



## Owner-Operator Independent Drivers Association

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The Honorable Joe Biden  
President-elect

Dear President-elect Biden,

Since 1973, the Owner-Operator Independent Drivers Association (OOIDA) has been advancing and protecting the rights of small-business motor carriers and professional drivers. OOIDA is a critical stakeholder for all issues affecting trucking, with a unique focus on those directly impacting small-business truckers. On behalf of our more than 150,000 members across the country, we congratulate you on your victory and look forward to working closely with your Administration to advance policies that matter most to professional drivers. As you continue to critical process of preparing your Administration to hit the ground running in January, we'd like to share our members' top priorities:

- **Infrastructure Funding**

- **User Fees** - Due to the vast amount of resources needed to adequately update and maintain our highways, we support efforts to increase dedicated Highway Trust Fund (HTF) revenues. Professional drivers continue to favor the current user fee structure and would prefer reasonable increases to the federal gasoline and diesel fuel taxes. We are prepared to work with your Administration to increase traditional user fees in an equitable manner.
- **Vehicle Miles Traveled (VMT)** - Many more practical questions need to be answered about how a national VMT program would be implemented and administered. OOIDA is open to further discussion about VMT and other possible alternative HTF funding methods, however, many OOIDA members remain skeptical a new VMT system is the solution to our highway funding problems.
- **Tolling** - OOIDA has consistently opposed any federal expansion of tolling policies. Research has shown that tolling is an extremely wasteful method of funding our highways compared to fuel taxes. Additionally, toll roads consistently fail to meet revenue projections, creating unanticipated funding shortfalls, inevitable rate increases, and traffic diversion to non-tolled routes.
- **Federal Excise Tax** - Proposals to repeal the Federal Excise Tax (FET) on the purchase of new trucks and trailers must include a practical pay-for to offset the lost HTF revenues. Without such a pay-for, inequitable financial burdens would likely fall on our members to make up the difference. Small-business truckers must not be forced to pay more in federal taxes so their larger competitors can purchase new equipment at a lower cost.

- **Truck Parking** - The current truck parking crisis is a serious highway safety concern. OOIDA favors dedicated federal funding to expand truck parking capacity. More federal dollars must be spent to increase capacity instead of introducing ineffective technology and signage that only notifies drivers when spots are open, or in many cases, when spots are simply full. We worked with elected officials in the 116<sup>th</sup> Congress to introduce H.R. 6104, the Truck Parking Safety Improvement Act, which would provide sufficient funding for truck parking expansion projects. This bipartisan legislation is supported by a wide variety of industry stakeholders. We encourage your Administration to work closely with the industry coalition supporting H.R. 6104 to help enact this important proposal.
- **Minimum Insurance** - OOIDA is against raising minimum insurance requirements for motor carriers beyond the current level of \$750,000, which would lead to unaffordable increases in insurance premiums for many owner-operators. Federal studies have shown that less than 0.2% of truck-involved accidents result in damages that exceed current minimum liability coverage requirements. Any minimum insurance increase would jeopardize the livelihood of thousands of small-business truckers and likely force drivers with millions of accident-free miles off the road. We would strongly oppose any legislation, including a surface transportation reauthorization bill, which would impose any harmful increase. Furthermore, we discourage your Administration from moving forward with any rulemaking to increase insurance requirements.
- **Speed Limiters** - OOIDA opposes any efforts to single out commercial motor vehicles (CMV) for a speed limiter mandate. Speed limiting trucks would create speed differentials among vehicles, which would lead to a greater number of interactions among those vehicles, and ultimately increase the likelihood of crashes. To ensure highway safety, federal policies must not create variances in speeds between vehicles that share the same roads.
- **Detention Time** - Excessive detention time continues to have a negative impact on driver compensation and supply chain efficiency. With conditions worsening, excessive detention collectively costs truckers billions of dollars in lost wages and productivity. OOIDA recommends a two-tiered approach to help solve this problem:
  - (1) Repeal the truck driver overtime exemption in the Fair Labor Standards Act so drivers are paid for all time spent on-duty, including detention time. Federal law appropriately requires drivers to be on-duty while they're being detained, yet federal law also precludes drivers from being compensated for that time.
  - (2) Establish reasonable detention time standards, including defining what constitutes "detention time." Any standards must also reflect the diverse nature of the trucking industry and make distinctions among the operational costs of employee drivers, leased owner-operators, and owner-operators with their own authority.
- **Automated Vehicles** - OOIDA continues to share concerns about the safety performance of autonomous vehicles (AVs), their real-world practicability, and the impacts they would have on the trucking workforce. Greater federal oversight of AV testing and deployment on public roads is critical to ensuring safety, and greater transparency from manufacturers involving the safety performance of their vehicles must be required to ensure the public's trust in new technologies. This will help educate consumers, the industry, and regulators about the actual reliability of autonomous technology.
- **Broker Transparency** - For years, OOIDA has been calling on the federal government to improve transparency between freight brokers and motor carriers. Earlier this year, we petitioned the Federal Motor Carrier Safety Administration (FMCSA) to restrict the rampant evasion of federal transparency

regulations among brokers by requiring they electronically transmit transaction records to motor carriers automatically within 48 hours after the contractual service has been completed. Additionally, we petitioned the agency to prohibit brokers from including any provision in their contracts that require a motor carrier to waive its rights to access the transaction records. FMCSA has taken initial steps to begin a rulemaking and we implore your Administration to continue this process in 2021.

