a waste of taxpayer funds. The questions go so far afield from matters that are actually known to directly affect highway safety that the responses could not be put to practical use by the Agency. Further, to the extent that the questions are meant to establish a connection between adverse events in a driver's personal life or personality type and an increased risk of a crash, they are not likely to produce new quality information that is a necessary and useful adjunct to FMCSA's regulatory endeavors. Moreover, there are alternative courses of action available to the Agency, based upon currently available information, that would stand a better chance of improving driver safety.

DISCUSSION

I. FMCSA has not provided sufficient background information to allow the public to offer meaningful comments.

As stated in the Notice (76 Fed. Reg. 61136), FMCSA's request for comments on the ICR is issued pursuant to the Paperwork Reduction Act of 1995 ("PRA"), a statute intended to minimize the burdens placed on individuals and small businesses by information requests from the federal government while maximizing the quality of information used in government decision making. 44 U.S.C. § 3501. To achieve these complementary goals, the PRA limits information requests to those that are "necessary" for the performance of a government agency's functions, that have a "practical utility," and that "improve the quality" of collected information. *Id.* at § 3504.5.A.iv. Necessity, utility, and quality are all ensured by requiring the opportunity for public comment on every new ICR

and, after the ICR has been modified as warranted by the public comments, then requiring approval of the request by OMB before it is implemented. *Id.* at §§ 3506.4.B.c.1.i, §3507.B, & 3508.

The description of the Study in the Notice is only four sentences long. *See* 76 Fed. Reg. at 61136-37. Further, while the Notice recites the total number of surveys and estimates the completion time, the surveys themselves are not attached or otherwise placed in the docket. It is not at all clear how commenters can be expected to advise FMCSA, as required by the PRA, whether the questionnaires are “necessary” for the Agency’s functioning, whether they have “practical utility,” and whether they will improve the “quality” of available information, if commenters can not review the actual proposed questions and understand the setting in which the surveys will be administered. The same lack of information would preclude comments on the accuracy of the estimated burden and how it can be minimized . This is why OOIDA requested that all draft surveys as well as background documents be placed in the docket well before comments are due. *See* FMCSA-2011-0225-0004. The provision of drafts directly to parties making specific requests, in lieu of a public listing, does not satisfy the Agency’s PRA obligations: a public listing is required.

II. The information collected is unlikely to have a beneficial impact on highway safety.

Based upon the draft surveys that OOIDA has seen, it appears that the proposed questions would, at best, generate anecdotal information about varied factors that might have some association with increased crash risk. They will not produce reliable cause and effect data that might be useful in guiding future safety initiatives. Indeed, it would take far more than a one-hour survey and an even shorter follow-up survey to draw accurate scientifically-established correlations between recent life experiences, personality traits, job satisfaction, and dangerous driving behaviors.

In this regard, OOIDA would direct FMCSA's attention to the April 6, 2011 testimony of Stephen M. Lord, the Director of Homeland Security and Justice Issues at the GAO, before a house subcommittee, concerning a similar effort to use unscientific behavioral analysis to identify "persons who may pose a risk to aviation security." Specifically, the GAO questioned the inherent unreliability of TSA's Screening of Passengers by Observation Techniques (SPOT) program, which used certain individual passenger behavior as a screening tool, because a 2008 report by the National Research Council of the National Academy of Sciences found that no scientific consensus exists on whether **behavior** detection principles can be used for counterterrorism purposes. Rather, "[t]he scientific evidence for behavioral monitoring is preliminary in nature." Consequently, the GAO testimony effectively concludes that the SPOT program was an ineffective expenditure of millions of taxpayer dollars. FMCSA should reconsider whether spending taxpayer funds on the proposed Study and ICR is a similarly misguided attempt to identify risky individuals based upon untested behavioral inquiries with dubious scientific foundation.

With that background in mind, the specific problems with the ICR survey is discussed below. The CMV driver survey is actually a compilation of five independently-developed questionnaires addressing distinct subject matters – demographics, personality type, recent stressful life experiences, dangerous driving behaviors, and overall job satisfaction. With the exception of the demographic questionnaire, which seems to be comprised of a standard demographic section from other surveys with additional questions tailored specifically to the CMV driver population taking the survey, the questions are taken without modification from the pre-existing surveys. They are the Survey of Recent Life Experiences (short form)(Kohn & Macdonald 1992), International Personality Item Pool,

(small subset of questions)(Goldberg 1996); Dula Dangerous Driving Index (Dula 1999); and the Job Descriptive Index (Job in General sub-index) (Smith, Kendall, & Hulin 1969). So far as OOIDA has been able to determine, these surveys have never been combined in the manner and for purposes similar to those proposed here – to correlate specific personality traits, recent life stresses, and job satisfaction, with risk taking behavior – nor does a review of internet articles about the various questionnaires suggest that the developers envisioned any such application.

Questions pertaining to driving conduct and record. Two of the five questionnaires incorporated into the ICR address actual facets of the driving task, the Demographic Questionnaire and the Dula Dangerous Driving Index. To the extent that the Demographic Questionnaire seeks basic background information about the characteristics of the driver population being surveyed, it could be useful to illustrate the lack of representativeness of the sample as discussed below (*see* Section IV). However, OOIDA wonders why the demographic survey contains so many detailed questions about sleep habits. There are also additional sleep-related questions in the followup survey. Such data goes beyond the type of statistical information that would help FMCSA determine the demographics of the group being tested. In addition, because of the well-known role of sleep deprivation in highway safety, it has played a prominent role in the ongoing formulation of FMCSA's hours-of-service regulations. Thus, it is unclear what it will add to FMCSA's future safety initiatives to ask these questions here.

The questions about the participants past driving record (questions 18-20) are, of course, relevant to any study attempting to correlate external factors with crash risk. However, the lack of precision in question 18, which inquires about “crashes in any vehicle [include any crash reported to

police, insurance company, and/or carrier]” (brackets in original) and asks whether the driver was or was not “at-fault” in each such incident, could minimize the usefulness of this information. The term “crash” is not defined and is likely to be interpreted inconsistently by various drivers, depending in large part upon the carrier’s reporting policies. Many drivers will include every incident that occurs, even those involving little more than a scratch on a vehicle, particularly if such minor incidents must be reported to the carrier. However, some will likely interpret the term, at least with respect to events involving their CMV, to be limited to DOT-reportable accidents – , i.e., events where one or more vehicles are towed away, or where someone dies or receives injuries that require off-site treatment (49 C.F.R. §§ 390.5 & 390.15), since those are the pertinent crashes for most government regulatory purposes and are the incidents of greatest concern to motor carriers. Further, while the question also talks in terms of assignment of fault, many motor carriers institutionalize a somewhat different distinction between preventable and non-preventable crashes or incidents. In short, the terminology in question 18 needs to be clarified to get useful information.

The Dula Dangerous Driving Index (“DDDI”) is the portion of the survey that deals exclusively with driver conduct while on the road. It contains 31 questions describing behaviors that could increase the risk of harm to persons or property, including intentional acts of aggression, negative emotions (e.g., anger and frustration) that could lessen attention, and risk taking behaviors. A major weakness with application of the DDDI to CMV drivers, is that it was based entirely upon responses given by college undergraduates with relatively limited driving experience. *See* scholar.lib.vt.edu/theses/available/etd-04032003-171656/unrestricted/Dissertation2.pdf. Consequently, even the test developers have recognized that it may not generalize accurately to other

driver populations. *Id.* Indeed, there is some doubt whether the scoring developed with college undergraduates would transfer as a legitimate measure of increased crash risk among well-trained and experienced CMV drivers.