- **Underride Guards** - Mandating side and front underride guards would create operational and economic challenges for small-business truckers. Over the last several decades, the National Highway Traffic Safety Administration has considered numerous options involving underride guards, but has consistently concluded federal mandates would be impractical and costly, thus outweighing any perceived safety benefits. As such, OOIDA strongly opposes efforts to impose these mandates on our industry. However, we support the establishment of an enhanced rear underride guard on the manufacture of new trailers, because it is a cost-effective and proven way to improve safety on our highways.
- **Hours of Service** - OOIDA led the charge to enact much needed Hours-of-Service (HOS) reforms that were implemented in September. These improvements provided drivers more opportunities to rest, to stay off the road during adverse driving conditions, and to maintain greater control over their own schedules. Moving forward, we hope your Administration will continue exploring other ways of amending HOS regulations to further improve highway safety. This includes advancing a Split Duty Period Pilot Program proposed by U.S. DOT in August 2020.
- **Under-21 Drivers** - OOIDA opposes efforts to lower the minimum age requirement for truckers engaged in interstate commerce. Dropping the interstate CDL age from 21 presents obvious safety concerns for potential new truck drivers as well as the traveling public who would share the road with them. Younger drivers – especially teenagers – generally lack the maturity and experience to operate a CMV at the safest levels. Research has consistently shown that CMV drivers under 21 are more likely to be involved in crashes. Rather than embracing policies and programs to allow more teenagers behind the wheel of commercial trucks, your Administration must take steps to reverse the incessantly high driver turnover rate, which remains above 90% among large truckload carriers. We acknowledge operational challenges exist for drivers in regions that cross state lines, such as the Kansas City area that spans Missouri and Kansas. To more precisely address this concern, we would support policies that allow intrastate drivers limited access to locations across state lines within a specific air mile or drive time radius.
- **Driver Training** - In our opinion, the best way to promote safety is to improve driver training requirements. Currently, too many new drivers enter the industry without the basic skills to safely operate a CMV. While the Entry Level Driver Training (ELDT) rule set to go into effect in February 2022 is far from sufficient, the regulation does establish minimum qualifications for training instructors and potential drivers. The final rule could be bolstered by establishing a minimum number of hours of behind-the-wheel (BTW) training. A robust ELDT program that features mandatory BTW experience will improve safety and reduce crashes. We encourage your Administration to strengthen the ELDT rule and maintain the February 2022 implementation date.
- **Truck Size & Weight/Twin 33s** - Increasing the gross vehicle weight limit above 80,000 pounds would not only diminish safety and accelerate the deterioration of highway conditions, but would also have a dramatic impact on small trucking businesses. Small-business truckers would have to modify their equipment at great cost just to remain viable, with virtually no return on their investment. Various U.S. DOT studies have revealed crash involvement rates for vehicles configured with a sixth axle to carry 91,000 pounds were consistently higher than the rate for five-axle control trucks.

Furthermore, allowing longer combination trailers, known as ‘twin 33s’, on our roads would only benefit a handful of large corporate motor carriers, but would have a negative impact on safety, infrastructure, and the rest of the trucking industry.

- **Safety Measurement System/Compliance, Safety, Accountability (SMS/CSA) Reform** - Since the inception of SMS/CSA in 2010, there has been a steady increase in truck related crashes, injuries, and fatalities. Your Administration must implement recommendations from the 2017 National Academy of Sciences (NAS) review in a way that accurately reflects crash risk and crash causation. The NAS study proposed that FMCSA investigate data on carrier characteristics such as methods and levels of driver compensation to improve SMS/CSA. OOIDA supports a federal study reviewing the impacts of driver compensation on safety.
- **Worker Classification** - The leased-on owner-operator model has a well-established history in our industry and has provided millions of truckers the opportunity to be independent contractors and small-business entrepreneurs. Recent efforts to address worker classification in the “gig economy” have largely ignored this history and threaten the continued existence of leased-on owner-operators. While we understand that decisions on this issue will fall largely to the U.S. Department of Labor, we ask that you keep in mind the negative effect that a radically new classification model would have on small-business trucking and the transportation industry.
- **Unified Carrier Registration (UCR)** - OOIDA favors eliminating the UCR program. This program serves no purpose and is unnecessary.

We look forward to working with you and the Transportation Transition Team in the coming weeks as the Administration prepares to take office in January.

Thank you,



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