Psychological profile questions. The Survey of Recent Life Experiences contains 41 questions inquiring into what has commonly been described as current “hassles” in the participant’s life that have been found in laboratory testing to be rather stressful. *See* www.ncbi.nlm.nih.gov/pubmed/1583682; www.yorku.ca/rokada/psycstest/hassles.pdf. It covers events as personal as conflicts with in-laws, boyfriend’s/girlfriend’s family, friends, supervisors at work; social rejection and social isolation, being taken advantage of, let down, or disappointed by friends; decisions about intimate relationships; getting ripped off or cheated in the purchase of goods; gossip about the driver or someone they care about; and dissatisfaction with their physical fitness. Because drivers are instructed to limit their responses to experiences that may have taken place “OVER THE PAST MONTH,” however, this series of questions, at best provides only a snapshot of one random month in the life of a CMV driver, that may not accurately reflect his life as a whole.

The International Personality Item Pool (IPIP) questionnaire contains 50 statements that are used to determine the individual’s personality type. The statements measure personality characteristics in five broad domains – extraversion (is he the life of the party, does he mind being the center of attention, does he talk a lot); agreeableness (does he insult people, is he rude, does he make people feel at ease); conscientiousness (does he forget to put things in their proper place, neglect his duties, or is he exacting in his work); emotional stability (does he have frequent mood swings, get upset or irritated easily,); and intellect (does he have a rich vocabulary, a vivid imagination, and

excellent ideas). *See* www.ipip.ori.org/newFinding_Labeling_IPIP_Scales.htm. Importantly, it is studying normal differences among individuals, and all responses are considered to be within the range of normalcy. *See, e.g.,* personal.psu.edu/~j5j/IPIP/ipipneo300.htm; www.personalitytest.net/ipip/ipipneo300.htm. It is not a test designed to identify pathology.

Initially, OOIDA questions FMCSA's right to inquire into these types of private matters. The government should not pry into the private lives of its citizens except when it is absolutely necessary to enable the government to perform its designated functions. Thus, such inquiries might be appropriate when an agency is investigating an individual seeking a sensitive government position or where the government otherwise needs the information for law enforcement purposes. But there is no necessity where, as here, the involved agency has been and will continue to be able to effectively fashion its regulations and other regulatory initiatives without such personal information.

Indeed, available data shows that both fatality and injury rates from crashes involving large trucks have gone down steadily every years since 2004 under the current regulatory scheme. Fatality Analysis Reporting System 2009. Thus, evidence shows that FMCSA need not, as it is attempting here, make clinical psychological assessments of CMV drivers to accomplish its mission of preventing greater numbers of CMV-related fatalities and injuries. If this ICR is nevertheless approved in its current form, it is critical that FMCSA take steps to ensure against disclosure of the personal information collected to carriers and other parties, as required by the fair information practices set forth in the Privacy Act of 1974, 5 U.S.C. § 552a.

Second, even if extremely stressful events in a driver's personal life might distract his attention from the driving task at hand and increase the immediate crash risk, OOIDA does not see how the

collection of such information could be practically applied by FMCSA in future safety initiatives. It would take repeated and regular testing of drivers' recent experiences to determine whether they are too stressed to drive either at a particular time or entirely. There is simply no realistic way for the Agency to adopt regulations that take such daily hassles into account. Would FMCSA mandate complete psychological testing before a CMV license could be issued or a driver hired and periodic retesting? It is also beyond the scope of FMCSA's authority to prevent individuals with normal personality types from driving a CMV, as is now done with specific medical conditions or illegal drug use, just because anecdotal evidence suggests they may be more likely to pose greater safety risks while driving.

Third, FMCSA's proposed use of these psychological tests assumes that drivers' self-reported opinions about their personality traits and the impact of various stressful life experiences in their lives are objective and accurate, when they are in fact highly subjective and often distorted. Individuals with low self-esteem, who tend to be easily overwhelmed, are generally more critical than others of themselves and their lives. Others tend to ignore and disavow the stresses created by similar events, denying their impact. Indeed, studies have often found that self-perception does not match with the objective perception of an independent outside evaluator. *See, e.g.,*

Silvia & Gendolla, *On introspection and self-perception: Does self-focused attention enable accurate self-knowledge?*, *Review of General Psychology* 5, 241-269 (2001), at libres.uncg.edu/ir/uncg/f/P_Silvia_On_2001.pdf; John & Robins, *Accuracy and Bias in Self-Perception: Individual Differences in Self-Enhancement and the Role of Narcissism*, *Journal of Personality and Social Psychology* 1994, Vol. 66, No. 1, 206-219, at php.scripts.psu.edu/users/a/l/alm5084/483/ePortfolio/

selfperception.pdf; Lucius & Turknett, APA presentation on *Differences in Self/Other Perceptions and Personality*, at www.turknett.com/sectionR/apa99.ppt. If FMCSA wants to accurately develop a psychological profile related to increased crash risk it must, accordingly, turn to professionals trained to make such objective evaluations. It should not rely upon what are at best slanted and worst outright deceptive self-evaluations.

Finally, it is also difficult to see how the portion of the Job Descriptive Index (“JDI”) used here, which focuses exclusively on whether participants like their jobs overall, will aid FMCSA in developing safety measures. Like the information collected by the Recent Life Experiences survey, this overall job satisfaction information reflects a particular snapshot in time. A driver may dislike his job one week and be perfectly or somewhat satisfied at other times, as work conditions change. Thus, it is the reasons for job dissatisfaction, not dissatisfaction per se, that might be instructive. Indeed, the complete JDI addresses specific facets of a job, such as coworkers, the work itself, pay, opportunities for promotion, and supervision, in order to aid employers who want to improve the work environment. *See* www.bgsu.edu/departments/psych/io/jdi; www.humanresources.hrvinet.com/job-descriptive-index-jdi. It was not intended to be used as a screening tool to identify individuals who should not be permitted to perform their jobs.

III. The involvement of fleet managers will result in deceptive responses.

FMCSA is conducting this Study through a research contractor, Virginia Tech Transportation Institute (“VTTI”). VTTI, in turn, is assigning the task of recruiting participants and collecting data to fleet managers for participating carriers. *See* 76 Fed. Reg. at 61136. The use of carrier personnel, especially those with supervisory responsibility over drivers, would seriously undermine the reliability

of the responses being provided. Even if, responses are theoretically “strictly confidential,” without names or other identifying participant information, it is not clear how the survey process can possibly be conducted with complete anonymity. Some method is needed for fleet managers and FMCSA to identify the 5,000 follow-up survey participants and to match up their initial and follow-up responses. Some method is also needed to match survey responses with the crash data that fleet managers are required, according to the Notice, to deliver to VTTI on a monthly basis. 76 Fed. Reg. at 61137. Anonymity is especially problematic when paper tests are involved. This means that fleet managers handling the data collection and hence their employers must have access to driver responses.

Serious problems will persist notwithstanding the implementation of procedures to restrict direct employer access to survey results, because driver perceptions that employers might have access to or learn of their responses will nevertheless remain. Drivers concerned about continued employment certainly won’t admit that their job is “bad,” “undesirable,” “worse than most,” “disagreeable,” or the like, as requested in the JDI, if they have any self-preservation instinct. Drivers are similarly unlikely to admit in response to questions about recent life experiences to “disliking your work,” “dissatisfaction with work,” or “finding your work too demanding.” Equally important to the collection of accurate data, drivers are unlikely to admit to most of the 31 dangerous driving behaviors listed in the DDDI that FMCSA is trying to correlate with demographics, personality trait, or recent life experiences. No sane driver wants his employer to know that he will ever “drag race” other drivers, “illegally” pass other vehicles, cross a double yellow line, drive on a shoulder or median, or drive while drunk.

Apart from the possible work and driving-related questions, drivers are quite reasonably likely

to feel that the dozens of questions delving into their personal lives, such as questions about “conflicts with in-laws or boyfriend’s/girlfriend’s family,” “being let down or disappointed by friends,” social rejection,” “decisions about intimate relationship(s),” “dissatisfaction with your physical appearance,” among others, are not things they care to share with their employers. They are equally justified in feeling that such personal information is no business of the federal government. The same reaction could reasonably be expected to the questions about personality traits, such as whether the participant is “the life of the party,” has “a rich vocabulary,” gets “stressed-out easily,” has a “soft heart,” or is “easily disturbed,” among others. The obvious result is that such questions are not likely to be answered honestly; a high level of dissembling, that paints the picture that drivers think their employers would most like to see, should be expected.

Promises of confidentiality placed on the survey forms by VTTI are not sufficient to override legitimate concerns about disclosure as well as driver unwillingness to disclose very personal information, and thereby ensure honest responses, when the fleet manager plays a critical role in the survey process. VTTI apparently recognizes this problem, as it repeatedly asks drivers in the draft surveys provided to OOIDA to “Please just be honest.” The results are unlikely to be reliable if a plea for honesty needs to be expressly stated.

IV. The participants do not fairly represent the regulated group of CMV drivers.

Substantive improvements to the questionnaires and procedural changes to eliminate fleet managers as critical middlemen in the survey process will not make the surveys of value to FMCSA unless participating drivers fairly represent the approximately 4 million active CMV drivers that are the target of the Agency’s regulatory efforts. The proposed ICR, however, is not structured to

provide a representative probability-based sample.

In the Notice, FMCSA has indicated that it will survey 16,000 drivers. 76 Fed. Reg. at 61137. While this sample is large, it is not representative because all of the participants will be selected from only 20 participating carriers. This means that each carrier must convince an average of 800 of their drivers to take the survey. This stark fact precludes participation by the 93 percent of active motor carriers that operate 20 or fewer trucks.

If fleet managers ensure sufficient numbers of drivers by mandating participation (through subtle pressure even if not expressly required), results are likely to be further biased to reflect the irritation associated with uncompensated time spent taking the surveys. The use of an entirely volunteer sample too will skew results, albeit in a different way. Self-selecting individuals that tend to respond to uncompensated surveys are more committed and interested in the topic than those that choose not to respond. They are also more likely to be individuals who perceive themselves to be safer, well-adjusted drivers with nothing to hide.

To ensure a representative sample of the CMV driver population, FMCSA must somehow assemble a sample that reflects all segments of the motor carrier industry, including the very large number of small business truckers. Fair and accurate results, as well as participation, from all types of drivers could and should be encouraged by compensating drivers for their time.

V. The costs of the Study are not justified by the benefits.

In calculating the burden imposed by the proposed ICR, FMCSA tallies up the hours that it estimates will be required over a three-year period to teach participating carriers about the Study and surveys, to train fleet managers to recruit drivers and handle the data collection, and to complete the

various surveys (in both paper and electronic forms). Although the estimate is substantial – 26,466 hours for CMV driver participants (8,822 annually) and 714 hours for carrier operations, OOIDA suspects it is somewhat low. 76 Fed. Reg. at 61137. The draft surveys obtained by OOIDA show that the initial survey, on Form 5863, requires instructions to be read and responses given to about 165 questions. While many of these should take only seconds to answer, others may require a good deal of thought. For example, a conscientious participant might need to think a bit before providing the percentage of night driving over the past three years; the weeks, days, hours of truck driver training received; or every crash, moving violation, or out-of-service order, in both a commercial or personal vehicle, over a three-year period. It could also require some time to determine whether many of the 41 identified life experiences took place over the prior month and, if so, to quantify whether they were a slight part, a distinct part, or very much a part of the driver's life during that time period. Of course, great variance should also be expected for all questionnaires, with some individuals being far slower in responding than others.

Perhaps more importantly, FMCSA makes no attempt to quantify the monetary costs to those participating in the Study or to the Agency itself, even though the PRA defines burden to include the “financial resources expended to generate, maintain, or provide information.” 44 U.S.C. § 3502(2). There is no indication the participating drivers are to be compensated for the time spent taking the surveys. According to the Bureau of Labor Statistics, the mean hourly rate of compensation for heavy and tractor-trailer truck drivers is \$18.97. Assuming that drivers are not being compensated for the non-driving time spent taking the surveys, this amounts to more than half a million dollars in lost compensation that should be included in any burden estimate.

But the costs are far greater than this. Unless drivers are completing the surveys on their free time (not a reasonable demand), they may be required to count this time in their logs as on-duty non-driving time, taking time away from other on-duty non-driving tasks that must be performed in the limited hours allowed by FMCSA's hours-of-service regulations. Other "Financial resources expended" would also include the amounts paid to VTTI for conducting the Study and to motor carriers for participation, none of which are disclosed or considered in the Notice. Without full cost information there is no way to determine whether the ICR should be approved.

VI. Safety improvements may be more effectively obtained through other means.

A. Any survey should focus on established safety-related issues.

While the questionnaire focuses on personality traits and recent experiences only remotely related to driving safety, it does not ask about events that frequently occur during a driver's work day that could likely be shown to have a more direct causal and adverse impact upon highway safety. For example, a study could examine the linkage to actual events that occur every day in the professional drivers life, such as excessive detention of drivers and vehicles during loading/unloading and the treatment of drivers during this process. Questions that could help the Agency understand this issue include the following:

- How often are you required to do manual work on a dock?
 - Are you required to stand by your trailer on a dock to witness loading/unloading?
- On average, how many times are you on a dock each week?
- What is your average time spent loading/unloading each shipment?

- What is your average wait time between completing unloading one shipment and being dispatched to pick up another shipment?
- Do you face pressure to make deliveries “on-time” based upon fines levied by a shipper, receiver, or motor carrier?

The GAO published a report this past January regarding detention issues. *COMMERCIAL MOTOR CARRIERS: More Could Be Done to Determine Impact of Excessive Loading and Unloading Wait Times on Hours of Service Violations*, GAO-11-198 (Jan. 26, 2011). In the Highlights section of the Report, GAO states that “excessive detention time could impact the ability of drivers to perform within federal hours of service safety regulations, which limit duty hours and are enforced by the Federal Motor Carrier Safety Administration (FMCSA).” Although FMCSA said it was going to study this issue, so far as we are aware they have not done so. While this particular ICR doesn’t necessarily need to be solely about the detention issue and ramifications for highway safety, this does offer up a viable study and action alternative.

Similarly, while the survey contains quite a few questions about sleep habits, it does not probe the causes of sleep deficiencies, even though that is the factual information that might help guide future FMCSA actions. More detailed questioning could show that undue pressures on drivers to comply with unrealistic delivery schedules, the need to sleep in truck cabs that are not temperature controlled because of anti-idling laws, and/or the lack of truck parking areas where drivers can get the requisite restorative sleep, all keep CMV drivers on the road when fatigued. A new ICR exploring such matters would offer an alternative more likely than the currently-proposed surveys to lead to more effective future safety initiatives.

B. Proactive steps will improve safety more than another survey.

OOIDA also believes that FMCSA can foster safe driving habits and minimize the number of truck-involved crashes without the expenditure of any additional government funds on new surveys, by acting upon information already available to the Agency.

One such approach strongly and consistently supported by OOIDA is more stringent entry-level CMV driver training and licensing requirements, including a graduated commercial drivers license (CDL) program to ensure better trained, more safety-conscious drivers. See OOIDA Comments filed in FMCSA Docket No. 2007-27748 (May 23, 2008) and Docket No. 2007-27659 (July 9, 2008). In contrast to a broad-ranging survey that includes several questions about the participant's level of training, these programs would actually require better training of entry-level drivers, a group that has been shown to represent a significantly higher crash risk than more experienced drivers. Stronger training and licensing requirements for new CMV drivers could prevent many of the unsafe behaviors identified in the Dula Dangerous Driving Index.

CONCLUSION

For all the reasons discussed above, OOIDA believes that the proposed ICR and related Study are a misguided use of limited government resources. FMCSA is not likely to obtain any data that will make a meaningful contribution to their efforts to reduce crashes involving CMV drivers and their vehicles. If any additional surveys are to be approved, they should be directed to matters, such as detention or causes for inadequate sleep, that could provide data indicating fruitful avenues for FMCSA to address. Alternatively, FMCSA could just focus on better driving training, something already well known to substantially improve driver safety.

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